

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.

IN CELEBRATION OF THE WORK
OF RONALD EUGENE KIRK

HON. DAVID SCOTT

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 16, 2009

Mr. SCOTT of Georgia. Madam Speaker I rise today to honor a dedicated member of my staff, Mr. Ronald Kirk, who has dedicated his life to government service. Born on November 2, 1944, in New York City to William Henry Kirk and Marjorie Smith Kirk, Ronald Eugene Kirk, the fourth of five children, was born and raised in Harlem and is a product of the New York City Public School system. Ron's passion for community involvement and neighborhood empowerment was evident from the start of his life. After receiving a bachelor's in business administration from Pace University and a master's in business management from Manhattan College, Ron began his lifelong involvement in community service.

Early on, Ron became politically active and cut his teeth with such community based organizations as the Community Planning Board #10 in Manhattan, the Community Corporation/Harlem Youth in Action, Model Cities and several political organizations established in the Harlem community. He was twice elected Democratic District Leader in the 70th Assembly District of New York. Ron served as foundation director of the City University of New York and as a confidential secretary to a New York Supreme Court Judge. During his time in New York, Ron received numerous accolades and commendations from such notable individuals as Representative CHARLIE RANGEL, former Mayor David Dinkins, Former New York Secretaries of State Basil Patterson and Percy Sutton. His efforts have been recognized by organizations such as the Sickle Cell Foundation, the Catholic Youth Organization, and the New York City Department for the Aging.

Upon moving to Atlanta, Ron served as a dedicated host for the 1996 Olympics held in Atlanta, Georgia, and worked for the David Scott for Congress campaign in 2002. For the past 8 years he has served admirably as my senior Immigration/Department of State Specialist and Constituent Services Representative.

Ron is a dedicated family man, having been married to the lovely Emma for 38 years, has two beautiful children, Kwesi and Amina, and three wonderful grandsons, Nikai, James and Malachai. Ron is actively involved in community outreach and the Red Oak Methodist Church in Stockbridge, Georgia.

It is with a heavy heart that I and my staff say goodbye to Ron as he retires from my Congressional staff. I am extremely proud of the accomplishments Ron has made throughout his life and for his outstanding work in my office. As this chapter of Ron's life closes and he begins his new chapter, it is a blessing to know that Ron's ability to be a social catalyst touched the lives of many in the 13th District of Georgia and the Nation. Ron, I wish you every success for the future and thank you for your outstanding work effort, passion for change, and your ability to look at the impossible and ask, "why not?"

God bless Ron Kirk.

RECOGNIZING THE 75TH WEDDING
ANNIVERSARY OF MARVIN AND
MARY LOU COHRON

HON. JEFF MILLER

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 16, 2009

Mr. MILLER of Florida. Madam Speaker, I rise today to recognize Marvin and Mary Lou Cohron on the occasion of their 75th wedding anniversary. Their 75 years of marriage is a testament to all American families, and I am proud to honor the Cohrons.

Marvin and Mary Lou first met at Excel Junior High School in Monroe County, Alabama, around 1932. Both were the children of farming families and spent much of their free time going to church services and social functions. On a Sunday evening, December 23, 1934, Marvin drove Mary Lou and some of her family to the home of the Justice of the Peace where the two were married. Marvin was 16 and Mary Lou was 15.

After their marriage, Marvin and Mary Lou tried their hand at farming. After 3 years of marriage, Marvin had saved enough money from the sale of collard greens they had grown to buy Mary Lou a wedding band. Marvin moved to Pensacola, Florida, in 1939 and started work at the Pensacola City Bus Company while Mary Lou continued working at Vanity Fair in Alabama until she was able to join her husband in Pensacola. In 1943, Marvin was drafted into the United States Navy where he served honorably in World War II. He then went to school on the G.I. Bill to learn refrigeration maintenance and repair. In 1950, Marvin began work at Navy Point stores before going into business for himself in 1958. He opened Cohron's Air Conditioning/Refrigeration Sales and Service and Mary Lou worked as the bookkeeper and secretary for the office. In 1986, the Cohrons retired. They now spend their days enjoying fishing, camping, and ballroom dancing. They belong to several seniors' dance clubs and Mary Lou belongs to the Red Hat Society.

Madam Speaker, on behalf of the United States Congress, I am privileged to recognize the 75th wedding anniversary of Marvin and Mary Lou Cohron. Their family has been an invaluable part of our community for over seventy years. My wife Vicki and I wish Marvin and Mary Lou, their 5 daughters, 10 grandchildren, 12 great-grandchildren, and great-great grandchild all the best.

HONORING JUDGE DRAYER

HON. JIM GERLACH

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 16, 2009

Mr. GERLACH. Madam Speaker, I rise today to honor the Honorable Calvin S. Drayer Jr. who is retiring after faithfully serving the people of Montgomery County, Pennsylvania, as a Common Pleas Court Judge since 1998.

Before joining the Montgomery County Court, Judge Drayer had a distinguished legal career that spanned nearly 30 years. He was a founding partner in the Norristown-based firm of Wilson, Drayer, Morrow and Broderick where he concentrated on estates and trust law.

Despite his demanding career and heavy caseload, Judge Drayer has always been generous with his time and talent outside the courtroom. He is a Fellow of the American College of Trusts and Estate Counsel and a member of both the Supreme Court Orphans' Court Procedural Rules Committee and the Pennsylvania Joint State Government Commission Advisory Committee on Descendents' Estates. Judge Drayer also was an organizer of the probate and Tax Section of the Montgomery County Bar Association and an adjunct professor in the graduate tax program at the Villanova University School of Law.

Madam Speaker, I ask that my colleagues join me today in recognizing the outstanding service and extraordinary career of the Honorable Calvin S. Drayer Jr. and all who dedicate their careers to the pursuit of justice.

A TRIBUTE TO FLOYD HAYS ELLIS

HON. BRETT GUTHRIE

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 16, 2009

Mr. GUTHRIE. Madam Speaker, I rise today to honor the memory of a truly remarkable Kentuckian, Floyd Hays Ellis. Over the course of his long and storied life as a farmer, soldier, businessman and state senator, Bowling Green's favorite son embodied the values of the "Greatest Generation" to which he belonged.

Generous in the extreme, Ellis was just as thoughtful a legislator as he was a friend and father. Known for his winning smile and wry sense of humor, he proved to be a canny businessman, as well. He served for 20 years as the president and CEO of the Warren Rural Electric Cooperative Corp., in addition to chairing the boards of Citizens First Bank, Trans Financial Bank Corp., Commonwealth Health Corp. and the Kentucky Association of Electric Cooperatives.

Though many people who enjoy his level of success often sacrifice their private lives for the sake of their profession, Floyd never put his work before family and friends. To the contrary, Floyd's natural sociability and devotion to his loved ones was perhaps his most remarkable trait.

Sadly, on Saturday, December 12, 2009, Floyd Hays Ellis passed away in the company of his long-time group of friends and confidants; and while Kentucky may never again see one of its finest sons, the evidence of his legacy will be visible in the countless lives that he touched.

HISTORICAL PERSPECTIVE OF THE
ONEIDA TRIBE OF INDIANS OF
WISCONSIN

HON. STEVE KAGEN

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 16, 2009

Mr. KAGEN. Madam Speaker, the Oneida Tribe of Indians of Wisconsin is sovereign government with a long and proud history of self-government. We are a federally recognized treaty tribe of the United States. We have faced threats and continue to face