

*Sec. 3. Protecting Employees and Retirees.* The chapter 9 debtor must file a plan for the adjustment of the municipality's debts that then must be confirmed by the bankruptcy court if it satisfies certain criteria specified in Bankruptcy Code section 943. Section 3 of the bill makes several amendments to current law intended to ensure that interests of municipal employees and retirees are better protected. With respect to plan confirmation requirements, section 3 amends Bankruptcy Code section 943 to require consent from such employees and retirees to any plan that impairs—in a manner prohibited by non-bankruptcy law—a collective bargaining agreement, a retiree benefit, including an accrued pension, retiree health, or other retirement benefit protected by state or municipal law or as defined in Bankruptcy Code section 1114(a).

Such consent would be conveyed to the court by the authorized representative of such individuals. Subject to certain exceptions, section 3 specifies that the authorized representative of individuals receiving any retirement benefits pursuant to a collective bargaining agreement is the labor organization that signed such agreement unless such organization no longer represents active employees. Where the organization no longer represents active employees of the municipality, the labor organization that currently represents active employees in that bargaining unit is the authorized representative of such individuals.

Section 3 provides that the exceptions apply if: (1) the labor organization chooses not to serve as the authorized representative; or (2) the court determines, after a motion by a party in interest and after notice and a hearing, that different representation is appropriate. Under either circumstance, the court, upon motion by any party in interest and after notice and a hearing, must order the United States Trustee to appoint a committee of retired employees if the debtor seeks to modify or not pay the retiree benefits or if the court otherwise determines that it is appropriate for that committee be comprised of such individuals to serve as the authorized representative.

With respect to retired employees not covered by a collective bargaining agreement, the court, on motion by a party in interest after notice and a hearing, must order the United States Trustee to appoint a committee of retired employees if the debtor seeks to modify or not pay retiree benefits, or if the court otherwise determines that it is appropriate to serve as the authorized representative of such employees. Section 3 provides that the party requesting the appointment of a committee has the burden of proof.

Where the court grants a motion for the appointment of a retiree committee, section 3 requires the United States Trustee to choose individuals to serve on the committee on a proportional basis per capita based on organization membership from among members of the organizations that represent the individuals with respect to whom such order is entered. This requirement ensures that the committee, in a case where there are multiple labor organizations, fairly represents the interests of the members of those various organizations on a proportional basis.

Finally, section 3 of the bill imposes a significant threshold that must be met before retiree benefits can be reduced or eliminated. Current law has no such requirement. In a case where the municipality proposes in its plan to impair any right to a retiree benefit, section 3 permits the committee to support such impairment only if at least two-thirds of its members vote in favor of doing so.

## OUR UNCONSCIONABLE NATIONAL DEBT

**HON. MIKE COFFMAN**

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, January 6, 2015*

Mr. COFFMAN. Mr. Speaker, on January 20, 2009, the day President Obama took office, the national debt was \$10,626,877,048,913.08.

Today, it is \$18,080,402,933,324.23. We've added \$7,453,735,606,331.18 to our debt in 5 years. This is over \$7.4 trillion in debt our nation, our economy, and our children could have avoided with a balanced budget amendment.

**HONORING MICK FOUNTS, ED.D.,  
SAN JOAQUIN COUNTY SUPER-  
INTENDENT OF EDUCATION**

**HON. JEFF DENHAM**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, January 6, 2015*

Mr. DENHAM. Mr. Speaker, I rise today to acknowledge and honor Mick Founts, Ed.D., San Joaquin County Superintendent of Education, who is retiring after many years of outstanding service to our community.

In 1976, Mick Founts graduated from Humboldt State University with a B.A. in English. Four years later, he obtained his Master's Degree in Education and two credentials: Administrative and Pupil Personnel Services. Mick was awarded his Doctor of Education degree from University of the Pacific in 1995. During his 38 year career in education he has been an English classroom teacher, high school and college football coach, assistant principal for a continuation school, assistant principal for a comprehensive high school, a Coordinator of Child Welfare and Attendance, a Director of Alternative Programs, an Assistant Superintendent of Alternative Education Programs and Charters, an Associate Superintendent of County Operated Schools and Programs, Deputy Superintendent of San Joaquin County Office of Education Student Programs and Services, and in 2010 was elected as San Joaquin County Superintendent of Schools. As Superintendent of Schools, Founts is charged with the ultimate responsibility for all activities of San Joaquin County Office of Education.

In 1991 Mick began the San Joaquin County Office of Education Community School Program. The "one.Program" includes Court School as well as Community School and is recognized throughout the State as an innovative alternative education program. It now serves more than 1,500 at-risk students working to overcome obstacles leading to a high school diploma. Mick was the Juvenile Court, Community, and Alternative School Administrators of California President elect (1996–97), President (1997–1998), and Past President (1998–1999).

Superintendent Founts has either authorized or developed some of the most unique public charter schools in California. These include agricultural academies, technology sites, fine and performing arts high schools, collegiate sports academies, career and technical education academies, and many more . . . all

within San Joaquin County. Dr. Founts currently served as a Commissioner on the California State Board of Education Advisory Commission on Charter Schools. His commitment to Career and Technical Education, Agriculture, Migrant Education, Technology, and Outdoor Education is constant, as is his commitment to Teachers College of San Joaquin; the first college operated by a County Office of education. This commitment extends to the many events that SJCOE sponsors for students throughout the County: Academic Decathlon, Science Olympiad, Math Olympiad, Mock Trial, as well as the local and State Spelling Bee, to name just a few.

In 2013, he was one of twenty Superintendents to work with Governor Brown to support the reform effort aimed at bringing more money to children in our schools. In addition, he championed a variety of programs to fill the void in operations and support programs created from budget cuts in sports, technology, and art clinics, as well as helped fundraise to send more than 200 students to Outdoor Education by way of fundraising.

Also during his term as San Joaquin County Office of Education Superintendent, Mick served as an environmental steward for schools by designing a cutting edge Solar Parking Lot linked to the SJCOE Clean Transportation Technologies Academy and New Energy Academy funded by a partnership between PG&E, SJCOE, and California Department of Education. Its curriculum is devoted to renewable energy and green technology topics with the goal of giving students a foundation for college and jobs in the clean tech industry.

Superintendent Founts was instrumental in the formation of the County's career academy concept that will prepare kids for work and college. His vision created a state-of-the-art career and technical education facility along with regional occupational programs and centers such as Career Academy of Cosmetology. In addition, through SJ Building Futures Academy and SJ Regional Conservation Corps, he helped give young adults viable work skills as well as keeping them off the street by providing a second chance at a high school diploma.

Like his taste for variety in education, Mick also enjoys an array of hobbies. In addition to his career in education, he is a ranch owner and farmer for his family's South African Boer Goat business Biggy Farms and regularly competes in National livestock shows. Mick played and coached both high school and college football and continues to enjoy sports. He can often be found at a local football or basketball game. Mick was raised in a musical family and played in bands during his younger years. He continues to play the guitar for his own enjoyment and has an appreciation for many different musical styles. He also has a love for Victorian homes and he and his family have enjoyed restoring one on their own property.

Mick's impact on students covers many years and it is not unusual to hear grown men refer to him as "coach" to this day. Previous students often call his office or stop by to share that they would not be where they are today had it not been for his influence. When Mick retires at the end of his term, he leaves a legacy that spans many generations.

Mr. Speaker, please join me in honoring and commending the outstanding contributions made to education and the San Joaquin community by Superintendent Mick Founts and