

Rollcall No. 43—H. Res. 392—Congratulating the Detroit Shock for winning the 2003 Women's National Basketball Association championship, I would have voted "yes."

Rollcall No. 44—H. Res. 475—Congratulating the San Jose Earthquake for winning the 2003 Major League Soccer Cup, I would have voted "yes."

Rollcall No. 45—On approving the Journal, I would have voted "no."

Rollcall No. 46—S. 1881: to amend the Federal Food, Drug, and Cosmetic Act to make technical corrections relating to the amendments by the Medical Device User Fee and Modernization Act of 2002, and for other purposes, I would have voted "yes."

Rollcall No. 47—H. Con. Res. 373: expressing the sense of Congress that Kids Love a Mystery is a program that promotes literacy and should be encouraged, I would have voted "yes."

Rollcall No. 48—Amendment to H.R. 339 offered by Mr. SCOTT (VA) to add a new section which provides that the bill does not apply to an action brought by a State agency to enforce a State consumer protection law concerning mislabeling or other unfair and deceptive trade practices, I would have voted "yes."

Rollcall No. 49—Amendment to H.R. 339 offered by Mr. WATT to limit the provisions of the bill only to cases brought in Federal court, I would have voted "yes."

Rollcall No. 50—Amendment to H.R. 339 offered by Mr. ANDREWS to permit civil liability suits to be brought in cases related to a food that contains a genetically engineered material unless the labeling for such food bears a statement providing that the food contains such material and the labeling indicates which of the ingredients of the food are or contain such material, I would have voted "no."

Rollcall No. 51—Amendment to H.R. 339 offered by Mr. ACKERMAN to expand the definitions in the act to exclude any establishment that manufactures or sells meat from downed animals for human consumption from the protections of the bill, I would have voted "no."

Rollcall No. 52—Amendment to H.R. 339 offered by Ms. JACKSON-LEE (TX) to provide that the bill would not apply to civil actions that allege a product claiming to assist in weight loss caused heart disease, heart damage, primary pulmonary hypertension, neuropsychological damage, or any other complication which may be generally associated with a person's weight gain or obesity, I would have voted "yes."

Rollcall No. 53—Amendment to H.R. 339 offered by Mr. WATT to strike section 3(b) of the bill which provides that a qualified civil liability action that is pending on the date of the enactment of the bill shall be dismissed immediately by the court in which the action was brought or is currently pending, I would have voted "yes."

Rollcall No. 54—Final passage of H.R. 339, to prevent legislative and regulatory functions from being usurped by civil liability actions brought or continued against food manufacturers, marketers, distributors, advertisers, sellers, and trade associations for claims of injury relating to a person's weight gain, obesity, or any health condition associated with weight gain or obesity, I would have voted "no."

Rollcall No. 55—Final passage of H.R. 3717, to increase the penalties for violations by television and radio broadcasters of the

prohibitions against transmissions of obscene, indecent, and profane material, and for other purposes, I would have voted "yes."

Rollcall No. 56—Motion to Suspend the Rules and Agree to H. Con. Res. 15, Commending India on its celebration of Republic Day, I would have voted "yes."

Rollcall No. 57—Motion to Suspend the Rules and Agree to H. Res. 540, as amended, expressing the condolences and deepest sympathies of the House of Representatives for the untimely death of Macedonian President Boris Trajkovski, I would have voted "yes."

#### TRIBUTE TO MARK HAWKINS PRESIDENT GREATER RIVERSIDE CHAMBER OF COMMERCE

#### HON. KEN CALVERT

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, March 23, 2004*

Mr. CALVERT. Mr. Speaker, I rise today to honor and pay tribute to an individual whose dedication and contributions to the community of Riverside, California are exceptional. Riverside has been fortunate to have dynamic and dedicated community leaders who willingly and unselfishly give their time and talent and make their communities a better place to live and work. Mark Hawkins is one of these individuals. On Thursday, March 25, 2004, he will be honored at the Chamber's Inaugural Dinner.

Mark began his career in business in 1974 when he obtained his bachelors degree. After completing his Masters of Business Administration from Florida Southern College in 1987, he assumed to the post of Chief Executive Office of Riverside County's Credit Union. He also attended continuing education at Stanford in 2000.

Mark serves on the board of each of the four Riverside County Credit Union's subsidiary companies as well as the board of the credit union's scholarship foundation. In addition to his leadership within the business community, Mark is also very active in community organizations. He serves on the board of the Kiwanis Club of Riverside; the Raincross Club; the Riverside Orange Blossom Festival Association; the United Way of the Inland Valleys; and the Mayor's Youth Action Plan. Mark has also been involved with the Riverside Art Museum, the Parkview Community Hospital Foundation, the Kiwanis Club of Riverside's Endowment, the Riverside Educational Enrichment Foundation, and the City Manager's office for the City of Riverside.

In recognition of Mark's tremendous contributions to our community and the business climate in the Inland Empire, he has been a recipient of several awards including the California Award for Performance Excellence; being named "Top Company to Work for in the Inland Empire" in 2001, 2002, and 2003; Business of the Year in 2002; voted best financial institution by the Press Enterprise in 2003; and voted best employer by the Press Enterprise in 2003.

Mark's tireless passion for community service has contributed immensely to the betterment of the community and business environ-

ment of Riverside, California. He has been instrumental in many community organizations and events and I am proud to call him a fellow community member, American and friend. I know that many community members are grateful for his service as President of the Greater Riverside Chamber of Commerce and salute him.

#### RECOGNIZING THE WORK OF MR. MARVIN H. FELDMAN

#### HON. TED STRICKLAND

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, March 23, 2004*

Mr. STRICKLAND. Mr. Speaker, I rise today to commend Mr. Marvin H. Feldman, the 2004 recipient of the Circle of Life Award of the Million Dollar Roundtable.

Mr. Feldman is a native of East Liverpool, Ohio and a nationally recognized leader in the financial services industry. As an agent for New York Life, Marvin is well known in the world of insurance and financial planning as a global leader in sales. His hard work and record of accomplishment earned him a place in the prestigious Million Dollar Roundtable Foundation. Not only has Marvin been a member of this exclusive organization, he also served as past president. Membership in this Foundation requires agreement to a stringent code of ethics and conduct and exceptional professional knowledge and client service.

Mr. Feldman is a member of the National Association of Insurance and Financial Advisors, the Mahoning Valley Association of Insurance and Financial Advisors, the Ohio Association of Insurance and Financial Advisors, the Society of Financial Service Professionals, the Association for Advanced Life Underwriting and the Financial Planning Association. His previous industry experience includes serving as a member of New York Life's Strategic Planning Committee and the Universal Life Product Committee, as well as secretary of New York Life's Agents Advisory Council.

Marvin has not only been a leader in his profession, but has also been a civic and philanthropic leader in his hometown of East Liverpool, Ohio. He has contributed to East Liverpool through his work on the Economic Development Committee, the Megafund Committee and the East Liverpool City Hospital Fund Raising Committee. He has also served as chair of the East Liverpool United Jewish Appeal, co-chair of the Kent State University local branch, and Advanced Gifts Capital Campaign Program. Mr. Feldman was a founder and is currently a director of the First National Community Bank in East Liverpool. In addition, he has served as a trustee and chairman of the East Liverpool City Hospital.

Before beginning his career with New York Life, Marvin attended Ohio State University in Columbus. He and his wife Vicki are the proud parents of two daughters, Terri and Barbi.

Appropriately, Mr. Feldman's outstanding leadership, commitment, and dedication will be honored later this month at a ceremony in Pittsburgh, when he will be named a "Circle of Life Award Honoree" by the Million Dollar Roundtable Foundation.

# INTRODUCTION OF THE WESTERN WATERS AND FARM LANDS PROTECTION ACT

**HON. MARK UDALL**

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, March 23, 2004*

Mr. UDALL of Colorado. Mr. Speaker, today I am introducing the Western Waters and Farm Lands Protection Act.

The bill's purpose is to make it more likely that the energy resources in our Western states will be developed in ways that are protective of vital water supplies and respectful of the rights and interests of the agricultural community.

Toward that end, it addresses three aspects of oil and gas development.

First, it establishes clear requirements for proper management of ground water that is extracted in the course of oil and gas development.

Second, it provides for greater involvement of surface owners in plans for oil and gas development and requires the Interior Department to give surface owners advance notice of lease sales that would affect their lands and to notify them of subsequent events related to proposed or ongoing energy development.

Finally, the bill would amend the Mineral Leasing Act to require developers to draft reclamation plans and post reclamation bonds for the restoration of lands affected by oil and gas drilling.

This bill is based on H.R. 3698, which I introduced last December. Since then, I have consulted with people interested in this subject, to see whether further refinements of the legislation would be appropriate. The bill I am introducing today reflects those conversations, and in particular incorporates a change in the wording of section 102 proposed by the Colorado Farm Bureau.

That section deals with application of the Clean Water Act to waters extracted from an underground formation in connection with development of oil and gas, including coalbed methane. The Colorado Farm Bureau was concerned that the wording of the corresponding section in H.R. 3698 might be read as applying to other activities in addition to oil and gas development. That was not my intention, but to remove any doubt on that point, I agreed to the proposed revision, which is included in the bill I am introducing today.

Mr. Speaker, the western United States is blessed with significant energy resources. In appropriate places, and under appropriate conditions, they can and should be developed for the benefit of our country. But it's important to recognize the importance of other resources—particularly water—and other uses of the lands involved—and this bill responds to this need.

Its primary purposes are—(1) to assure that the development of those energy resources in the West will not mean destruction of precious water resources; (2) to reduce potential conflicts between development of energy resources and the interests and concerns of those who own the surface estate in affected lands; and (3) to provide for appropriate reclamation of affected lands.

## WATER QUALITY PROTECTION

One new energy resource is receiving great attention—gas associated with coal deposits,

often referred to as coalbed methane. An October 2000 United States Geological Survey report estimated that the U.S. may contain more than 700 trillion cubic feet (tcf) of coalbed methane and that more than 100 tcf of this may be recoverable using existing technology. In part because of the availability of these reserves and because of tax incentives to exploit them, the West has seen a significant increase in its development.

Development of coalbed methane usually involves the extraction of water from underground strata. Some of this extracted water is reinjected into the ground, while some is retained in surface holding ponds or released and allowed to flow into streams or other water bodies, including irrigation ditches.

The quality of the extracted waters varies from one location to another. Some are of good quality, but often they contain dissolved minerals (such as sodium, magnesium, arsenic, or selenium) that can contaminate other waters—something that can happen because of leaks or leaching from holding ponds or because the extracted waters are simply discharged into a stream or other body of water. In addition, extracted waters often have other characteristics, such as high acidity and temperature, which can adversely affect agricultural uses of land or the quality of the environment.

In Colorado and other states in the arid West, water is scarce and precious. So, as we work to develop our domestic energy resources, it is vital that we safeguard our water—and I believe that clear requirements for proper disposal of these extracted waters are necessary in order to avoid some of these adverse effects. That is the purpose of the first part of the bill.

The bill (in Title I) includes two requirements regarding extracted water.

First, it would make clear that water extracted from oil and gas development must comply with relevant and applicable discharge permits under the Clean Water Act. Lawsuits have been filed in some western states regarding whether or not these discharge permits are required for coalbed methane development. The bill would require oil and gas development to secure permits if necessary and required, like any other entity that may discharge contaminants into the waters of the United States.

Second, the bill would require those who develop federal oil or gas—including coalbed methane—under the Mineral Leasing Act to do what is necessary to make sure their activities do not harm water resources. Under this legislation, oil or gas operations that damage a water resource—by contaminating it, reducing it, or interrupting it—would be required to provide replacement water. For water produced in connection with oil or gas drilling that is injected back into the ground, the bill requires that this must be done in a way that will not reduce the quality of any aquifer. For water that is not reinjected, the bill requires that it must be dealt with in ways that comply with all Federal and State requirements.

And, because water is so important, the bill requires oil and gas operators to make the protection of water part of their plans from the very beginning, requiring applications for oil or gas leases to include details of ways in which operators will protect water quality and quantity and the rights of water users.

These are not onerous requirements, but they are very important—particularly with the

great increase in drilling for coalbed methane and other energy resources in Colorado, Wyoming, Montana, and other western states.

## SURFACE OWNER PROTECTION

In many parts of the country, the party that owns the surface of some land does not necessarily own the minerals beneath those lands. In the West, mineral estates often belong to the federal government while the surface estates are owned by private interests, who typically use the land for farming and ranching.

This split-estate situation can lead to conflicts. And while I support development of energy resources where appropriate, I also believe that this must be done responsibly and in a way that demonstrates respect for the environment and overlying landowners.

The second part of the bill (Title II) is intended to promote that approach, by establishing a system for development of federal oil and gas in split-estate situations that resembles—but is not identical to—the system for development of federally-owned coal in similar situations.

Under federal law, the leasing of federally owned coal resources on lands where the surface estate is not owned by the United States is subject to the consent of the surface estate owners. But neither this consent requirement nor the operating and bonding requirements applicable to development of federally owned locatable minerals applies to the leasing or development of oil or gas in similar split-estate situations.

I believe that that there should be similar respect for the rights and interests of surface estate owners affected by development of oil and gas and that this should be done by providing clear and adequate standards and increasing the involvement of these owners in plans for oil and gas development.

Accordingly, the bill requires the Interior Department to give surface owners advance notice of lease sales that would affect their lands and to notify them of subsequent events related to proposed or ongoing developments related to such leases.

In addition, the bill requires that anyone proposing the drill for federal minerals in a split-estate situation must first try to reach an agreement with the surface owner that spells out what will be done to minimize interference with the surface owner's use and enjoyment and to provide for reclamation of affected lands and compensation for any damages.

I am convinced that most energy companies want to avoid harming the surface owners, so I expect that it will usually be possible for them to reach such agreements. However, I recognize that this may not always be the case—and the bill includes two provisions that address this possibility: (1) if no agreement is reached within 90 days, the bill requires that the matter be referred to neutral arbitration; and (2) the bill provides that if even arbitration fails to resolve differences, the energy development can go forward, subject to Interior Department regulations that will balance the energy development with the interests of the surface owner or owners.

As I mentioned, these provisions are patterned on the current law dealing