

vessels, particularly when close to the shore or at ports.

Name of Intended Recipient: University of Delaware

Location: Hullahen Hall, University of Delaware, Newark, DE 19716

Requesting Member: Congressman MICHAEL N. CASTLE

Account: RDTE, A

Name of Project: Cybersecurity in Tactical Environments

Project Description: The Act includes \$800,000 for research, development, testing and evaluation to detect vulnerabilities and intrusions in the U.S. Army's battlefield networks.

The U.S. Army uses mobile computer networks to both communicate between soldiers, and between soldiers and their weapons systems. This concept is called network centric warfare, and the security and availability of this network is critical to combat operations. The project will focus on detection of data exfiltration in tactical networks, intrusion detection in mobile ad-hoc networks, detection of malicious hardware and software components, and detecting security threats in commercial off the shelf (COTS) wireless networking equipment.

Name of Intended Recipient: Fraunhofer USA Center for Molecular Biotechnology

Location: 9 Innovation Way, Suite 200, Newark, DE 19711

Requesting Member: Congressman MICHAEL N. CASTLE

Account: RDTE, DW

Name of Project: Army Plant Vaccine Development Program

Project Description: The Act includes \$1,600,000 for research, development, testing, and evaluation to deliver a combined multivalent one-shot vaccine to protect the U.S. Armed Forces and civilian communities against plague and anthrax. This quick response ability can assist communities around the world with mass therapeutic treatment or for mass vaccination in the event of bioterrorist attack or natural disease outbreak such as an avian influenza.

Name of Intended Recipient: Delaware National Guard

Location: First Regiment Road, Wilmington, DE 19805

Requesting Member: Congressman MICHAEL N. CASTLE

Account: OP, A

Name of Project: Phoenix Quad-Band Satellite Receiver for the Delaware National Guard

Project Description: The Act includes \$3,200,000 for a mobile communications terminal to provide the Delaware National Guard with improved high data rate exchanges between various satellites and ground communications systems in secure and non-secure digital formats.

GRATITUDE FOR THE SERVICE OF  
GEORGE C. ELLIOTT

**HON. JOHN CONYERS, JR.**

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, December 16, 2009*

Mr. CONYERS. Madam Speaker, I rise today to honor George C. Elliott for his two

years of dedicated service to the Committee on the Judiciary. As a detailee from the United States Patent and Trademark Office (USPTO), George spent a year with the Committee in 2007 and was gracious enough to come back for another year when I requested him again in 2009. George will be returning to the USPTO at the end of 2009, where he will resume his duties as a Director.

George came to work for the Committee to support Congress' efforts to pass patent reform legislation. George's knowledge and experience in patent law proved invaluable to this endeavor. In the 110th Congress, George's tireless work in advising and crafting policy options contributed greatly to passage of the House of Representative's patent reform legislation, H.R. 1908. His dedication to this task continued in the 111th Congress, where he has played an equally important role in advancing patent reform legislation.

In addition to patent reform, George has worked on a variety of other intellectual property policy and legislative matters, including patent settlements, technology transfer, gene patents, and USPTO appropriations. George's expertise, work ethic, and friendly nature have earned him the respect and admiration of his colleagues. He has become a fixture of the Committee's staff and a valued member of the Committee's intellectual property team.

We were privileged to have this opportunity to work with George and we wish him all the best in his future endeavors.

HONORING THE CAREER OF DON  
LINDSEY

**HON. RALPH M. HALL**

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, December 16, 2009*

Mr. HALL of Texas. Madam Speaker, the Boy Scouts of America, which will celebrate its 100th Anniversary on February 8, 2010, has contributed to our communities through their leadership and dedication over the past 100 years, creating a better environment for our families to live, work and play. I rise today to pay tribute to one individual in particular, Mr. Don Lindsey, who began his scouting career in 1957. As an Eagle Scout, Mr. Lindsey took over a newly formed group as a Scoutmaster, a position he held for 31 years, and was directly involved in the making of 144 Eagle Scouts from this troop. He has served as a Boy Scout Chairman twice, and is directly responsible for \$4.4 million in facility renovations and new additions to Clements Scout Ranch over the last four years, with another \$6 million slotted for use.

Along with his service to the Boy Scouts of America over the past 52 years, Mr. Lindsey has been involved in service to his community and country in many other forms. He served as mayor of Terrell, Texas for ten years, County Fire Marshall for eight years, and retired from 35 years of military service as an Army Command Sergeant Major. In his church, Mr. Lindsey has served as an elder, deacon, and board member. He currently serves as a Council Committee Member and Summer Camp Director for Circle Ten Council.

His contributions to his community have been recognized through the many awards and decorations he has received, including the

Whitney Young Award; God and Service Award; Citizen of the Year for Terrell, Texas; Silver Beaver; and the George Meany Award.

Mr. Lindsey is a man who lives by example through his service to God, country, and through his role as a Scout, which has garnered him respect by all those who come in contact with him. Madam Speaker, I ask those present today to join me in recognizing a true servant to our country, Mr. Don Lindsey.

RECOGNIZING KYLE FOSS AND  
MICHAEL HAWKEN

**HON. HOWARD P. "BUCK" McKEON**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, December 16, 2009*

Mr. McKEON. Madam Speaker, I rise today to recognize two incredible young men, Kyle Foss and Michael Hawken. Both Kyle and Michael have achieved three prestigious honors: the Eagle Scout Award, the Venturing Silver Medal, and the Venturing Ranger Award. Nationally, less than one in ten thousand Boy Scouts earn all three of these honors, and they are the first young men in the history of California's 25th Congressional District to earn these prestigious honors.

The hard work and dedication of Kyle and Michael will pay dividends throughout their lives. The Boy Scouts teach boys and young men the value of hard work, commitment, community service, and morality. Kyle and Michael have been shaped by this outstanding organization and will continue to build on the strength of the program.

Kyle and Michael have proven to be young men of great character. They have learned what it means to be responsible citizens and have committed themselves to improving the communities in which they live. In a fast-paced and rapidly changing world, Kyle and Michael have anchored themselves in the most consistent fundamentals of America. I admire their spirit and enthusiasm to go above and beyond their duties in all that they do. I thank these young men for their service to our community, our state, our nation, and congratulate them on their remarkable achievements.

WALTONVILLE COAL  
GASIFICATION PLANT

**HON. JOHN SHIMKUS**

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, December 16, 2009*

Mr. SHIMKUS. Madam Speaker, I rise today to express my opposition to the encroachment of federal authority into matters of the state and the continued appeasement of environmental special interests over the well-being of the American people.

Several weeks ago, the Illinois Environmental Protection Agency permitted the construction of a new coal gasification plant near Waltonville, IL. An appeal was filed to prevent construction with the U.S. EPA based on their "finding that carbon dioxide and other greenhouse gases represent a significant threat to public health and welfare."

Burdensome regulations levied on unsubstantiated science will destroy jobs. Coal gasification, the production of coal gas to convert

into liquid gasoline, is a real solution to rising energy prices and it creates jobs here in the United States.

Taking drastic precautionary steps like those suggested by the EPA will have profound consequences on workers in Southern Illinois and all people throughout the country. Government action to reduce greenhouse gas emissions is not without a heavy cost. It is irresponsible for a group of unelected bureaucrats at the EPA to make significant policy decisions that will restrain and prevent job creation based on unproven science. The EPA's response to their endangerment findings will more certainly endanger the economic well-being of Americans than fulfill the Obama Administration's promise of reducing carbon emissions or lowering global temperature.

#### HONORING THE ACCOMPLISHMENTS OF MALIA CALI

#### HON. STEVE SCALISE

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 16, 2009

Mr. SCALISE. Madam Speaker, I rise today to honor Malia Cali, the 2009 High School Heisman Award winner. Malia is a senior at St. Thomas Aquinas High School in Hammond, Louisiana, and is only the second winner in the history of the award from the State of Louisiana. She is a three-year All State selection in track and field, cross-country and soccer. Off the field, Malia founded "Cleats for Kids," a non-profit organization that collects used cleats and distributes them to children in Nicaragua. As if her impressive athletic and community service achievements weren't enough, Malia also has the No. 1 academic ranking in her senior class.

The High School Heisman has been awarded to one male and one female student each year since 1994. The High School Heisman recognizes the Nation's most esteemed high school senior men and women for excellence in academics, athletics and community service. Malia's success both on and off the field is a testament to what can be accomplished with hard work, dedication, and a commitment to others.

It's easy to see why Malia Cali was selected over nearly 55,000 other entrants in this competition. Malia is truly deserving of this prestigious award. Her successes and achievements shine brightly on the State of Louisiana, and I am proud to highlight the accomplishments of Malia Cali here today.

#### STATEMENT ON H.R. 4173, THE WALL STREET REFORM AND CONSUMER PROTECTION ACT OF 2009

#### HON. MELISSA L. BEAN

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 16, 2009

Ms. BEAN. Madam Speaker, as the principal author of the compromise provision regarding the preemption of State consumer fi-

nancial laws under the National Bank Act and the Home Owners Loan Act that was included in the manager's amendment on page 139 to 150, I wanted to take this opportunity to explain to my colleagues my intention in drafting the language.

The compromise language made improvements in several areas to allow national banks and Federal savings associations, which are institutions that operate under a national charter to comply with a uniform national standard where appropriate. I would like to further explain four components of the compromise specifically for the House. Those components include (1) limiting the scope of new preemption procedures to State consumer financial laws, so as not to affect preemption for other State laws; (2) the ability for categories of State consumer financial law to be preempted; (3) modifications of the preemption standard to more accurately reflect the Supreme Court Case of *Barnett Bank v. Nelson*, which established the preemption standard currently applied to national banks and Federal savings associations; and (4) the degree of deference afforded to the Office of the Comptroller of the Currency and Office of Thrift Supervision by the courts.

First, under the compromise, the changes to preemption procedures under the National Bank Act for national banks and the Home Owners Loan Act for Federal savings associations are exclusively limited to State consumer financial laws. During the drafting of the compromise, I removed a sentence, previously suggested by the Committee that said national banks are to generally comply with State law. I removed this sentence because I wanted to make clear that the changes in the Act do not alter the preemption standards and precedents that apply to those State laws which are not State consumer financial laws. Narrowing the scope to just State consumer financial law is consistent with the initial scope of Subtitle D of H.R. 3126, The Consumer Financial Protection Act, when it was introduced in July 2009.

Second, the compromise language included language that allows for categories of State consumer financial law to be preempted. This means that if the Comptroller of the Currency (the regulator of national banks) or the Director of the Office of Thrift Supervision (the regulator of Federal savings associations) determines a State consumer financial law in a particular state should be preempted because it "prevents, significantly interferes with, or materially impairs" the abilities of a national bank or Federal savings association, then that specific determination can be applied to other States' consumer financial laws with equivalent terms. For example, if one state seeks to require additional disclosure requirements for credit cards that the Comptroller of the Currency determines "prevents, significantly interferes with, or materially impairs" the ability of a national bank to engage in the business of banking, that determination can be applied to another state's credit card disclosure laws if those laws have equivalent terms.

Third, a critical portion of the compromise was drafting a preemption standard that embodied existing precedent. The preemption standard that was reported out of the Financial Services Committee stated that a State law could be preempted if it "prevents or significantly interferes with" the ability of a national bank (or a Federal savings association) to en-

gage in the business of banking. "Prevents or significantly interferes with" has been often mentioned as the shorthand citation of the preemption standard established by the Supreme Court in 1996 in *Barnett Bank v. Nelson*. However, as I and many others have noted, the Supreme Court ruling was not limited to those two terms as the only circumstance in which preemption of State laws is appropriate. In fact, they expanded on those words by saying that a State law should be preempted not only when it "prevents or significantly interferes with," but also "stands as an obstacle to the accomplishment of the purposes," "encroach(es) on," "destroy(s) or hamper(s)," or "impair(s)."

Since the *Barnett* case describes a number of situations in which State law is preempted, in addition to the "prevents or significantly interferes with" standard, I was concerned that limiting the underlying text to the shorthand expression of "prevents or significantly interferes with" could be construed as narrowing the Constitutional standard. I therefore added the words "materially impairs," so that there would be no question that the preemption standard is the same as the standard described in *Barnett*, and that State consumer financial law may be preempted if it violates any of the well established Constitutional benchmarks for preemption. I chose the word "materially" because if the impairment is not material—meaning it would only have a negligible effect on the bank—it should not be subject to preemption under current law.

When making preemption determinations on State consumer financial laws, the Comptroller of the Currency for national banks, Director of the Office of Thrift Supervision for Federal savings associations, or the Court must find that Federal law applicable to national banks and Federal savings associations, including regulations and similar issuances, deals with the subject or activity that the State consumer financial law is seeking to regulate. A good example is the detailed disclosure requirements set by Federal law and Federal regulators, developed after substantial consumer testing, that apply to certain types of consumer financial products.

Finally, the compromise language is intended to clarify that when a court is reviewing an OCC determination concerning the proper interpretation of the National Bank Act or other Federal law that the OCC is charged with administering, the court is to apply the traditional deference accorded to an agency, often referred to as "Chevron" deference. The same clarification applies when a court is reviewing an OTS determination regarding the proper interpretation of the Home Owners Loan Act or other Federal law that the OTS administers. Further, while the underlying legislation directed the courts to apply a different type of deference to OCC or OTS preemption determinations, the compromise amendment makes clear that the Chevron deference standard applies to all OCC and OTS interpretations of Federal law, the National Bank Act, and the Home Owners Loan Act, including those made in the context of a preemption determination.

Madam Speaker, I thank you for the opportunity to further explain the preemption compromise I drafted in the manager's amendment.

I yield back the balance of my time.