

order to pay this massive new tax bill. Many will have no choice but to reduce the workforce.

We don't need a health reform law that destroys jobs; we need one that encourages the creation of good jobs with good benefits. We must repeal the so-called Affordable Care Act.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess until approximately 4 p.m. today.

Accordingly (at 2 o'clock and 13 minutes p.m.), the House stood in recess until approximately 4 p.m.

□ 1605

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. HARRIS) at 4 o'clock and 5 minutes p.m.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the Chair will postpone further proceedings today on motions to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote incurs objection under clause 6 of rule XX.

Record votes on postponed questions will be taken after 6:30 p.m. today.

FAIRNESS FOR HIGH-SKILLED IMMIGRANTS ACT OF 2011

Mr. CHAFFETZ. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3012) to amend the Immigration and Nationality Act to eliminate the per-country numerical limitation for employment-based immigrants, to increase the per-country numerical limitation for family-sponsored immigrants, and for other purposes, as amended.

The Clerk read the title of the bill.
The text of the bill is as follows:

H.R. 3012

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Fairness for High-Skilled Immigrants Act of 2011".

SEC. 2. NUMERICAL LIMITATION TO ANY SINGLE FOREIGN STATE.

(a) IN GENERAL.—Section 202(a)(2) of the Immigration and Nationality Act (8 U.S.C. 1152(a)(2)) is amended—

(1) in the paragraph heading, by striking "AND EMPLOYMENT-BASED";

(2) by striking "(3), (4), and (5)," and inserting "(3) and (4),";

(3) by striking "subsections (a) and (b) of section 203" and inserting "section 203(a)";

(4) by striking "7" and inserting "15"; and

(5) by striking "such subsections" and inserting "such section".

(b) CONFORMING AMENDMENTS.—Section 202 of the Immigration and Nationality Act (8 U.S.C. 1152) is amended—

(1) in subsection (a)(3), by striking "both subsections (a) and (b) of section 203" and inserting "section 203(a)";

(2) by striking subsection (a)(5); and

(3) by amending subsection (e) to read as follows:

"(e) SPECIAL RULES FOR COUNTRIES AT CEILING.—If it is determined that the total number of immigrant visas made available under section 203(a) to natives of any single foreign state or dependent area will exceed the numerical limitation specified in subsection (a)(2) in any fiscal year, in determining the allotment of immigrant visa numbers to natives under section 203(a), visa numbers with respect to natives of that state or area shall be allocated (to the extent practicable and otherwise consistent with this section and section 203) in a manner so that, except as provided in subsection (a)(4), the proportion of the visa numbers made available under each of paragraphs (1) through (4) of section 203(a) is equal to the ratio of the total number of visas made available under the respective paragraph to the total number of visas made available under section 203(a)."

(c) COUNTRY-SPECIFIC OFFSET.—Section 2 of the Chinese Student Protection Act of 1992 (8 U.S.C. 1255 note) is amended—

(1) in subsection (a), by striking "subsection (e)" and inserting "subsection (d)"; and

(2) by striking subsection (d) and redesignating subsection (e) as subsection (d).

(d) EFFECTIVE DATE.—The amendments made by this section shall take effect as if enacted on September 30, 2011, and shall apply to fiscal years beginning with fiscal year 2012.

(e) TRANSITION RULES FOR EMPLOYMENT-BASED IMMIGRANTS.—

(1) IN GENERAL.—Subject to the succeeding paragraphs of this subsection and notwithstanding title II of the Immigration and Nationality Act (8 U.S.C. 1151 et seq.), the following rules shall apply:

(A) For fiscal year 2012, 15 percent of the immigrant visas made available under each of paragraphs (2) and (3) of section 203(b) of such Act (8 U.S.C. 1153(b)) shall be allotted to immigrants who are natives of a foreign state or dependent area that was not one of the two states with the largest aggregate numbers of natives obtaining immigrant visas during fiscal year 2010 under such paragraphs.

(B) For fiscal year 2013, 10 percent of the immigrant visas made available under each of such paragraphs shall be allotted to immigrants who are natives of a foreign state or dependent area that was not one of the two states with the largest aggregate numbers of natives obtaining immigrant visas during fiscal year 2011 under such paragraphs.

(C) For fiscal year 2014, 10 percent of the immigrant visas made available under each of such paragraphs shall be allotted to immigrants who are natives of a foreign state or dependent area that was not one of the two states with the largest aggregate numbers of natives obtaining immigrant visas during fiscal year 2012 under such paragraphs.

(2) PER-COUNTRY LEVELS.—

(A) RESERVED VISAS.—With respect to the visas reserved under each of subparagraphs (A) through (C) of paragraph (1), the number of such visas made available to natives of any single foreign state or dependent area in the appropriate fiscal year may not exceed 25 percent (in the case of a single foreign state) or 2 percent (in the case of a dependent area) of the total number of such visas.

(B) UNRESERVED VISAS.—With respect to the immigrant visas made available under each of paragraphs (2) and (3) of section 203(b) of such Act (8 U.S.C. 1153(b)) and not reserved under paragraph (1), for each of fiscal years 2012, 2013, and 2014, not more than 85 percent shall be allotted to immigrants who are natives of any single foreign state.

(3) SPECIAL RULE TO PREVENT UNUSED VISAS.—If, with respect to fiscal year 2012, 2013, or 2014,

the operation of paragraphs (1) and (2) of this subsection would prevent the total number of immigrant visas made available under paragraph (2) or (3) of section 203(b) of such Act (8 U.S.C. 1153(b)) from being issued, such visas may be issued during the remainder of such fiscal year without regard to paragraphs (1) and (2) of this subsection.

(4) RULES FOR CHARGEABILITY.—Section 202(b) of such Act (8 U.S.C. 1152(b)) shall apply in determining the foreign state to which an alien is chargeable for purposes of this subsection.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Utah (Mr. CHAFFETZ) and the gentleman from Tennessee (Mr. COHEN) each will control 20 minutes.

The Chair recognizes the gentleman from Utah.

GENERAL LEAVE

Mr. CHAFFETZ. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H.R. 3012, as amended, currently under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Utah?

There was no objection.

Mr. CHAFFETZ. Mr. Speaker, I yield myself such time as I may consume.

I rise in support of H.R. 3012, the Fairness for High-Skilled Immigrants Act. I would first like to thank Chairman SMITH for his work and diligence and commitment on this issue. We wouldn't be here today without his efforts and his commitment to this. I also want to thank Ranking Member CONYERS and Immigration Subcommittee Ranking Member ZOE LOFGREN. She cares deeply about this and has also been very instrumental in putting this bill together to make it something that we hope will pass today, and I thank her for her work on the Judiciary Committee.

The Immigration and Nationality Act generally provides that the total number of employment-based immigrant visas made available to natives of any single foreign country in a year cannot exceed 7 percent of the total number of such visas made available in that year.

The bill completely eliminates the per-country caps for employment-based visas and raises the per-country cap from 7 percent to 15 percent for family-based visas—all without adding even a single additional visa. In other words, there is no net increase in the total number of visas. What I want Members on both sides of the aisle to understand and recognize is that there is not a net increase in the total number of visas; but it does make important adjustments that will allow us to better service and fix legal immigration, which is one of the commitments that I have in working in this Congress.

While per-country limits make some limited sense in the area of family immigration, they make no sense in the context of employment-based immigration. American companies treat all highly skilled immigrants equally regardless of where they come from. Our

immigration policy should do the same. H.R. 3012 creates a fair and equitable, first-come-first-served system. Under this system, U.S. companies will be able to focus on what they do best: hiring smart people to create products, services, and jobs for Americans.

Per-country caps are the antithesis of the free market. Companies recruit employees based on their talent, not their country of origin. Hiring and keeping the best people, whether from America or around the world, is the primary objective of American companies. This bill will help ensure that employers meet that objective.

Fears that these changes will lead to an influx of cheap labor are totally unfounded. Two concerns in particular rely on the false assumption that the removal of these caps will have a negative impact on American workers. The first concern applies to the removal of the per-country cap on employment-based visas. Some people argue this provision will displace American workers with cheap foreign labor, which will not and cannot happen. Current law prohibits U.S. employers from hiring foreign workers to fill these jobs unless there are insufficient U.S. workers who are able, willing, qualified, and available. This bill does not change that requirement, but it does encourage high-skilled immigrants who are educated in the U.S. to stay and help build our economy rather than using the skills they learned here to aid our competitor nations.

□ 1610

The second criticism I hear applies to the provision that raises the family-based per-country cap from 7 percent to 15 percent. The fear seems to be that this change will result in an increase of unskilled foreign immigrants who will be a burden to our system. To the contrary, those who benefit most under the family cap adjustment are the law-abiding workers who have demonstrated their respect for the rule of law by waiting in line for many years, if not decades. An unmarried minor child in Mexico, for example, who is the son or daughter of U.S. citizens and will receive a green card in November of this year has been waiting in line since April, 1993. That's an 18½-year wait. Rewarding those who are patiently waiting to come to this country legally will incentivize more people to enter our country legally through the means that we have set forth.

This bill does not add a single new green card to the system. There's no trick or compromise involved. We are sending a message we want people to come to America legally, and we're sending that message without massive comprehensive reforms. This is simple, straightforward, and consistent with where I think most Members from both sides of the aisle stand on the issue of immigration.

This legislation is pro-growth, pro-jobs, and pro-family. I would like to thank Compete America and Immigra-

tion Voice for their tireless efforts in helping to get this bill passed, and again thank Chairman SMITH, Ranking Member CONYERS, and Ms. LOFGREN for their work in helping to bring this bill forward.

I reserve the balance of my time.

Mr. COHEN. Mr. Speaker, I yield myself such time as I may consume.

I also rise in support of this bipartisan proposal that provides two small, technical fixes to our country's immigration laws.

The bill removes the so-called "per-country" limits from applying to employment-based green cards. Current immigration law provides 140,000 green cards annually to employment-based immigrants. The law, however, prevents any one country from receiving more than 7 percent—or 9,800—of the total 140,000 visas. Because of this per-country limit, a country like India, with a population of 1.2 billion, is limited to the same number of visas as a country like Iceland, with a population of 300,000 and a lot of ice. This makes no sense and has resulted in decades-long backlogs for nationals from India, as well as China, and it makes it impossible for certain U.S. employers to attract and retain certain essential workers they need to help keep America competitive. Indeed, from India and China there are many people trained in STEM areas that we need in our country to keep competitive.

Eliminating the per-country limit for employment-based immigrants would level the playing field and treat everyone on a first-come, first-served basis. Because the bill does not provide additional green cards, it does not address the current overall backlogs. And that's unfortunate. But the bill does treat people and those backlogs more equitably. And to make sure that there are no unintended consequences, the elimination of the per-country limit is phased in slowly over 3 years.

The bill also raises the per-country limit for family-based immigrants from 7 percent to 15 percent. This would have a similar effect of making the treatment of such immigrants more equitable. These fixes are small, but they mean a great deal to the people they will help.

H.R. 3012 is supported by quite a few business groups, including the United States Chamber of Commerce, Compete America, and the American Council on International Personnel. It is supported by advocates for American and immigrant families, including the Asian American Justice Center and the National Immigration Law Center.

I, like my colleague on the other side, want to thank the people who are above me on the committee level, the chairman in particular, Chairman SMITH; and the ranking member of our subcommittee, ZOE LOFGREN, who has worked with Congressman CHAFFETZ, who has worked so hard on this bill, as has Chairman SMITH, to get this bipartisan bill through the committee and to the floor.

It's important that we do get bipartisan bills through, and because of our chairman, we have that opportunity on occasion to do such a thing. I urge my colleagues to support this important legislation, and I reserve the balance of my time.

Mr. CHAFFETZ. I yield such time as he may consume to the chairman of our full committee, Mr. LAMAR SMITH of Texas.

Mr. SMITH of Texas. Mr. Speaker, I thank the gentleman from Utah for yielding me time, and I also want to thank him for his sponsorship of this legislation.

Mr. Speaker, our immigration system should be designed to benefit Americans and our economy. And this bill introduced by Congressman CHAFFETZ does just that, and I'm happy to be a cosponsor.

The Immigration and Nationality Act generally provides that the total number of family-sponsored and employment-based green cards available to natives of any one country cannot exceed 7 percent of the total number of green cards available each year. Because of these annual numerical caps on green cards and the fact that some countries have more of the skilled workers that American employers want, natives of these countries must often wait years longer for green cards than natives of other countries.

For foreign professionals with advanced degrees and aliens of exceptional ability, green cards are now immediately available to approved applicants from most countries. However, because employers seek so many workers from India and China, the per-country caps result in green cards only being available to these individuals who first applied before November 2007, 4 years ago.

For foreign professionals with bachelor's degrees and skilled workers, green cards are now available to applicants from most countries who first applied on or before December 2005. However, for the same reason, because employers seek so many workers from India and China, the per-country cap results in green cards only being available to those from China who first applied before August 2004 and for those from India before July 2002.

Similar per-country caps exist in the family-sponsored green card categories. That's why natives of most countries who are siblings of U.S. citizens will get green cards only if they first applied before June 2000, 11 years ago, and the siblings from the Philippines have had to wait since 1988.

H.R. 3012, the Fairness for High-Skilled Immigrants Act, eliminates the employment-based per-country cap entirely by fiscal year 2015. It also raises the family-sponsored per-country cap from 7 percent to 15 percent. This legislation makes sense. Why should American employers who seek green cards for skilled foreign workers have to wait longer just because the workers are from India or China? American business employers have already proved to

the U.S. Government that they need these workers, that qualified workers are not available, and that American workers will not be harmed.

It makes sense to repeal the employment-based per-country caps. So I urge my colleagues to support H.R. 3012. Again, I want to thank the gentleman from Utah for sponsoring this legislation.

Mr. COHEN. Mr. Speaker, I yield 2 minutes and 56 seconds to the gentleman from Virginia (Mr. MORAN).

Mr. MORAN. I will try to take full advantage of those extra 56 seconds.

Mr. Speaker, I'm a cosponsor of this bipartisan legislation, and I want to speak on its behalf.

I heard about a conversation that Bill Clinton had with Steve Jobs. Apple Computer has about 200,000 employees outside of the borders of the United States, I understand. I believe it's Walter Isaacson in his biography of Steve Jobs who talks about a conversation he had with President Clinton, where the former President asked, What would it take to get all these employees back into the United States? Mr. Jobs said, You give me 30,000 highly skilled workers in the United States and we'll bring those jobs back.

And that's what this is about. It's having access within the United States to the most highly skilled engineers, scientists, and mathematicians, who will in turn generate the kind of economic activity that we all want in terms of job creation and national economic growth.

In the northern Virginia area, we're very fortunate to have a strong high-tech sector.

□ 1620

But for that tech sector to continue to grow and expand, we have got to have a workforce not only adequate in terms of quantity, but particularly in terms of quality. We know how important technology firms are going to be in the global economy of the 21st century; but I don't think we fully take into account how important it is to continue to attract the best and brightest from around the world who, in fact, do want to go to graduate school here and do want to continue residing in the United States and to work here applying their talents and skills.

Now, under current law, employment-based and family-sponsored immigrant visas for the natives of any particular country can't exceed 7 percent of the total of those visas made available that year. That cap hinders the ability of high-tech firms in the United States to hire the top talent from countries like India and China who have a disproportionately large number of individuals with the education and the experience that are sought after by many of these technology companies. It doesn't make sense to continue enforcing outdated, arbitrary caps that make it harder for companies to hire the employees that they need and that we need to grow and prosper within the United States.

This legislation eliminates per-country limits on the allotment of high-skilled green cards without adding a single additional green card to the system. It also increases per-country limits from 7 percent to 15 percent—more than double—in the family-based immigration system, helping reduce substantial backlogs in the family-based system as well. It doesn't add any additional visas but, rather, it more rationally distributes the allotment already available.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. COHEN. I yield the gentleman as much time as he may consume.

Mr. MORAN. I will try to be judicious in using that time. I very much thank my good friend from Memphis for yielding me the time.

This legislation is modest in scope, but it is very important because it puts this country in the right direction of economic growth.

Now, I want to say I wish we would set our ambitions higher in the whole area of immigration. Our immigration system is broken; it needs a fundamental overhaul. We ought to have comprehensive immigration reform that makes strategic investments in border security, improves workplace verification of employees, and establishes a path to legalization for undocumented immigrants currently in the country. But maybe we can use this kind of a debate to reflect upon the much broader benefits to our country that would accrue by improving our immigration system and continuing to pursue a comprehensive solution.

But regardless of whether we can get the more ambitious legislation, the bill before us today fixes a real problem that today harms our Nation's competitiveness. That's why it has bipartisan support; that's why it's the right thing to do; and I think it's terribly important for the area of our economy which is going to produce the most jobs in the future, the most competitive jobs, with the highest profit margins that we can then sell to the rest of the world.

So, Mr. Speaker, I congratulate the sponsors of this legislation and would hope that we would get unanimous support for it.

Mr. COHEN. I thank the gentleman from Virginia. I appreciate his statement, and I yield back the balance of my time.

Mr. CHAFFETZ. Mr. Speaker, I have no additional speakers.

I just want to, again, thank Chairman SMITH. I also want to recognize the good work and the working relationship that I have with Ms. LOFGREN of California and the gentleman from Illinois, LUIS GUTIERREZ, who was also very instrumental. I think it does demonstrate that we can work in a bipartisan way to pass important legislation that really will have an effect on businesses, jobs, our economy, and a whole lot of families that are deserving.

I urge support of H.R. 3012, and I would yield back the balance of my time.

Ms. ZOE LOFGREN of California. Mr. Speaker, this country has needed to eliminate the "per country" limits for employment-based immigrants, and increase those for family-based immigrants, for a very long time.

Although these are relatively small fixes, and a great deal more needs to be done, these fixes represent a balanced approach to addressing some of the long-standing problems in our broken immigration system. And they are the right thing to do.

We all know that our immigration system is severely broken, and it has been broken for decades. At the heart of this broken system are the outdated employment- and family-based immigration systems, which suffer under decades-long backlogs. In combination with the per country limits, these backlogs keep nuclear families apart for decades, while preventing U.S. employers from accessing and retaining the employees they need to stay competitive.

H.R. 3012 begins to address these problems by eliminating the employment-based per-country limits and adjusting the family-based per-country limits to make the system fairer for people caught in the backlogs. This is a good step that will lead to more equitable outcomes.

But I must note that until we do something about the backlogs themselves, we will continue to have a dysfunctional system. This bill will help certain Indian nationals, who now face a wait of 70 years to get green cards; But because the bill does not address the scope of the backlogs, it will increase the wait time for many others. Under this bill, everyone seeking an employment-based third preference green card will have to wait 12 years. That may be more equitable, but it doesn't fix the underlying problem.

In any event, the bill makes the system fairer, and that is why I support it. I just hope that we can come together, as we have done today, to fix other areas of our immigration law.

Hopefully, this type of balanced legislation, in combination with true cooperation across the aisle, can serve as a model for addressing other areas of our broken immigration system. This country desperately needs that we try.

I thank the author of the bill, JASON CHAFFETZ, as well as Judiciary Committee Chairman LAMAR SMITH and Ranking Member JOHN CONYERS, for working with me on this bill and addressing some of my concerns.

I urge my colleagues to support the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Utah (Mr. CHAFFETZ) that the House suspend the rules and pass the bill, H.R. 3012, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. COHEN. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, further proceedings on this question will be postponed.

The point of no quorum is considered withdrawn.

NATIONAL GUARD AND RESERVIST DEBT RELIEF EXTENSION ACT OF 2011

Mr. CHAFFETZ. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2192) to exempt for an additional 4-year period, from the application of the means-test presumption of abuse under chapter 7, qualifying members of reserve components of the Armed Forces and members of the National Guard who, after September 11, 2001, are called to active duty or to perform a homeland defense activity for not less than 90 days.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 2192

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “National Guard and Reservist Debt Relief Extension Act of 2011”.

SEC. 2. NATIONAL GUARD AND RESERVISTS DEBT RELIEF AMENDMENT.

Section 4(b) of the National Guard and Reservists Debt Relief Act of 2008 (Public Law 110-438; 122 Stat. 5000) is amended by striking “3-year” and inserting “7-year”.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Utah (Mr. CHAFFETZ) and the gentleman from Tennessee (Mr. COHEN) each will control 20 minutes.

The Chair recognizes the gentleman from Utah.

GENERAL LEAVE

Mr. CHAFFETZ. I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous materials on H.R. 2192 currently under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Utah?

There was no objection.

Mr. CHAFFETZ. Mr. Speaker, I yield myself such time as I may consume.

Before us today is an important bill sponsored by my colleagues from Tennessee (Mr. COHEN) and Virginia (Mr. FORBES).

On the 10th anniversary of September 11, 2001, Americans paused to honor the memory of the innocent victims who perished that tragic day. We also were reminded of the bravery of American military personnel and thanked military families for their sacrifice. The last 10 years have been trying on our uniformed men and women, including our military reservists and members of the National Guard. About 1 million reservists and guardsmen have been deployed to Iraq or Afghanistan over the past 10 years. For that, we are very, very grateful.

The Federal Government has a responsibility to ease the transition of reservists and guardsmen back into civilian life upon their return home from war. Many of them return home with physical handicaps. For many others, psychological challenges face them and their families. Some of these veterans

and their families have suffered financial hardships, and frequently bankruptcy is, unfortunately, the last resort.

In a chapter 7 bankruptcy, a debtor surrenders virtually all their assets to the bankruptcy trustee and receives a discharge at the end of the short case. In contrast, in a chapter 13 case, the debtor retains their assets but must commit their disposable income over the next 3 to 5 years to the repayment of their creditors before receiving a discharge from their debts.

In 2005, Congress enacted the Bankruptcy Abuse Prevention and Consumer Protection Act, often referred to as BAPCPA. A significant policy goal of that act was to combat a perceived abuse of chapter 7 bankruptcy. In BAPCPA, Congress inserted into the Bankruptcy Code a way to determine whether a debtor has a disposable income that can be used to pay their debts. This is commonly referred to as the means test. If a debtor is able to pay some portion of their debts from their disposable monthly income, then their filing of a chapter 7 bankruptcy is presumed to be an abuse of the bankruptcy system. The debtor remains eligible for relief under other bankruptcy chapters, including chapter 13, where they can restructure how they pay their debts from their disposable income.

In 2008, Congress recognized that military reservists and National Guardsmen sometimes suffer unique financial difficulty resulting from their military service, so we enacted the National Guard and Reservist Debt Relief Act, which President Bush signed into law in October of 2008. That act allows reservists and National Guardsmen to bypass the means test, making it easier for them to file a chapter 7 case. When they return from the front lines of war, they have endured enough. They do not need to also suffer a presumption of bankruptcy abuse if they are in need of a quick, fresh start in bankruptcy. That act expires in December of this year. H.R. 2192, which Mr. COHEN and Mr. FORBES have introduced, extends the sunset date of the act that was passed in 2008.

America is still a nation at war, and we continue to call on our guardsmen and reservists to perform heroic tasks. During these trying times, Congress should not make life more difficult for these brave men and women by allowing these means test exemptions to lapse. The bill extends the sunset date by 4 years, at which time Congress will have the opportunity to reexamine whether this means test carveout has served its purpose and whether it is needed any longer.

I want to thank, again, Mr. COHEN and Mr. FORBES for introducing this important and timely legislation. I encourage my colleagues to vote “yes” on the bill.

I reserve the balance of my time.

Mr. COHEN. Mr. Speaker, I yield myself as much time as I may consume.

I rise in strong support of H.R. 2192, the National Guard and Reservist Debt Relief Extension Act of 2011. This bipartisan legislation, which I introduced in June of this year with Mr. FORBES, Mr. ROHRBACHER and others, ensures that certain members of the National Guard and Reserves who fall on hard economic times after their service to this country will continue to obtain bankruptcy relief without having to fill out the substantial paperwork required by the so-called means test under chapter 7 of the Bankruptcy Code.

□ 1630

H.R. 2192 simply extends the existing means test exception, which will expire in a few weeks if Congress fails to act, and act we should for our reservists and National Guardspeople who have put themselves in the line of fire for our country and our safeties and liberties.

Under the means test, a chapter 7 bankruptcy case is presumed to be an abuse of the bankruptcy process if it appears that the debtor has income in excess of certain thresholds.

The National Guard and Reservist Debt Relief Act of 2008 created an exception to the means test’s presumption for members of the National Guard and Reserves who, after September 11, 2001, served on active duty or in a homeland defense activity for at least 90 days. The exception remains available for 540 days after the servicemember leaves the military.

The National Guard and Reservist Debt Relief Extension Act of 2011 would simply extend that exception until December 2015. This modest, but important exception to the means test allows qualifying members of the National Guard and Reserves to obtain chapter 7 bankruptcy relief without fulfilling the means test paperwork requirements.

Since September 11, 2001, more than 815,000 members of the National Guard and Reserves have been deployed to Iraq and Afghanistan, with many having served multiple tours of duty.

As of August of this year, members of the National Guard and Reserves made up 43 percent of U.S. forces in Iraq and Afghanistan and represent more than 20 percent of those killed in action and 20 percent of those wounded in action. Many of these citizen warriors have been asked to disrupt their civilian lives with little notice to serve their country in active war zones, and like other veterans returning from war zones, they often have difficulty adjusting to civilian life.

It is estimated that approximately 40 percent of all Guard members will experience some sort of financial hardship and that 26 percent of Guard members had money problems related to their deployment into war zones.

H.R. 2192 is a meaningful way for our Nation to recognize the tremendous sacrifice made by National Guard and Reserve members who have served on active duty or homeland defense since