

# EXTENSIONS OF REMARKS

## MEMORANDA OF UNDERSTANDING BETWEEN THE COMMITTEE ON THE JUDICIARY AND THE COMMITTEES ON AGRICULTURE, ENERGY AND COMMERCE, AND WAYS AND MEANS

**HON. JOHN A. BOEHNER**

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, January 6, 2015*

Mr. BOEHNER. Mr. Speaker, I submit the following memoranda of understanding.

### MEMORANDUM OF UNDERSTANDING

On January 6, 2015, the House agreed to H. Res. 5, establishing the rules of the House for the 114th Congress. Section 2(a)(2)(A) of H. Res. 5 contained a provision adding "criminalization" to the jurisdictional statement of the Committee on the Judiciary.

The Committee on the Judiciary and the Committee on Agriculture jointly acknowledge as the authoritative source of legislative history concerning section 2(a)(2)(A) of H. Res. 5 the description printed in the Congressional Record and submitted by Rules Committee Chair Pete Sessions.

By this memorandum, the committees record their further mutual understandings by providing the following example, which will supplement the statement cited above.

In general, this change is not intended to cover measures that make changes to a regulatory or revenue collection scheme without making changes to the specific conduct that triggers a criminal penalty that is part of the enforcement regime.

For instance, where a statute prohibits unauthorized movement of certain prohibited plants or animals without the proper permit and imposes a criminal sanction for a violation of the permit, a measure which simply makes changes to the permitting process would not fall within the scope of this rules change, even in the case where a criminal penalty applies broadly to the statute in question. It is the conduct of moving the prohibited item, not the permitting process, which gives rise to the Committee on the Judiciary's jurisdictional interest.

This example is intended to be merely illustrative rather than exclusive or exhaustive. Nothing in this memorandum precludes a further agreement between the committees with regard to the implementation of this provision.

BOB GOODLATTE,

*Chair, Committee on the Judiciary.*

K. MICHAEL CONAWAY,

*Chair, Committee on Agriculture.*

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In general, this change is not intended to cover measures that make changes to a regulatory or revenue collection scheme without making changes to the specific conduct that triggers a criminal penalty that is part of the enforcement regime.

For instance, where there is a regulatory statute that prohibits discharge of a pollutant without a permit or in a manner inconsistent with that permit and which imposes a criminal sanction for a violation thereof, and a measure adds another substance to the list of pollutants, that would not fall within the scope of this change. It is the conduct of discharging the pollutant, not the identification of the pollutant, which gives rise to the Committee on the Judiciary's jurisdictional interest.

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BOB GOODLATTE,

*Chair, Committee on the Judiciary.*

FRED UPTON,

*Chair, Committee on Energy and Commerce.*

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By this memorandum, the committees record their further mutual understandings by providing the following example, which will supplement the statement cited above.

In general, this change is not intended to cover measures that make changes to a regulatory or revenue collection scheme without making changes to the specific conduct that triggers a criminal penalty that is part of the enforcement regime.

For instance, where a statute prohibits evasion of taxes or tariffs, and imposes a criminal sanction for a violation thereof, a modification of, repeal of, or addition to a substantive provision that is used to determine taxes (and, if applicable, interest) or tariffs owed would not fall within the scope of this rules change because it would not by itself address a specific element relating to its criminal enforcement. It is the conduct of evading taxes or tariffs, not the imposition or calculation of the tax or tariff itself, which gives rise to the Committee on the Judiciary's jurisdictional interest.

This example is intended to be merely illustrative rather than exclusive or exhaustive. Nothing in this memorandum precludes a further agreement between the committees

with regard to the implementation of this provision.

BOB GOODLATTE,

*Chair, Committee on the Judiciary.*

PAUL RYAN,

*Chair, Committee on Ways and Means.*

## RECOGNIZING TENNANT TRUCK LINES FOR ITS PARTICIPATION IN WREATHS ACROSS AMERICA

**HON. CHERI BUSTOS**

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, January 6, 2015*

Mrs. BUSTOS. Mr. Speaker, I rise today to recognize the work of Tennant Truck Lines of Colona, Illinois. For the last five years, Tennant Truck Lines has participated in the Wreaths Across America program, which honors veterans by coordinating wreath laying ceremonies throughout all 50 states.

I had the honor of participating in the Wreaths Across America ceremony on December 13, 2014, at the Rock Island National Cemetery, in my home district in Illinois. This was the 10th Wreaths Across America ceremony held at the Cemetery, one of thousands of ceremonies held across the nation.

Tennant Truck Lines played a vital role in transporting wreaths, volunteering their trucks and manpower to move 3,072 wreaths to over 900 veteran ceremonies by December 13. Two trucks from Tennant Truck Lines drove all the way to Arlington National Cemetery, and many more played a vital role in transporting wreaths within the Midwest as they traveled from Maine to California.

Mr. Speaker, I am extremely proud of the work Tennant Truck Lines and CEO Aaron Tennant have done to remember and honor the veterans who bravely served our country. It is my honor to recognize them today.

## "TAX CODE TERMINATION ACT"

**HON. BOB GOODLATTE**

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, January 6, 2015*

Mr. GOODLATTE. Mr. Speaker, I rise today to re-introduce the "Tax Code Termination Act," legislation that will abolish the Internal Revenue Code by December 31, 2019, and call on Congress to approve a new Federal tax system by July of the same year.

There is no denying that our current tax system has spiraled out of control. Americans devote countless hours each year to comply with the tax code and it is very clear we need tax simplification. Today's tax code is unfair, discourages savings and investment, and is impossibly complex. Businesses and families need relief from uncertainty and the burdensome task of complying with the tax code. However, the problem is Congress won't act on fundamental tax reform unless it is compelled to do so. The Tax Code Termination

• 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.

Act will finally force Congress to debate and address fundamental tax reform.

Once the Tax Code Termination Act becomes law, today's oppressive tax code would survive for only four more years, at which time it would expire and be replaced with a new tax code that will be determined by Congress, the President, and the American people. The Tax Code Termination Act will allow us, as a nation, to collectively decide what the new tax system should look like. Having a date-certain to end the current tax code will force the issue to the top of the national agenda, where it will remain until Congress finishes writing the new tax law.

This legislation has gained wide support in past Congresses and had 122 bipartisan co-sponsors in the 113th Congress. In fact, similar legislation has already been passed twice by the House of Representatives, first in 1998 and then in 2000.

Although many questions remain about the best way to reform our tax system, if Congress is forced to address the issue we can create a tax code that is simpler, fairer, and better for our economy than the one we are forced to comply with today. Congress won't reach a consensus on such a contentious issue unless it is forced to do so. The Tax Code Termination Act will force Congress to finally debate and address fundamental tax reform.

America's future partially depends on overcoming the impairment that is our current tax code. There is a widespread consensus that the current system is broken, and keeping it is not in America's best interest. I urge my colleagues to support this legislation and end the broken tax system that exists today and provide a tax code that the American people deserve.

#### STOPPING ABUSIVE STUDENT LOAN COLLECTION PRACTICES IN BANKRUPTCY ACT OF 2015

**HON. JOHN CONYERS, JR.**

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, January 6, 2015*

Mr. CONYERS. Mr. Speaker, the "Stopping Abusive Student Loan Collection Practices in Bankruptcy Act of 2015" targets ruthless collection tactics employed by some student loan creditors against debtors who have sought bankruptcy relief, as documented by the New York Times in its cover story last year.

Specifically, my legislation bill would empower a bankruptcy judge to award costs and reasonable attorney's fees to a debtor who successfully obtained the discharge of his or her liability for a student loan debt based on undue hardship if: (1) the creditor's position was not substantially justified, and (2) there are no special circumstances that would make such award unjust. The Bankruptcy Code already grants identical authority to a bankruptcy judge to award costs and reasonable attorney's fees to debtor where a creditor requests the determination of dischargeability of a consumer debt based on the allegation that it was fraudulently incurred and the court thereafter finds that the creditor's position was not substantially justified and there are no special circumstances that would make such award unjust.

Although parties typically do and should pay their own attorney's fees in litigation, dischargeability determinations concerning student loan debts present compelling factors that warrant the relief provided by this legislation. Under current bankruptcy law, debtors must meet a very high burden of proof, namely, that repayment of the student loan debt will present an undue hardship on the debtor and the debtor's dependents. The litigation typically requires extensive discovery, trial-like procedures, and legal analysis.

Unfortunately, some student loan debt collectors engage in abusive litigation tactics that exponentially drive up the potential cost of legal representation for a debtor. As a result, debtors, who may legally qualify for the Bankruptcy Code's undue hardship dischargeability exception for student loans, may be unable to obtain such relief because of the potential risk of excessive and unaffordable legal fees that the debtor may have to incur not only to meet the high standard of proof, but also to combat an abusive litigation stance taken by a well-funded adversary.

The "Stopping Abusive Student Loan Collection Practices in Bankruptcy Act of 2015" will help level the playing field for debtors overwhelmed by student loan debts, the repayment of which would present an undue hardship for themselves and their families. It is my hope that should this measure become law, bankruptcy judges will not hesitate to award debtors attorney's fees in appropriate cases of abusive litigation engaged in by student loan creditors.

GOVERNOR JAMES B. EDWARDS  
SERVICE

**HON. JOE WILSON**

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, January 6, 2015*

Mr. WILSON of South Carolina. Mr. Speaker, at the Service of Worship Celebrating the Life of James Burrows Edwards at historic St. Philip Episcopal Church of Charleston (American statesman John C. Calhoun is buried in the St. Philips Churchyard), his beloved son-in-law Kenneth B. Wingate, Sr., Esq. delivered the following Reflections.

#### REFLECTIONS

I'm Jim's son-in-law, and I want to reflect on the life of James Burrows Edwards, the Charming Captain of our Ship.

Jim Edwards was a great man, by any possible measure. Webster defines "great" as eminent or excellent. Jim accomplished more in a lifetime than any other 10 people combined. He served the nation in the Merchant Marines as a 17 year-old during World War II, crossing the Atlantic 11 times, carrying equipment and supplies to England, France and Germany, and returning each time with wounded American soldiers. By the end of the war, Jim had ascended in rank from dishwasher to able-bodied seaman to quartermaster. He studied hard while off duty, and ultimately earned his third-mate's license which authorized him to guide ships "of any tonnage, on any waters of the world." And guide ships he did, all of his life.

Jim paid his way through the College of Charleston, working summer jobs such as transporting general cargo to ports of call around Europe, South America, and the Caribbean. Not your typical undergraduate stu-

dent at the College, was he, President McConnell?

Jim married his childhood sweetheart, Ann Darlington, in 1951, though not everyone in her family could see the potential in this young man. Ann's step-grandmother, "Gran" was at home shortly before their wedding. Jim dropped by and asked Gran what she thought of all this commotion. She replied, "I guess it's okay, but Ann sure could do better than that little boy from Rifle Range Road!" Jim said, "I think so, too."

Jim and Ann worked their way through dental school at the University of Louisville. Ann worked for the Red Cross in the hills of Kentucky as a nurse, while Jim ran for and was elected president of the student body in his spare time. These early ventures honed his impressive personal skills, teaching him how to break down barriers, build rapport, pull together a team. Jim also worked odd jobs, such as selling mint juleps at the Kentucky Derby. One year at the Derby, while selling concessions, Jim bet \$6 on Dark Star, a long-shot at odds of 25-1, simply because the horse had trained in South Carolina. Dark Star won the race, and Jim took home a fat purse, and a lesson on long-shot victories.

I don't intend to drag you through each of his fascinating and successful careers in oral surgery, in state politics, in serving on President Reagan's cabinet as Secretary of Energy, and then returning to the Medical University of South Carolina for 17 years as president. You were all there with him and with Ann, his forever first lady, at every memorable and enjoyable step of the way.

Not only was Jim a great man, but far more importantly he was a good man. The Bible only refers to two people, Barnabas and Joseph of Arimathea, as "good." The biblical definition of good is generous, with a willingness to put other's interests above one's own. It's rare to find a great man; it is more rare to find a good man. But it is exceedingly rare to find a great man who is good.

Jim had three specific qualities that endeared him to us all:

First was his HUMOR; that quick wit, often self-deprecating, never vulgar. He loved to tell the true story of being in the hardware store in Moncks Corner, wearing his old hunting clothes, when a woman going up and down the aisles kept staring at him. Finally, she came over and said, "Has anyone ever told you you look like Jim Edwards?" He said, yes, and before he could say anything else, she said, "Makes you mad as hops, doesn't it?"

Even the name of O' Be Joyful, his magnificent home overlooking Charleston harbor is a whimsical, double-entendre. Yes, it's intended to reflect the biblical encouragement to live each moment joyfully. But it's also a reminder of how Jim and Ann got the house. A widow, Kathryn McNulta, owned the home but was reluctant to sell it. Periodically Jim and Ann would go sit with her on the piazza, and she would offer them a drink called an O' Be Joyful—a can of limeade, a can of light rum, a can of dark rum, and the white of an egg. Ann would look at Jim quietly and say, "I can't drink that!" And he said, "You will if you want the house!"

Jim's second endearing quality was his HUMANITY; he had a genuine concern for the well-being of others. He always looked for the best in people, but cast a patient and sympathetic eye when they fell short. His care for others could be seen in his lifelong commitment to improvements in healthcare and in education. One of the landmark pieces of legislation while he was governor was the Education Finance Act, which altered the way funds were distributed to schools across South Carolina. And of course his thirty