

EXTENSIONS OF REMARKS

DISAPPROVING A RULE SUBMITTED BY THE DEPARTMENT OF THE INTERIOR

SPEECH OF

HON. BILL JOHNSON

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 1, 2017

Mr. JOHNSON of Ohio. Mr. Speaker, the Resolution of Disapproval under the Congressional Review Act that we consider today, if enacted, would void the Stream Protection Rule (SPR). In light of an independent analysis of the potential impacts of the rule including the loss of at least one third of existing coal mining jobs, this resolution is absolutely critical for our Nation's coal miners, their communities, and the related industries that support and rely on coal mining.

If enacted, the joint resolution disapproving the SPR would bar the Office of Surface Mining, Reclamation and Enforcement (OSM) from reissuing the rule in substantially the same form, or issue a new rule that is substantially the same as the SPR, unless specifically authorized by subsequently enacted legislation. The SPR represents a near-complete regulatory re-write by adding, amending or modifying 475 different regulations under the Surface Mining Control and Reclamation Act (SMCRA) program. The unlawful and offending features of the rule include impermissibly duplicating and conflicting with other federal and state laws; diminishing the exclusive regulatory jurisdiction of States with approved programs under SMCRA; interfering with the primary governmental responsibility SMCRA delegates to States for developing, issuing and enforcing regulations for surface coal mining and reclamation operations within their borders; applying to underground mining operations standards and requirements intended for surface mining operations despite the distinct differences between surface and underground mining; and, requiring changes to approved state programs without a demonstration that the state program is no longer effective in meeting the purposes of SMCRA. Therefore, any rule which includes any of these components is substantially the same as the SPR for purposes of the Congressional Review Act.

An example of impermissible duplication or conflict with other federal and state laws or the authorities of other agencies would be a recently completed biological opinion and memorandum of understanding (MOU) between OSM and the U.S. Fish and Wildlife Service, the SPR allows the U.S. Fish and Wildlife Service to effectively veto any SMCRA permit simply by withholding approval. Issuing SMCRA permits is the exclusive province of SMCRA regulatory authorities, which in most cases are the States with approved SMCRA programs. Nothing in SMCRA or the Endangered Species Act (ESA) gives the U.S. Fish and Wildlife Service the power to disapprove, veto, or otherwise withhold a SMCRA permit.

Any rule subsequently promulgated by OSM which gives the U.S. Fish and Wildlife Service the authority to directly or indirectly disapprove SMCRA permits would be substantially the same as the SPR and therefore impermissible.

There are many other provisions which overlap, duplicate, or conflict with the requirements of other state and federal laws, which is prohibited by Section 702 of SMCRA. For example, the SPR violates both the Clean Water Act (CWA) and SMCRA by claiming for OSM the authority not only to enforce the CWA, but to also superimpose regulations that duplicate, conflict with and override CWA programs. Similarly, OSM vastly expanded the applicability of the ESA by requiring states and operators to account for species proposed for listing as threatened or endangered, which runs counter to the intent of the ESA and would have circumvented the rulemaking process established in the Administrative Procedures Act. Such self-deputization and usurpation of authority is a cornerstone of the SPR and any future rulemaking by OSM which attempts to duplicate, usurp, conflict with, or otherwise overlap with the existing requirements of other state and federal laws and the authorities of other state and federal agencies would be substantially the same as the SPR.

The SPR includes dozens of provisions which diminish the states' authority under SMCRA. Because of the wide diversity in physical conditions across the nation's coal fields, Congress expressly delegated to the states the authority for developing and tailoring SMCRA's requirements to those conditions. A good example of how the rule tramples the states' authority is its attempt to set a national definition for "material damage to the hydrologic balance outside the permit area." With the diversity in physical conditions and hydrology across the states and even within a state, it defies commonsense to promulgate a federal definition. It also robs the states of their delegated authority to tailor their rules in a manner that is suitable for meeting that statutory objective. To make matters worse, the rule precludes states from making appropriate adjustments on how SMCRA objectives should be achieved for distinct types of operations such as surface or underground mines. The rule is replete with examples of the mindset that only Washington knows best. Ironically, it's the states that possess the vast experience of regulating 97 percent of the coal mines in this country since SMCRA was passed in 1977. A rule that attempts to repeat this "one-size-fits-all" model would be substantially the same as the SPR.

IN HONOR OF SABU J.R. SHAKE,
THE PAISANO OF THE YEAR

HON. JIMMY PANETTA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 7, 2017

Mr. PANETTA. Mr. Speaker, I rise today to honor Sabu J.R. Shake, the Paisano of the

Year, for all that he has done for our community on the central coast of California.

The fourth son of Isabella Shake and the late Sabu Shake, Sr. and brother to Benji, David, Chris, Angelo, and Tene, Sabu was born and grew up in Monterey, California. He is the proud father of five children and grandfather of two.

From a young age, Sabu understood the value of hard work. He worked at the family restaurant, Old Fisherman's Grotto, as a busboy and worked his way up to become a maître d', cashier, and manager. Through this experience, he learned all aspects of the restaurant business.

Building on his early experience in the hospitality business, Sabu and his brother Chris opened The Fish Hopper restaurant on the historic Cannery Row in 1995. With the huge success of that restaurant, Sabu opened another Fish Hopper in Kona, Hawaii and, recently with Chris, Scales Seafood & Steaks on the Fisherman's Wharf in Monterey.

While Sabu is a pillar in the business community, he is also a steadfast servant to the community he calls home.

As a past board member of the Boys & Girls Club and current member of the Paisano Club, Chaine des Rotisseurs, Compari Club, Sheriff's Advisory Council, and Italian American Cultural Center Foundation, he has demonstrated an unwavering commitment to community service.

In memory of his father, Sabu Shake, Sr., Sabu organized the first Sabu's Safari to raise money for The Salvation Army's Monterey Peninsula Corps in 2007. Today, the annual gala is attended by close to 500 people and raises thousands of dollars for The Salvation Army. To date, this event has raised more than \$1,725,000.

In 2012, Sabu initiated a Turkey Drive challenge by reaching out to friends and business colleagues for donations to purchase turkeys for people in need during the holidays. The Turkey Drive has become an annual tradition which provides nearly 1,500 turkeys every year.

Sabu also hosts an annual Christmas Toy Drive. Through that event each year, nearly 300 toys are collected for The Salvation Army to give to children during the holidays.

Following Hurricane Iselle, which hit Hawaii in 2014, Sabu raised more than \$15,000 for The Salvation Army in Hawaii to aid recovery efforts. Later that fall, Sabu hosted the first annual Red Kettle Kickoff for The Salvation Army at The Fish Hopper in Kona, Hawaii and it was a huge success.

Due to his incredible generosity, The Salvation Army gave Sabu the M. Temple Elliott award and The Others Award, which is the highest national award given to a civilian by The Salvation Army.

Mr. Speaker, I know the whole U.S. House of Representatives joins me in honoring and congratulating Sabu J.R. Shake on being chosen as the Paisano of the Year.

Thank you, Sabu, for your service to our Central Coast and nation.

• This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

HONORING ETHAN MICHAEL CUPP

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 7, 2017

Mr. GRAVES of Missouri. Mr. Speaker, I proudly pause to recognize Ethan Michael Cupp. Ethan is 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 1351, and earning the most prestigious award of Eagle Scout.

Ethan has been very active with his troop, participating in many scout activities. Over the many years Ethan has been involved with scouting, he has not only earned numerous merit badges, but also the respect of his family, peers, and community. Most notably, Ethan has contributed to his community through his Eagle Scout project.

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

RECOGNIZING THE THOMAS
IRVINE DODGE NATURE CENTER

HON. BETTY McCOLLUM

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 7, 2017

Ms. McCOLLUM. Mr. Speaker, I rise today to recognize the volunteers, staff, visitors and supporters of the Thomas Irvine Dodge Nature Center in West Saint Paul, Minnesota on the occasion of the 50th Anniversary of the center. Founded in 1967 by Olivia Irvine Dodge, the center has served as a pioneering venue for environmental education and a premier outdoor classroom for generations of Minnesota students.

Dodge Nature Center is a rare jewel, located on 460 acres of land minutes from downtown Saint Paul, where visitors can hike for miles through prairies, hardwood forests, lakes, wetlands, and visit a working farm, orchard and bee apiary. The various biomes and landscapes provide an ever changing classroom for which to learn about the natural environment of Minnesota.

Olivia Irvine Dodge was a true trail blazer in environmental education, and the core mission of Dodge Nature Center is teaching children about the inherent beauty and complexity of the natural world around us. Throughout the past five decades, environmental educators at the center have developed an expansive environmental curriculum that has introduced hundreds of thousands of students from the Twin Cities to the science of the great outdoors. Because of the vision of Olivia Irvine Dodge and the center board and staff, children and adults alike learn how to care for and appreciate the incredible splendor of Minnesota's natural surroundings.

Growing up in neighboring South Saint Paul, I was fortunate to have many opportunities to visit and learn at Dodge Nature Center both as a child and as a young. Leading groups of children through the nature center to learn about the plants and animals around us was

a highlight of my summers as a YMCA camp counselor. Then as it is now, the Dodge Nature Center is an integral part of our community that allows children and adults alike to connect with nature, and enables them to learn about science and conservation. Today, opportunities to visit Dodge remain special events for me. Whatever the season, I look forward to walking trails to experience nature right in the backyard of Minnesota's capital city.

On February 9th, Dodge Nature Center staff, volunteers, friends, family and supporters will gather to celebrate five decades of the center's mission to connect people to nature through education. In honoring this occasion, it is particularly fitting that Richard Louv will headline the gathering. As a world renowned author and environmental educator, Mr. Louv literally wrote the book about how to counter nature-deficit disorder and reconnect children and their families with the natural world. His work has sparked an international movement for the great outdoors that builds on the foundation forged by Olivia Irvine Dodge.

Mr. Speaker, please join me in rising to recognize the 50th Anniversary of Dodge Nature Center, and commend the passion and dedication of so many volunteers, staff and board members for providing exceptional environmental education for today's youth and for future generations of Minnesotans.

RECOGNIZING MAX WARD

HON. DOUG COLLINS

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 7, 2017

Mr. COLLINS of Georgia. Mr. Speaker, I rise today to recognize a longtime business leader in north Georgia, Max F. Ward, who passed away on January 25th. He was a loving husband, devoted father, and loyal friend, and his innovation and dedication to his work expanded and strengthened the poultry industry of the Ninth District.

Mr. Ward graduated from Vanderbilt University in 1942 and continued his education at the University of Memphis Law School. Shortly after graduating, Mr. Ward joined the 20th Air Force Division, where he served for four years during World War II. During his military career, he earned a Presidential Citation, the Good Conduct Medal, two bronze stars, and several theater ribbons.

In 1950, Mr. Ward moved to Gainesville and joined the poultry industry, serving as President of Mar-Jac Poultry and Vice President of CWT Farms International, both successful job-creators in Gainesville, GA.

When he was not growing the district's poultry industry, Mr. Ward was serving the community in other ways.

Mr. Ward was also an Eagle Scout and the Scoutmaster for Troop 16 of the Gainesville First United Methodist Church. In 1993, he was voted Rotary Club Man of the Year.

Mr. Speaker, I am honored to recognize the life and accomplishments of this influential leader of industry in northeast Georgia, Mr. Max Ward. May his family and our communities be encouraged by his legacy.

IN HONOR OF HENRY "HANK" ADAMS

HON. JEFF DENHAM

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 7, 2017

Mr. DENHAM. Mr. Speaker, I rise today to acknowledge and honor the life of an exemplary leader in the Turlock Assyrian community, Henry "Hank" Adams. The beloved husband, brother, father, and grandfather died at the age of 92 on Friday, February 3, 2017.

Born and raised in Turlock, California to Reverend Isaac and Sarah Adams, Henry was one of eight children. His father is known as the patriarch of Turlock's Assyrian community and is honored each year at the annual Assyrian Festival. Isaac Adams was the driving force behind Turlock becoming home to the largest Assyrian population in California. He encouraged his fellow Assyrians to join him in the Central Valley and farm in the rich soils of the region.

In 1943, at the age of 18, Henry graduated from Turlock High School and received his draft notice to serve in World War II. Instead, he drove to Castle Air Force Base in Atwater, California and enlisted in the Army Air Corps. Henry completed over 20 bombing missions in Japan on the Lucky Lady B-29 bomber. On August 6, 1945, he remained on standby, waiting for an order to take off in case of retaliation after the Enola Gay dropped the atomic bomb on Hiroshima while stationed on Tinian Island.

Discharged at the rank of Lieutenant in 1947, Henry moved to San Francisco where he married his wife, Joanne Tuohey. He later worked at Lockheed Martin Missiles and Space in Sunnyvale and retired in 1989. Following his retirement, the couple traveled across the world and settled back down in Henry's hometown of Turlock.

Henry had a genuine love for his country and his community. He was known for his service and contributions to the Assyrian community, where he continued the legacy that his father left behind. Henry leaves behind the love of his life and his wife of sixty-two years, Joanne, their two daughters, Nora Adams and Nellie Adams-Morse, two grandchildren, and sister Florence Essa Johnson.

Mr. Speaker, please join me in honoring and recognizing the life of Henry "Hank" Adams for his service to his country, his unwavering leadership and many accomplishments and contributions to the Turlock Assyrian community. God bless him always.

HONORING MITCHELL KARL WOLBERT

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 7, 2017

Mr. GRAVES of Missouri. Mr. Speaker, I proudly pause to recognize Mitchell Karl Wolbert. Mitchell is 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 1351, and earning the most prestigious award of Eagle Scout.