

President of the Senate on February 9, 2009; to the Committee on the Judiciary.

EC-865. A communication from the Staff Director, U.S. Commission on Civil Rights, transmitting, pursuant to law, a report relative to the Commission's recent appointment of members to the Alabama Advisory Committee; to the Committee on the Judiciary.

EC-866. A communication from the Management Analyst, Citizenship and Immigration Services, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Employment Authorization and Verification of Aliens Enlisting in the Armed Forces" (RIN1615-AB78) received in the Office of the President of the Senate on February 23, 2009; to the Committee on the Judiciary.

EC-867. A communication from the Federal Register Liaison Officer of the Regulations and Rulings Division, Alcohol and Tobacco Tax and Trade Bureau, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Expansion of the Paso Robles Viticultural Area (2008R-073P)" (RIN1513-AB47) received in the Office of the President of the Senate on February 24, 2009; to the Committee on the Judiciary.

EC-868. A communication from the Federal Register Liaison Officer of the Regulations and Rulings Division, Alcohol and Tobacco Tax and Trade Bureau, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Establishment of the Snipes Mountain Viticultural Area (2007R-300P)" (RIN1513-AB51) received in the Office of the President of the Senate on February 24, 2009; to the Committee on the Judiciary.

EC-869. A communication from the Acting Assistant Attorney General, Office of Legislative Affairs, Department of Justice, transmitting, pursuant to law, a report entitled "USERRA Quarterly Report to Congress; First Quarter of FY 2009"; to the Committee on Veterans' Affairs.

EC-870. A communication from the Acting Secretary of Labor, transmitting, pursuant to law, a report entitled "USERRA Quarterly Report to Congress; First Quarter of FY 2009"; to the Committee on Veterans' Affairs.

#### INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. KOHL (for himself, Mr. DURBIN, and Mrs. LINCOLN):

S. 502. A bill to promote labor force participation of older Americans, with the goals of increasing retirement security, reducing the projected shortage of experienced workers, maintaining future economic growth, and improving the Nation's fiscal outlook; to the Committee on Finance.

By Ms. MURKOWSKI (for herself and Mr. BEGICH):

S. 503. A bill to authorize the exploration, leasing, development, and production of oil and gas in and from the western portion of the Coastal Plain of the State of Alaska without surface occupancy, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. ROBERTS:

S. 504. A bill to redesignate the Department of the Navy as the Department of the Navy and Marine Corps; to the Committee on Armed Services.

By Mr. NELSON of Florida (for himself, Mr. MARTINEZ, and Ms. LANDRIEU):

S. 505. A bill to establish a National Catastrophe Risks Consortium and a National Homeowner's Insurance Stabilization Program, and for the other purposes; to the Committee on Banking, Housing, and Urban Affairs.

#### SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mrs. LINCOLN (for herself and Mr. WICKER):

S. Res. 59. A resolution designating April 4, 2009, as "National Association of Junior Auxiliaries Day"; considered and agreed to.

#### ADDITIONAL COSPONSORS

S. 251

At the request of Mrs. HUTCHISON, the name of the Senator from Mississippi (Mr. COCHRAN) was added as a cosponsor of S. 251, a bill to amend the Communications Act of 1934 to permit targeted interference with mobile radio services within prison facilities.

S. 424

At the request of Mr. LEAHY, the name of the Senator from Vermont (Mr. SANDERS) was added as a cosponsor of S. 424, a bill to amend the Immigration and Nationality Act to eliminate discrimination in the immigration laws by permitting permanent partners of United States citizens and lawful permanent residents to obtain lawful permanent resident status in the same manner as spouses of citizens and lawful permanent residents and to penalize immigration fraud in connection with permanent partnerships.

S. 488

At the request of Mr. BROWN, the name of the Senator from Rhode Island (Mr. WHITEHOUSE) was added as a cosponsor of S. 488, a bill to amend the Public Health Service Act, the Employee Retirement Income Security Act of 1974, and the Internal Revenue Code of 1986 to require group and individual health insurance coverage and group health plans to provide coverage for individuals participating in approved cancer clinical trials.

S. 499

At the request of Mr. WYDEN, the name of the Senator from Florida (Mr. NELSON) was added as a cosponsor of S. 499, a bill to amend the Energy Policy Act of 2005 to repeal the ultra-deep-water and unconventional onshore natural gas and other petroleum research and development program.

S. 501

At the request of Mr. ROCKEFELLER, the name of the Senator from New Hampshire (Mrs. SHAHEEN) was added as a cosponsor of S. 501, a bill to amend the Federal Food, Drug, and Cosmetic Act to prohibit the marketing of authorized generic drugs.

#### STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Ms. MURKOWSKI (for herself and Mr. BEGICH):

S. 503. A bill to authorize the exploration, leasing, development, and production of oil and gas in and from the western portion of the Coastal Plain of the State of Alaska without surface occupancy, and for other purposes; to the Committee on Energy and Natural Resources.

Ms. MURKOWSKI. Mr. President, I rise today to introduce legislation that I believe represents a true compromise to end a three-decade dispute over oil development in northern Alaska. Today, I am introducing legislation that would permit oil and gas to be siphoned from underneath the Coastal Plain of the Arctic National Wildlife Refuge in northern Alaska but without there being any permanent roads, wells, buildings, pipelines, or structures erected that may interrupt the beauty of the Coastal Plain.

Today, I am happy to announce that I am being joined by my colleague from Alaska, Senator BEGICH, in introducing the No Surface Occupancy Western Arctic Coastal Plain Domestic Energy Security Act.

For 29 years since passage of the Alaska National Interest Lands Conservation Act in 1980, there has been a controversy that has raged over whether oil and natural gas development should occur from within this 1.5 million acres of the Arctic Coastal Plain. This is located right inside the Arctic National Wildlife Refuge in northern Alaska. According to the USGS, the area has a mean chance of containing 10.36 billion barrels of oil and 8.6 trillion cubic feet of natural gas and a high chance of producing 16 billion barrels. This is the largest likely undiscovered onshore conventional oil deposit in North America.

Over the years, environmentalists have argued that this area cannot be developed without causing disturbance and perhaps environmental damage to the surface of the Coastal Plain which could harm the Arctic porcupine caribou herd that roam in the area and also harm the bird life that utilizes the Refuge during the brief Arctic summer.

Over the years, this argument and controversy has been fought with near religious intensity. But now what we have is a technology that has been developed that offers a compromise solution that may allow much of the area's energy to be produced without surface damage or disturbance when wildlife is in the area. The solution is to permit oil and gas development to occur without any surface occupancy, meaning without construction of any structures above the ground within the area of the Coastal Plain protected by section 1002 of ANILCA. This is possible since the extended-reach directional drilling technology now permits oil wells to be drilled on the western Alaska State-owned lands, outside of the Refuge's boundary, or from the State waters up to the north, and still be able to tap oil and gas deposits located between 8 to 10 miles inside the Refuge.

Some have suggested this is incredible. How can you place a well and be

able to drill directionally or tap into resources directionally a length of perhaps 8 miles? Proof for this concept comes from British Petroleum's efforts just last season in the 2008 to 2009 drilling season to develop Alaska's North Slope Liberty oilfield. They are using the directional drilling technology that will allow them to tap reserves up to 48,000 feet from the well pad.

What we are talking about here is placement of a drill and then going directionally out in all areas in a length or a distance of up to 8, possibly 10, miles in all directions. It is like an invisible straw that would essentially be able to siphon the oil from under the Coastal Plain area and provide for the resource we need without surface disruption. According to estimates last year by the U.S. Department of Interior's BLM, up to 1.23 billion barrels of oil and 7 trillion cubic feet of natural gas may be accessible initially using this directional drilling technology.

This proposal will require that three-dimensional seismic and other tests be conducted within the Coastal Plain to pinpoint exactly where we want to drill for the location of the hydrocarbons. But these can be conducted in the wintertime from ice roads when we do not have any wildlife in the area.

Eventually, more of the oil and gas from the Coastal Plain may be accessible either as the directional drilling technology improves and expands its reach or as other subsurface oil development technology is developed.

Regardless, if there are no pipelines, if there are no wells, no physical structures that are permitted on the surface of the land, there can be no impact on the wildlife and no degradation to the wilderness characteristics to the Coastal Plain for visitors. Meanwhile, oil to help improve the Nation's supplies and to lower prices can start to be produced quickly since the infrastructure over in Prudhoe Bay already extends to nearly the border of the Refuge.

Finding more oil in America is vital to prevent oil prices from again spiking as the global economy recovers and energy demand increases. Not one of us can forget the pain of just last summer when world prices of \$147 per barrel for crude oil triggered prices of \$4 to \$5 a gallon at our filling stations. Without more domestic oil being developed, prices can again be expected to skyrocket, especially if OPEC is successful in current efforts to reduce the world's oil supplies.

There may be some who question whether there is precedent to do something as we are suggesting today. There is clearly precedent. Congress, back in 2007, approved a Wyoming wilderness lands bill. This was the Wyoming Range Legacy Act that permitted subsurface resource extraction provided that no surface occupancy occurs.

Our legislation would guarantee that royalties from any oil and gas produced would be split equally between the Federal and State treasuries, as is required

by current Federal law. It provides for full environmental protections and project labor agreements for any development that results. The bill further proposes that \$15 million a year be made available to mitigate any developmental impacts that might result and allocates 50 percent of the Federal share of total revenues to fund renewable energy.

Senator Stevens, when he was in the Congress last year, and I had introduced legislation to open ANWR. Within that ANWR legislation, it was, again, directing a substantial portion of the revenues to enhance the buildout of our renewable energy. We are proposing that in this legislation as well: 50 percent of the Federal share of the total revenues to fund renewable energy, another 25 percent for fish and wildlife habitat and conservation programs, and then the balance of 25 percent would go to the general Treasury.

The mitigation aid I just mentioned will guarantee that any Alaskan community impacted by development, especially residents of the North Slope Borough and the village of Kaktovik, will be protected from the indirect impacts of increased development activity.

What we can anticipate from this is a bill that would funnel tens to perhaps hundreds of billions of dollars toward construction of renewable energy over the life of the prospective oilfields. According to a report by the Congressional Research Service, ANWR's opening could provide the Federal Treasury with \$91.7 billion of revenues—and this assumes oil at a price of \$60 a barrel—and with \$191 billion, assuming oil prices of \$125 a barrel.

This all assumes a mean case estimate that 10.3 billion barrels will ultimately be produced. Obviously, with the legislation we have, the revenues would initially be much less because with the protection for the surface disruption we simply cannot extract as much. But as the technology improves, certainly we could see that amount increase.

Given that the Obama administration is seeking at least \$15 billion a year to fund renewable energy, this measure could go a long way toward meeting the administration's goal to pay for green, renewable energy in the future. It will certainly provide a massive boost to funding for existing fish and game habitat and wildlife conservation programs across the Nation.

This proposal is a clear benefit for America. We gain the oil and natural gas that is crucial to provide a bridge until a new era of nonfossil fuel, renewable energy can power our lights and move our vehicles. But it also guarantees that none of the Arctic porcupine caribou herd that migrates across the Coastal Plain between June and August will ever see, hear, or feel oil development. The proposal also means that none of the migratory birds that nest on the Coastal Plain will ever be impacted by oil development. And it

means that no hiker or wilderness enthusiast who visits the Coastal Plain or floats its river in the brief Arctic summer will ever see, hear, or feel oil and gas development.

With the proposal and the environmental safeguards this legislation allows the Secretary of the Interior to establish, there is no danger that any of the few species that overwinter on the coastal plain will be impacted by seismic or other activities, and it protects the subsistence resources and activities for Alaskan natives. We clearly have the ability to prevent any impacts to the few polar bears that sometimes den on the coastal plain or the musk oxen that sometimes visit the area in the winter.

For decades now, Alaskans have been seeking permission to explore and to develop oil in the 1002 area. Given the general estimates the USGS has indicated, we recognize that it offers this country the best chance for a major oil find of any spot onshore in North America, and the technology has advanced so that we now have the possibility of resolving this dispute to the satisfaction of all sides.

For years, Mr. President, this debate has raged with an intensity that is quite remarkable. I would hope that in this era of change, this bill will change the tone of this debate and permit oil and gas production to go hand in hand with responsible environmental stewardship.

I thank the Chair for his attention this morning, and I hope that Members of this body who have been engaged in the debate on the potential opening of ANWR for development would look at this proposal with fresh eyes. I hope they will set aside some of the political rhetoric this has generated over the past 25-plus years and look at this as a meaningful way to help enhance our Nation's energy security, while at the same time respecting the land that we have up North.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be placed in the RECORD, as follows:

S. 503

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### **SECTION 1. SHORT TITLE.**

This Act may be cited as the "No Surface Occupancy Western Arctic Coastal Plain Domestic Energy Security Act".

#### **SEC. 2. DEFINITIONS.**

In this Act:

(1) **COASTAL PLAIN.**—The term "Coastal Plain" means the area identified as the "1002 Coastal Plain Area" on the map.

(2) **FINAL STATEMENT.**—The term "Final Statement" means the final legislative environmental impact statement on the Coastal Plain, dated April 1987, and prepared pursuant to—

(A) section 1002 of the Alaska National Interest Lands Conservation Act (16 U.S.C. 3142); and

(B) section 102(2)(C) of the National Environmental Policy Act of 1969 (42 U.S.C. 4332(2)(C)).

(3) MAP.—The term “map” means the map entitled “Arctic National Wildlife Refuge”, dated September 2005, and prepared by the United States Geological Survey.

(4) SECRETARY.—The term “Secretary” means the Secretary of the Interior (or the designee of the Secretary), acting through the Director of the Bureau of Land Management, in consultation with the Director of the United States Fish and Wildlife Service and in coordination with a State coordinator appointed by the Governor of the State of Alaska.

(5) WESTERN COASTAL PLAIN.—The term “Western Coastal Plain” means that area of the Coastal Plain—

(A) that borders the land of the State of Alaska to the west and State of Alaska offshore waters of the Beaufort Sea on the north; and

(B) from which the Secretary, in the sole discretion of the Secretary, finds oil and gas can be produced through the use of horizontal drilling or other subsurface technology from sites outside or underneath the surface of the Coastal Plain.

### SEC. 3. LEASING PROGRAM FOR LAND WITHIN THE WESTERN COASTAL PLAIN.

(a) IN GENERAL.—

(1) AUTHORIZATION.—There is authorized the exploration, leasing, development, and production of oil and gas from the Western Coastal Plain.

(2) ACTIONS.—The Secretary shall take such actions as are necessary—

(A) to establish and implement, in accordance with this Act, a competitive oil and gas leasing program that will result in an environmentally sound program for the exploration, development, and production of the oil and gas resources of the Western Coastal Plain; and

(B) to administer this Act through regulations, lease terms, conditions, restrictions, prohibitions, stipulations, and other provisions that—

(i) ensure the oil and gas exploration, development, and production activities on the Western Coastal Plain will result in no significant adverse effect on fish and wildlife, fish and wildlife habitat, subsistence resources, and the environment;

(ii) prohibit surface occupancy of the Western Coastal Plain during oil and gas development and production; and

(iii) require the application of the best commercially available technology for oil and gas exploration, development, and production to all exploration, development, and production operations under this Act in a manner that ensures the receipt of fair market value by the public for the mineral resources to be leased.

(b) COMPLIANCE WITH REQUIREMENTS UNDER CERTAIN OTHER LAWS.—

(1) COMPATIBILITY.—For purposes of the National Wildlife Refuge System Administration Act of 1966 (16 U.S.C. 668dd et seq.)—

(A) the oil and gas leasing program and activities authorized by this section in the Western Coastal Plain shall be considered to be compatible with the purposes for which the Arctic National Wildlife Refuge was established; and

(B) no further findings or decisions shall be required to implement that program and those activities.

(2) ADEQUACY OF DOI LEGISLATIVE ENVIRONMENTAL IMPACT STATEMENT.—The Final Statement shall be considered to satisfy the requirements of the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) that apply with respect to prelease activities, including actions authorized to be taken by the Secretary to develop and promulgate the regulations for the establishment of a leasing program authorized by this Act before the conduct of the first lease sale.

(c) RELATIONSHIP TO STATE AND LOCAL AUTHORITY.—Nothing in this Act expands or limits any State or local regulatory authority.

(d) REGULATIONS.—

(1) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Secretary shall promulgate such regulations as are necessary to carry out this Act.

(2) REVISION OF REGULATIONS.—The Secretary shall periodically review and, as appropriate, revise the rules and regulations promulgated under paragraph (1) to reflect any significant biological, environmental, or engineering data that come to the attention of the Secretary.

### SEC. 4. LEASE SALES.

(a) QUALIFIED LESSEES.—

(1) IN GENERAL.—Except as provided in paragraph (2), land may be leased under this Act to any person qualified to obtain a lease for deposits of oil and gas under the Mineral Leasing Act (30 U.S.C. 181 et seq.).

(2) EXCLUSION.—Land may not be leased under this Act to any person prohibited from participation in a lease sale under section 1002(e)(2)(C) of the Alaska National Interest Lands Conservation Act (16 U.S.C. 3142(e)(2)(C)).

(b) PROCEDURES.—The Secretary shall, by regulation, establish procedures for—

(1) receipt and consideration of sealed nominations for any area in the Western Coastal Plain for inclusion in, or exclusion from, a lease sale;

(2) the holding of lease sales after the nomination process described in paragraph (1); and

(3) public notice of, and comment on, designation of areas to be included in, or excluded from, a lease sale.

(c) LEASE SALE BIDS.—Bidding for leases under this Act shall be by sealed competitive cash bonus bids.

(d) ACREAGE MINIMUM IN FIRST SALE.—For the first lease sale under this Act, the Secretary shall offer for lease those tracts the Secretary considers to have the greatest potential for the discovery of hydrocarbons, taking into consideration nominations received pursuant to subsection (b)(1), but in no case less than 200,000 acres.

(e) TIMING OF LEASE SALES.—The Secretary shall—

(1) not later than 18 months after the date of enactment of this Act, conduct the first lease sale under this Act;

(2) not later than 2 years after the first lease sale, conduct a second lease sale under this Act; and

(3) conduct additional sales at appropriate intervals if, as determined by the Secretary, sufficient interest in development exists to warrant the conduct of the additional sales.

### SEC. 5. GRANT OF LEASES BY THE SECRETARY.

(a) IN GENERAL.—On payment by a lessee of such bonus as may be accepted by the Secretary, the Secretary may grant to the highest responsible qualified bidder in a lease sale conducted pursuant to section 4 a lease for any land on the Western Coastal Plain.

(b) SUBSEQUENT TRANSFERS.—

(1) IN GENERAL.—No lease issued under this Act may be sold, exchanged, assigned, sublet, or otherwise transferred except with the approval of the Secretary.

(2) CONDITION FOR APPROVAL.—Before granting any approval under paragraph (1), the Secretary shall consult with, and give due consideration to the opinion of, the Attorney General.

### SEC. 6. LEASE TERMS AND CONDITIONS.

(a) IN GENERAL.—An oil or gas lease issued pursuant to this Act shall—

(1) provide for the payment of a royalty of not less than 12 ½ percent of the quantity or value of the production removed or sold from

the lease, as determined by the Secretary in accordance with regulations applicable to other Federal oil and gas leases;

(2) provide that the Secretary may close, on a seasonal basis, such portions of the Western Coastal Plain to exploratory drilling activities as are necessary to protect caribou calving areas and other species of fish and wildlife;

(3) require that each lessee of land within the Western Coastal Plain shall be fully responsible and liable for the reclamation of land within the Western Coastal Plain and any other Federal land that is adversely affected in connection with exploration activities conducted under the lease and within the Western Coastal Plain by the lessee or by any of the subcontractors or agents of the lessee;

(4) provide that the lessee may not delegate or convey, by contract or otherwise, the reclamation responsibility and liability described in paragraph (3) to another person without the express written approval of the Secretary;

(5) contain terms and conditions relating to protection of fish and wildlife, fish and wildlife habitat, subsistence resources, and the environment as required under section 3(a)(2);

(6) provide that each lessee, and each agent and contractor of a lessee, shall use the best efforts of the lessee to provide a fair share of employment and contracting for Alaska Natives and Alaska Native Corporations from throughout the State, as determined by the level of obligation previously agreed to in the Federal Agreement; and

(7) contain such other provisions as the Secretary determines to be necessary to ensure compliance with this Act, including regulations promulgated under this Act.

(b) PROJECT LABOR AGREEMENTS.—The Secretary, as a term and condition of each lease under this Act, and in recognizing the proprietary interest of the Federal Government in labor stability and in the ability of construction labor and management to meet the particular needs and conditions of projects to be developed under the leases issued pursuant to this Act (including the special concerns of the parties to those leases), shall require that each lessee, and each agent and contractor of a lessee, under this Act negotiate to obtain a project labor agreement for the employment of laborers and mechanics on production, maintenance, and construction under the lease.

### SEC. 7. EXPEDITED JUDICIAL REVIEW.

(a) FILING OF COMPLAINTS.—

(1) DEADLINE.—A complaint seeking judicial review of a provision of this Act or an action of the Secretary under this Act shall be filed—

(A) except as provided in subparagraph (B), during the 90-day period beginning on the date on which the action being challenged was carried out; or

(B) in the case of a complaint based solely on grounds arising after the 90-day period described in subparagraph (A), by not later than 90 days after the date on which the complainant knew or reasonably should have known about the grounds for the complaint.

(2) VENUE.—A complaint seeking judicial review of a provision of this Act or an action of the Secretary under this Act shall be filed in the United States Court of Appeals for the District of Columbia Circuit.

(3) SCOPE.—

(A) IN GENERAL.—Judicial review of a decision of the Secretary relating to a lease sale under this Act (including an environmental analysis of such a lease sale) shall be—

(i) limited to a review of whether the decision is in accordance with this Act; and

(ii) based on the administrative record of the decision.

(B) PRESUMPTIONS.—Any identification by the Secretary of a preferred course of action relating to a lease sale, and any analysis by the Secretary of environmental effects, under this Act shall be presumed to be correct unless proven otherwise by clear and convincing evidence.

(b) LIMITATION ON OTHER REVIEW.—Any action of the Secretary that is subject to judicial review under this section shall not be subject to judicial review in any civil or criminal proceeding for enforcement.

#### SEC. 8. LOCAL GOVERNMENT IMPACT AID AND COMMUNITY SERVICE ASSISTANCE.

(a) ESTABLISHMENT OF FUND.—

(1) IN GENERAL.—The Secretary shall establish in the Treasury a fund to be known as the “Coastal Plain Local Government Impact Aid Assistance Fund” (referred to in this section as the “Fund”) to offset any planning, land use-related, or service-related impacts of offshore development caused by this Act.

(2) DEPOSITS.—The Secretary of the Treasury shall deposit into the Fund, \$15,000,000 each year from the amount available under section 9(1).

(b) ASSISTANCE.—The Governor of Alaska, in cooperation with the Mayor of the North Slope Borough, shall use amounts in the Fund to provide assistance to the North Slope Borough, Alaska, the City of Kaktovik, Alaska, and any other borough, municipal subdivision, village, or other community in the State of Alaska that is directly impacted by exploration for, or the production of, oil or gas on or near the Coastal Plain under this Act, or any Alaska Native Regional Corporation acting on behalf of the villages and communities within its region whose land lies along the right of way of the Trans Alaska Pipeline System, as determined by the Governor.

(c) APPLICATION.—

(1) IN GENERAL.—To receive assistance under subsection (b), a community or Regional Corporation described in that subsection shall submit to the Governor, or to the Mayor of the North Slope Borough, an application in such time, in such manner, and containing such information as the Governor may require.

(2) ACTION BY NORTH SLOPE BOROUGH.—The Mayor of the North Slope Borough shall submit to the Governor each application received under paragraph (1) as soon as practicable after the date on which the application is received.

(3) ASSISTANCE OF GOVERNOR.—The Governor shall assist communities in submitting applications under this subsection to the maximum extent practicable.

(d) USE OF FUNDS.—A community or Regional Corporation that receives funds under subsection (b) may use the funds—

(1) to plan for mitigation, implement a mitigation plan, or maintain a mitigation project to address the potential effects of oil and gas exploration and development on environmental, social, cultural, recreational, and subsistence resources of the community;

(2) to develop, carry out, and maintain—

(A) a project to provide new or expanded public facilities; or

(B) services to address the needs and problems associated with the effects described in paragraph (1), including firefighting, police, water and waste treatment, first responder, rescue, and other medical services;

(3) to compensate residents of the Coastal Plain or nearby waters for significant damage to environmental, social, cultural, recreation, or subsistence resources; and

(4) in the City of Kaktovik, Alaska—

(A) to develop a mechanism for providing members of the Kaktovikmiut Inupiat community an opportunity—

(i) to monitor development in or near the Coastal Plain; and

(ii) to provide information and recommendations based on traditional knowledge; and

(B) to establish a local coordination office, to be managed by the Mayor of the North Slope Borough, in coordination with the City of Kaktovik, Alaska—

(i) to coordinate with and advise developers on local conditions and the history of areas affected by development;

(ii) to collect from residents of the Coastal Plain information regarding the impacts of development on fish, wildlife, whales, other marine mammals, habitats, subsistence resources, and the environment of the Coastal Plain; and

(iii) to ensure that the information collected under clause (ii) is submitted to any appropriate Federal agency.

#### SEC. 9. ALLOCATION OF REVENUES.

(a) IN GENERAL.—Notwithstanding any other provision of law, of the amount of adjusted bonus, rental, and royalty revenues from Federal oil and gas leasing and operations authorized under this Act—

(1) 50 percent shall be paid semiannually to the State of Alaska; and

(2) 50 percent shall be allocated in accordance with subsection (b).

(b) ALLOCATION OF FEDERAL FUNDS.—Any amounts made available under subsection (a)(2), plus an appropriated amount equal to the amount of Federal income tax attributable to sales of oil and gas produced from operations described in subsection (a), shall be deposited in an account in the Treasury which shall be available, without further appropriation or fiscal year limitation, each fiscal year as follows:

(1) \$15,000,000 shall be deposited by the Secretary of the Treasury into the Fund created under section 8(a)(1).

(2) The remainder shall be available as follows:

(A) 50 percent shall be available to the Department of Energy to carry out alternative energy programs established under the Energy Policy Act of 2005 (42 U.S.C. 15801 et seq.), the Energy Independence and Security Act of 2007 (42 U.S.C. 17001 et seq.), or an amendment made by either of those Acts, as determined by the Secretary of Energy.

(B) 25 percent shall be available to the Department of the Interior for award to wildlife habitat and fish and game programs authorized by the Pittman-Robertson Wildlife Restoration Act (16 U.S.C. 669 et seq.) and the Dingell-Johnson Sport Fish Restoration Act (commonly known as the “Wallop-Breaux Act”) (16 U.S.C. 777 et seq.).

(C) 25 percent shall remain in the general fund of the Treasury.

#### SUBMITTED RESOLUTIONS

#### SENATE RESOLUTION 59—DESIGNATING APRIL 4, 2009, AS “NATURAL ASSOCIATION OF JUNIOR AUXILIARIES DAY”

Mrs. LINCOLN (for herself and Mr. WICKER) submitted the following resolution; which was considered and agreed to:

S. RES. 59

Whereas the National Association of Junior Auxiliaries and its members provide valuable service and leadership opportunities for women who wish to take an active role in their communities;

Whereas the mission of the National Association of Junior Auxiliaries is to encourage member chapters to render charitable services that are beneficial to the general public,

with a particular emphasis on providing for the needs of children; and

Whereas, since its founding in 1941, the National Association of Junior Auxiliaries has provided strength and inspiration to women who want to effect positive change in their communities: Now, therefore, be it

*Resolved*, That the Senate—

(1) designates April 4, 2009, as “National Association of Junior Auxiliaries Day”;;

(2) recognizes the great contributions made by members of the National Association of Junior Auxiliaries to their communities and to the people of the United States; and

(3) especially commends the work of the members of the National Association of Junior Auxiliaries to better the lives of children in the United States.

#### NOTICE OF HEARING

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. BINGAMAN. Mr. President, I would like to correct the notice of a hearing before the Committee on Energy and Natural Resources previously announced on February 24.

The hearing will be a legislative hearing, rather than an oversight hearing. It will focus on draft legislative proposals on energy research and development.

In addition, the hearing will be held in SH-216, rather than in SD-366.

The hearing will still be held on Thursday, March 5, 2009, at 9:30 a.m.

#### SCHOOL SOCIAL WORK WEEK

Mr. KAUFMAN. Mr. President, I ask unanimous consent that the Judiciary Committee be discharged from further consideration of S. Res. 58 and the Senate proceed to its immediate consideration.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The clerk will report the resolution by title.

The assistant legislative clerk read as follows:

A resolution (S. Res. 58) designating the week of March 1 through March 8, 2009, as “School Social Work Week.”

There being no objection, the Senate proceeded to consider the resolution.

Mr. KAUFMAN. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motions to reconsider be laid upon the table, with no intervening action or debate, and any statements related to the resolution be printed in the RECORD.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The resolution (S. Res. 58) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 58

Whereas the Senate has recognized the importance of school social work through the inclusion of school social work programs in the current authorizations of the Elementary and Secondary Education Act of 1965 (20