

INTRODUCTION OF THE "SHIELD
OUR STREETS ACT OF 2015"**HON. JOHN CONYERS, JR.**

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 6, 2015

Mr. CONYERS. Mr. Speaker, today, I am introducing an important bill to respond to the crisis that some jurisdictions are facing with respect to hiring police officers and funding programs to enhance public safety. This bill would establish two public safety grant programs.

Section 2 establishes Shield Police Hiring Grants, to be implemented by the Attorney General, to provide grants to law enforcement agencies that operate in Elevated Need Localities. An "Elevated Need Locality" is a county (or unit of local government which is not part of a county) which (1) has a crime rate above the national average, and (2) has had budget reductions during the most recent 5-year period. These law enforcement agencies could apply to the Attorney General to receive funds to hire law enforcement officers, or to rehire officers who have been laid off due to budget reductions.

Grants would last for three years and may be extended by two years at the discretion of the Attorney General. \$100 million for each fiscal year 2016 through 2021 are authorized to be appropriated for this program.

Section 3 establishes Shield Public Safety Enhancement Grants, to be implemented by the Attorney General, to provide grants to units of local government that has jurisdiction over all or part of an Elevated Need Locality. Local governments could apply to the Attorney General to receive funds to enhance public safety in a number of ways, such as purchasing public safety equipment, finding public safety programs, making infrastructure improvements for the purpose of enhancing public safety, purchasing and installing street lights to deter crime, funding activities related to crime labs, and funding public defender programs. Non-profit organizations operating in Elevated Need Localities may also apply for grants under this program to fund initiatives designed to reduce crime in these jurisdictions.

Grants would be for one year but may be extended at the discretion of the Attorney General. \$100 million for each fiscal year 2016 through 2021 are authorized to be appropriated for this program.

These programs will help enhance public safety in jurisdictions facing high crime rates and particularly acute budget issues. The programs would be available to fund the hiring of police officers and the operation of initiatives to address public safety and crime. Programs that enhance public safety will prevent crime, which will decrease the victimization of our citizens and reduce the financial costs associated with crime. That is why this legislation is necessary.

IN MEMORY OF GOVERNOR JAMES
BURROWS EDWARDS**HON. JOE WILSON**

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 6, 2015

Mr. WILSON of South Carolina. Mr. Speaker, during Christmas week the people of South Carolina lost a true patriot with the death of Doctor James B. Edwards of Mount Pleasant. The following obituary highlights his love and affection for his devoted family and community.

JAMES BURROWS EDWARDS
OBITUARY

James Burrows Edwards Mt. Pleasant—James Burrows Edwards, DMD, 87, of Mount Pleasant, South Carolina, died Friday, December 26, 2014. Jim was born June 24, 1927, in Hawthorne, Florida to the late O.M. and Bertie Ray Edwards. Both parents were school teachers, careers which led them to St. Andrews, South Carolina, in 1935 and Mt. Pleasant in 1937.

As a boy in Mt. Pleasant, Jim spent his spare time at Ft. Moultrie, home of the 263rd Coast Artillery, and acquired a lifelong love of the military and life at sea. Jim graduated from Moultrie High School in June 1944, and took a job with the Army Transportation Corps as a deck hand on an L-78 tug boat. Though only 17 years old, he joined the Merchant Marines in December 1944. Jim was assigned to the Dogwood, a Liberty Ship converted to a hospital ship transporting wounded servicemen home from Europe. Eventually he also served on the U.S.A.T. Bridgeport, the George Washington, and the Larkspur. Jim worked his way through the ranks from ordinary seaman to an officer by age 19, licensed to pilot ships transporting "any tonnage on any water in the world."

In 1947, Jim began studies at the College of Charleston, while also working as a night officer on ships as a member of the Master, Mates and Pilots Association. During summers, he remained active in seafaring trade, delivering coal to France and England, granite for the Santee Cooper Dam, and general cargo to ports throughout the Caribbean and South America.

Jim graduated from the College of Charleston in 1951, married Ann Darlington, his childhood sweetheart, and entered dental school at the University of Louisville. Upon graduation, he served two years on active duty with the U.S. Navy in Chincoteague, Virginia, as a general dentist. He would remain active in the United States Naval Reserve until 1967, retiring as a lieutenant commander.

After completing graduate medical training at the University of Pennsylvania in 1958 and a residency at Henry Ford Hospital in Detroit, Michigan, in 1959, Jim pursued his dream to return to Charleston, establishing his practice in Oral and Maxillofacial surgery in 1960.

While building a thriving practice, Jim entered the political arena, serving six years as the Charleston County Republican Party chairman. An unsuccessful bid for the United States Congress in 1971 was soon followed by his election to the South Carolina State Senate in 1972. Two years later, Jim was elected Governor of South Carolina—the state's first Republican Governor since reconstruction. Jim served as governor from 1975 to 1979, returning briefly to his oral surgery practice in Charleston.

In 1981, President Ronald Reagan appointed Jim as Secretary of the United States Department of Energy, a position he

held until November 1982, when he was called as president of the Medical University of South Carolina. Jim served as president of MUSC for 17 years, retiring in 2000. As president emeritus, Jim actively continued fundraising for the MUSC Health Sciences Foundation until 2014.

Among numerous civic and academic honors, Jim was granted the Order of the Palmetto for his public service to the State of South Carolina, and is an inductee into the South Carolina Hall of Fame. He served on the Board of Directors of the Harry Frank Guggenheim Foundation, the Gaylord and Dorothy Donnelly Foundation, SCANA, South Carolina National Bank, Encyclopedia Britannica, Waste Management, Chemical Waste Management, J. P. Stevens, Brendles, IMO Delaval, Inc., Phillips Petroleum, National Data Corporation, Burris Chemical Co., the W. M. Benton Foundation, the MUSC Health Sciences Foundation, and the Communications Satellite Corporation (COMSAT).

Jim is survived by his beloved wife of 63 years, Ann; his son, James B. Edwards, Jr. and his wife, Jenny, of Columbia; his daughter, Catharine E. Wingate, and her husband, Ken, of Columbia; grandchildren, Miriam Wingate Ashworth, K. Bryan Wingate, Jr., Ansley Darlington Edwards, James B. Edwards, III, Catharine Paxson Wingate, and Hellen Tucker Edwards; one great-grandchild, Eliza Ann Wingate, and numerous nephews and nieces. In addition to his parents, Jim was preceded in death by his sister, Josephine E. Pinckney, his brother, Dr. Morton Thomas Edwards, his sisters, Ada Frances E. Melchers and Jane Ann E. Varn.

Visitation will be from 5:30 until 7:30 p.m. on Sunday, December 28, 2014 at St. Luke's Chapel, on the Campus of the Medical University of South Carolina. The funeral service will be conducted at St. Philip's Church at 1:00 p.m. on Monday, December 29, 2014 by The Rt. Rev'd. Dr. C. FitzSimons Allison. Interment will follow in the churchyard of Christ Church, Mt. Pleasant, after which the family will receive visitors in the parish hall of Christ Church.

The family requests, in lieu of flowers, that memorials be made to the MUSC Foundation for the College of Nursing or for the College of Dental Medicine. (MUSC Foundation, 18 Bee Street, Charleston, SC 29425).

Arrangements by J. Henry Stuhr Inc., Mount Pleasant Chapel. A memorial message may be sent to the family by visiting our website at www.jhenrystuhr.com. Visit our guestbook at www.legacy.com/obituaries/charleston.

The Lexington County Chronicle published an inspiring tribute which reflects the extraordinary impact of Lexington County voters in 1974 where the county's victory margin of 10,433 was a large majority of the statewide victory margin of 17,477.

As an indication of the family's appreciation of Lexington County, its Member of Congress, JOE WILSON, was selected to be an Honorary Pall Bearer.

FORMER S.C. GOV. JAMES EDWARDS SUCCEUMBS
TO STROKE

(By Hal Millard)

James B. Edwards, the state's first GOP governor since Reconstruction, has died.

He was 87. Edwards, a dentist by trade who in 1974 became the first Republican governor in South Carolina since 1876, died Dec. 26 at his Mount Pleasant home from complications caused by a stroke.

Politicians throughout the state mourned his passing.

Expressing her sympathy, Gov. Nikki Haley wrote on Facebook that Edwards "appreciated the opportunities and challenges of this office."

“Governor Edwards always offered kind words of support and encouragement—and we are forever grateful for his friendship,” Haley wrote. “Michael and I are deeply saddened by the passing of Governor Edwards, whose love for South Carolina inspired him to serve until his last day . . .”

GOP Congressman Joe Wilson of Springdale echoed those sentiments and added, “I am grateful to have had a lifetime of working with Dr. Jim Edwards, and the honor of knowing his wife Anne, daughter Cathy, and son Jim. Dr. Edwards was a tireless stalwart for conservative limited government to expand freedom.

“In high school, I would visit his dental office for Goldwater materials, in his capacity as Charleston County Republican Chairman,” Wilson continued. “In 1974, he courageously ran and was elected as South Carolina’s first Republican governor. At that time, I worked with him on the State Development Board, where he recruited Michelin Tire Corporation to produce job opportunities for our citizens. I was honored to serve him in the visionary Reagan Administration as Deputy General Counsel as he achieved success in deregulation as Secretary of Energy.

Wilson also hailed Edwards’ 17-year tenure as president of the Medical University of South Carolina.

“His return to Charleston as president of the Medical University of South Carolina resulted in MUSC becoming recognized for world-class universities,” Wilson said. “South Carolina has lost a Southern Gentleman, devoted dad and grandfather, who has made a difference as a key architect for a political revolution.”

Wilson noted that Edwards’ groundbreaking win in 1974 was a precursor to the current Republican dominance in the Deep South.

“Dr Edwards’ vision of an inclusive Republican Party came to fulfillment [in December] with the U.S. Senate victory in Louisiana, from his start with no elected statewide Republican officials in the five-state Deep South, and now all statewide officials are Republicans,” Wilson said.

Edwards became governor amid the turmoil of the Watergate years and was one of the few GOP bright spots in an election year in which Democrats dominated. A long-shot candidate who had previously served two years as a state senator from Charleston County, Edwards defeated Gen. William Westmoreland in the GOP primary, then upset long-time Democratic Congressman William Jennings Bryan Dorn in the general election.

Edwards served in an era when governors were prohibited from serving consecutive terms. Following his term as governor, Edwards was nominated as President Ronald Reagan’s Energy Secretary; serving two years in that role before resigning to become president of MUSC.

PROTECTING EMPLOYEES AND RETIREES IN BUSINESS BANKRUPTCIES ACT OF 2015

HON. JOHN CONYERS, JR.

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 6, 2015

Mr. CONYERS. Mr. Speaker, I submit the following.

SUMMARY

Throughout our Nation’s history, hard-working American men and women have labored to make our businesses become the

most productive and dynamic in the world. Unfortunately, when some of these businesses encounter financial difficulties and seek to reorganize their debts under Chapter 11 of the Bankruptcy Code, these very same workers and retirees are often asked to make major sacrifices through lost job protections, lower wages, and the elimination of hard-won pension and health benefits, while the executives and managers of these business are not required to make comparable sacrifices.

We must do more to ensure that America’s most important resource—workers and retirees—are treated more fairly when these business seek to reorganize their financial affairs under the protection of our bankruptcy laws. The Protecting Employees and Retirees in Business Bankruptcies Act of 2015 accomplishes this goal by amending the Bankruptcy Code in several respects. First, it improves recoveries for employees and retirees by: (1) increasing the amount of worker claims entitled to priority payment for unpaid wages and contributions to employee benefit plans up to \$20,000; (2) eliminating the difficult to prove restriction in current law that wage and benefit claims must be earned within 180 days of the bankruptcy filing in order to be entitled to priority payment; (3) allowing employees to assert claims for losses in certain defined contribution plans when such losses result from employer fraud or breach of fiduciary duty; (4) establishing a new priority administrative expense for workers’ severance pay; and (5) clarifying that back pay awards for WARN Act damages are entitled to the same priority as back pay for other legal violations.

Second, the legislation reduces employees’ and retirees’ losses by: (1) restricting the conditions under which collective bargaining agreements and commitments to fund retiree pensions and health benefits may be eliminated or adversely affected; (2) preventing companies from singling out non-management retirees for concessions; (3) requiring a court to consider the impact a bidder’s offer to purchase a company’s assets would have on maintaining existing jobs and preserving retiree pension and health benefits; and (4) clarifying that the principal purpose of Chapter 11 bankruptcy is the preservation of jobs to the maximum extent possible.

Third, the bill restricts excessive executive compensation programs by: (1) requiring full disclosure and court approval of executive compensation packages; (2) restricting the payment of bonuses and other forms of incentive compensation to senior officers and others; and (3) ensuring that insiders cannot receive retiree benefits if workers have lost their retirement or health benefits.

This legislation is identical to H.R. 100, introduced in the 113th Congress, and H.R. 6117, introduced in the 112th Congress. It is supported by the AFL-CIO and many of its largest affiliates, and the United Steelworkers.

SECTION-BY-SECTION EXPLANATION OF THE BILL

Sec. 1. Short Title. Section 1 sets forth the short title of the bill as the “Protecting Employees and Retirees in Business Bankruptcies Act of 2015.” It also includes a table of contents for the bill.

Sec. 2. Findings. Section 2 sets forth various findings in support of this bill.

TITLE I—IMPROVING RECOVERIES FOR EMPLOYEES AND RETIREES

Sec. 101. Increased Wage Priority. Bankruptcy Code section 507 accords priority in payment status for certain types of claims, i.e., these priority claims must be paid in full in the order of priority before general unsecured claims may be paid. Section 507(a)(4) accords a fourth level priority to an unsecured claim up to \$10,000 owed to an in-

dividual for wages, salaries, or commissions (including vacation, severance, and sick leave pay) earned within the 180-day period preceding the filing of the bankruptcy case or the date on which the debtor’s business ceased, whichever occurs first. Section 101 amends section 507(a)(4) to increase the amount of the priority to \$20,000 and eliminate the 180-day reachback limitation.

Bankruptcy Code section 507(a)(5) accords a fifth level priority for unsecured claims for contributions to an employee benefit plan arising from services rendered within the 180-day period preceding the filing of the bankruptcy case or the date on which the debtor’s business ceased (whichever occurs first). The amount of the claim is based on the number of employees covered by the plan multiplied by \$10,000, less the aggregate amount paid to such employees pursuant to section 507(a)(4) and the aggregate amount paid by the estate on behalf of such employees to any other employee benefit plan. Section 101 amends Bankruptcy Code section 507(a)(5) to: (1) increase the priority amount to \$20,000; (2) eliminate the offset requirements; and (3) eliminate the 180-day limitation.

Sec. 102. Claim for Stock Value Losses in Defined Contribution Plans. Section 102 amends the Bankruptcy Code’s definition of a claim to include a right or interest in equity securities of the debtor (or an affiliate of the debtor) held in a defined contribution plan for the benefit of an individual who is not an insider, senior executive officer or one of the 20 next most highly compensated employees of the debtor (if one or more are not insiders), providing: (1) such securities were attributable to employer contributions by the debtor (or an affiliate of the debtor), or by elective deferrals, together with any earnings thereon; and (2) the employer or plan sponsor who commenced the bankruptcy case either committed fraud with respect to such plan or otherwise breached a duty to the participant that proximately caused the loss of value.

Sec. 103. Priority for Severance Pay. Bankruptcy Code section 503(b) establishes an administrative expense payment priority for certain types of unsecured claims. Among all types of unsecured claims, administrative expenses are accorded the highest payment priority, i.e., they must be paid in full before priority and general unsecured claims may be paid. Section 103 amends section 503(b) to accord administrative expense priority for severance pay owed to the debtor’s employees (other than an insider, other senior management, or a consultant retained to provide services to the debtor) under a plan, program or policy generally applicable to the debtor’s employees (but not under an individual contract of employment) or owed pursuant to a collective bargaining agreement for termination or layoff on or after the date the bankruptcy case was filed. Such pay is deemed earned in full upon such termination or layoff.

Sec. 104. Financial Returns for Employees and Retirees. Bankruptcy Code section 1129(a) specifies various criteria that must be satisfied before a chapter 11 plan of reorganization may be confirmed. Section 104 amends section 1129(a) to add a further requirement. The plan must provide for the recovery of damages for the rejection of a collective bargaining agreement or for other financial returns as negotiated by the debtor and the authorized representative under section 1113 to the extent such returns are paid under, rather than outside of a plan.

Section 104 also replaces Bankruptcy Code section 1129(a)(13), which pertains to the payment of retiree benefits under section 1114. As revised, section 1129(a)(13) requires a plan to provide for the continuation after the plan’s effective date of the payment of all retiree benefits at the level established under