# EXTENSIONS OF REMARKS

## RECOGNIZING TRAVIS WAYNE CASH FOR ACHIEVING THE RANK OF EAGLE SCOUT

### HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

*Friday, February 16, 2007*

Mr. GRAVES. Madam Speaker, I proudly pause to recognize Travis Cash, a very special young man who has exemplified the finest qualities of citizenship and leadership by taking an active part in the Boy Scouts of America, Troop 314, and in earning the most prestigious award of Eagle Scout.

Travis has been very active with his troop, participating in many Scout activities. Over the years Travis has been involved with Scouting, he has not only earned numerous merit badges, but also the respect of his family, peers, and community.

Madam Speaker, I proudly ask you to join me in commending Travis Cash for his accomplishments with the Boy Scouts of America and for his efforts put forth in achieving the highest distinction of Eagle Scout.

## REINTRODUCTION OF THE WESTERN WATERS AND FARM LANDS PROTECTION ACT

### HON. MARK UDALL

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

*Friday, February 16, 2007*

Mr. UDALL of Colorado. Madam Speaker, I am today again introducing the Western Waters and Farm Lands Protection Act—a bill intended 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.

Based on my previous legislation that was endorsed by the Colorado Farm Bureau and the American Farm Bureau Federation, it would do three things:

First, it would establish clear requirements for proper management of ground water that is extracted in the course of oil and gas development. Second, it would provide 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. And, finally, it would require developers to draft reclamation plans and post bonds top assure restoration of lands affected by drilling for federal oil and gas.

PURPOSES OF THE LEGISLATION

Madam 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 is 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: (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—and use of extracted water has the potential to augment the supplies for irrigation and other purposes. Because I want to explore how that potential might be realized without reducing water quality or harming the environment, I have introduced a bill (H.R. 902) that would authorize research and demonstration efforts toward that end.

But, at the same time, it is vital that development of energy resources be accompanied by appropriate safeguards.

That is the purpose of the first part of the bill (Title I). That part would require those who develop federal oil or gas—including coalbed methane—under the Mineral Leasing Act to take steps to make sure their activities do not harm water resources.

Specifically, under section 101, oil or gas operators who damage a water resource—by contaminating it, reducing it, or interrupting it—would be required to provide replacement water to the water users. And this section also specifies that water produced under a mineral lease must be dealt with in ways that comply with all Federal and State requirements.

Further, 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 owner of some land's surface does not necessarily own the underlying minerals. And in Colorado and other Western States, those mineral estates often belong to the Federal Government while the surface estates are owned by others, including farmers and ranchers.

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 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 surface owners.

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 to 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 with development of federally owned coal in split-estate situations. However, it is important to note one major difference—namely, while current law allows a surface owner to effectively veto development of coal resources, under the bill a surface owner ultimately could not block development of oil or gas underlying his or her lands. This difference reflects the fact that appropriate development of oil and natural gas is needed.

RECLAMATION REQUIREMENTS

The bill's third part (Titles III and IV) addresses reclamation of affected lands.

Title III would amend the Mineral Leasing Act by adding an explicit requirement that parties that produced oil or gas (including coalbed methane) under a federal lease must restore the affected land so it will be able to support the uses it could support before the energy development. Toward that end, this part of the bill requires development of reclamation plans and posting of reclamation bonds. In addition, so Congress can consider whether changes are needed, the bill requires the General Accounting Office to review how these requirements are being implemented and how well they are working.

And, finally, Title IV would require the Interior Department to—(1) establish, in cooperation with the Agriculture Department, a program for reclamation and closure of abandoned oil or gas wells located on lands managed by an Interior Department agency or the Forest Service or drilled for development of federal oil or gas in split-estate situations; and (2) establish, in consultation with the Energy Department, a program to provide technical assistance to State and tribal governments that are working to correct environmental problems caused by abandoned wells on other lands. The bill would authorize annual appropriations of $5 million in fiscal 2005 and 2006 for the federal program and annual appropriations of $5 million in fiscal 2005, 2006, and 2007 for the program of assistance to the states and tribes.

Madam Speaker, our country is overly dependent on fossil fuels, to the detriment of our environment, our national security, and our economy. We need to diversify our energy portfolio and make more use of alternatives. But in the interim, petroleum and natural gas (including coalbed methane) will remain important parts of our energy portfolio—and I support their development in appropriate and responsible ways. I believe this legislation can contribute to that by establishing some clear, reasonable rules that will provide greater assurance and certainty for all concerned, including the energy industry and the residents of Colorado, New Mexico, and other Western states. Following is a brief outline of its major provisions.

OUTLINE OF BILL

Section One—This section provides a short title (''Western Waters and Farm Lands Protection Act''), makes several findings about the need for the legislation, and states the bill's purpose.

TITLE I.—PROTECTION OF WATER RESOURCES

Section 101 amends current law to make clear that extraction of water in connection with development of oil or gas (including coalbed methane) is subject to an appropriate permit and the requirement to minimize adverse effects on affected lands or waters.

Section 102 provides that nothing in the bill will—(1) affect any State's right or jurisdiction with respect to water; or (2) limit, alter, modify, or amend any interstate compact or judicial rulings that apportion water among and between different States.

TITLE II.—PROTECTION OF SURF ACE OWNERS

Section 201 provides definitions for several terms used in Title II.

Section 202 requires a party seeking to develop federal oil or gas in a split-estate situation to first seek to reach an agreement with the surface owner or owners that spells out how the energy development will be carried out, how the affected lands will be reclaimed, and that compensation will be made for damages. If no such agreement is reached within 90 days, the matter is to be referred to arbitration by a neutral party identified by the Interior Department.

Section 203 provides that if no agreement under section 202 is reached within 90 days after going to arbitration, the Interior Department can permit energy development to proceed under an approved plan of operations and posting of an adequate bond. This section also requires the Interior Department to provide surface owners with an opportunity to comment on proposed plans of operations, participate in decisions regarding the amount of the bonds that will be required, and to participate in on-site inspections if the surface owners have reason to believe that plans of operations are not being followed. In addition, this section allows surface owners to petition the Interior Department for payments under bonds to compensate for damages and authorizes the Interior Department to release bonds after the energy development is completed and any damages have been compensated.

Section 204 requires the Interior Department to notify surface owners about lease sales and subsequent decisions involving federal oil or gas resources in their lands.

TITLE III.—RECLAMATION

This title amends current law to require parties producing oil or gas under a federal lease to restore affected lands and to post bonds to cover reclamation costs. It also requires the GAO to review Interior Department implementation of this part of the bill and to report to Congress about the results of that review and any recommendations for legislative or administrative changes to improve matters.

TITLE IV.—ABANDONED OIL OR GAS WELLS

Section 401 defines the wells that would be covered by the title.

Section 402 requires the Interior Department, in cooperation with the Department of Agriculture, to establish a program for reclamation and closure of abandoned wells on federal lands or that were drilled for development offederally-owned minerals in split-estate situations. It authorizes appropriations of $5 million in fiscal years 2005 and 2006.

Section 403 requires the Interior Department, in consultation with DOE, to establish a program to assist states and tribes to remedy environmental problems caused by abandoned oil or gas wells on non-federal and Indian lands. It authorizes appropriations of $5 million in fiscal years 2008, 2009, and 2010.

## ACKNOWLEDGING THE ACHIEVEMENTS OF THE 761ST TANK BATTALION, IN CELEBRATION OF BLACK HISTORY MONTH

### HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Friday, February 16, 2007*

Mr. RANGEL. Madam Speaker, I rise today in recognition of the service, courage and commitment to the United States displayed by the men who fought in the 761st Tank Battalion in World War II. The 761st Tank Battalion, also known as the Black Panthers, made history as the first all black tank unit to see combat.

Like the pilots of the 332nd Fighter Group, more affectionately known as Tuskegee Airmen, the men of 761st enlisted for service during a period in United States history characterized by strict segregation and barbaric acts of violence perpetrated against people of color. At home and in the military, these men experienced discrimination, were relegated to menial service positions and were called to duty only in times of intense crisis. Federal law prohibited black soldiers from serving alongside white troops and although all black regimens were formed few expected to see combat.

Following the efforts of Louisiana General Leslie J. McNair, the commander of the Army Ground Forces and the Black Press, who successfully argued that ''colored'' units should be employed in combat, the U.S. Army began to experiment with segregated combat units. On October 10, 1944, the 761st landed in France on the Normandy Peninsula. They were the first battalion deployed. Thirty black officers and 676 black enlisted men were assigned to General Patton's U.S. Third Army. Despite Patton's vocalization of doubts surrounding the use of black soldiers, the soldiers of the 761st committed themselves to fighting for their country on behalf of their race; an action some undoubtedly hoped would change perceptions of black people as inferior and subhuman. The battalion first saw combat on November 7, 1944. For 183 days, these men engaged and defeated the German Army in towns throughout France and Germany.

Although it would take years for historical records to be amended and rightfully reflect the courage and skill employed by the 761st we know now just how integral they were to achieving victory in WWII. Throughout their tour in combat the battalion helped to liberate more than 30 towns under Nazi control. Collectively, the men of the 761st were awarded 11 Silver Stars, 70 Bronze Stars, 250 Purple Hearts and a Medal of Honor. In 1945 a recommendation for a Presidential Unit Citation was submitted. President Jimmy Carter awarded it in 1978.

The men of the 761st fought for the right to represent this country during the Second World War. Before leaving and upon returning they continued to fight the bigotry, hatred and racism that served to thwart the great promises of this Nation. At all times they acted with dignity, conducting themselves admirably and