

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.

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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

September 11, 2001, and may be suffering financial hardship. This bipartisan measure is in the tradition of the GI Bill, the Servicemembers Civil Relief Act, and numerous other provisions of law enacted to benefit military veterans.

I thank Representatives FORBES and ROHRABACHER, two members of the Republican Party who worked with me on this and helped cosponsor it, and Representatives SCHAKOWSKY and NADLER of my party for cosponsoring H.R. 2192. I also thank the Judiciary Chairman, Mr. SMITH, the Ranking Member, Mr. CONYERS, and the Subcommittee on Courts, Commercial and Administrative Law chairman, the distinguished Mr. HOWARD COBLE, for their assistance in moving this bill.

This bill does indeed help Reservists and National Guardsmen in a special way. But it also shows that the previous bill that Mr. CHAFFETZ sponsored shows that we in the Judiciary Committee can work in a bipartisan manner, and that Congress can work, and that we should be at least in double digits.

I urge my colleagues to support H.R. 2192, and I yield back the balance of my time.

Mr. CHAFFETZ. Mr. Speaker, I have no additional speakers at this time. I would encourage my colleagues to vote for this. It's a good day when we can come to the floor of the House and vote in support of our Guardsmen and those serving in our military.

I appreciate, again, the good bipartisan support and work of Mr. COHEN, Mr. FORBES, and others.

With that, I yield back the balance of my time.

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. 2192.

The question was taken.

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

Mr. COHEN. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

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

RISK-BASED SECURITY SCREENING FOR MEMBERS OF THE ARMED FORCES ACT

Mr. CRAVAACK. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1801) to amend title 49, United States Code, to provide for expedited security screenings for members of the Armed Forces, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 1801

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 "Risk-Based Security Screening for Members of the Armed Forces Act".

SEC. 2. SECURITY SCREENING FOR MEMBERS OF THE ARMED FORCES.

(a) IN GENERAL.—Section 44903 of title 49, United States Code, is amended by adding at the end the following:

"(m) SECURITY SCREENING FOR MEMBERS OF THE ARMED FORCES.—

"(1) IN GENERAL.—The Assistant Secretary shall develop and implement a plan to provide expedited security screening services for a member of the Armed Forces, and any accompanying family member, when the member of the Armed Forces presents documentation indicating official orders while in uniform through a primary airport (as defined by section 47102 of this title).

"(2) PROTOCOLS.—In developing the plan, the Assistant Secretary shall consider—

"(A) leveraging existing security screening models used by airports and air carriers to reduce passenger wait times before entering a security screening checkpoint;

"(B) establishing standard guidelines for the screening of military uniform items, including combat boots; and

"(C) incorporating any new screening protocols into an existing trusted passenger program, as established pursuant to section 109(a)(3) of the Aviation and Transportation Security Act (Public Law 107-71; 115 Stat. 613; 49 U.S.C. 114 note), or into the development of any new credential or system that incorporates biometric technology and other applicable technologies to verify the identity of individuals traveling in air transportation.

"(3) REPORT TO CONGRESS.—The Assistant Secretary shall submit to the appropriate committees of Congress a report on the implementation of the plan."

(b) EFFECTIVE DATE.—Not later than 180 days after the date of the enactment of this Act, the Assistant Secretary shall implement the plan required by this Act.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Minnesota (Mr. CRAVAACK) and the gentlewoman from California (Ms. RICHARDSON) each will control 20 minutes.

The Chair recognizes the gentleman from Minnesota.

GENERAL LEAVE

Mr. CRAVAACK. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days within which to revise and extend their remarks and include extraneous material on the bill under consideration.

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

There was no objection.

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

The bill under consideration today, H.R. 1801, the Risk-Based Security Screening for Members of the Armed Forces Act, is a bipartisan effort which directs TSA to establish an expedited screening process for members of the Armed Forces and their families when they are traveling on orders throughout our Nation's airports. Currently, military servicemembers traveling on orders must remove their Class A uniform blouse jackets, metal belt buckles and insignia devices before proceeding through security checkpoints.

While it is important every passenger undergo a security screening before boarding a plane, it makes absolutely

no sense to require American servicemembers to take off their jackets and medals for TSA screening before boarding their flights home. Unless intelligence identifies a specific threat, we should honor our servicemembers' willingness to sacrifice themselves for our country by treating them as patriots, not operating under the assumption that everyone intends to harm our country's transportation system.

Importantly, this commonsense bill will streamline the screening process for our servicemembers and lead to decreased checkpoint wait times for other American travelers. Moreover, this legislation will complement TSA Administrator Pistole's move toward a risk-based checkpoint screening system for passengers and will prioritize members of the Armed Forces for inclusion into that process.

I am pleased to report that since H.R. 1801 was passed unanimously with bipartisan support in committee, TSA has now begun testing a military ID reading pilot program for U.S. armed servicemembers at Monterey Peninsula Airport in California. While this bill will not let a member of the Armed Forces bypass security, it will require TSA to develop an expedited screening process designed to reduce our servicemember's checkpoint waiting times and focus more resources on unknown and high-risk passengers.

To be clear, this program does not impact the TSA's existing layered aviation security approach that includes Federal air marshals—the last line of defense—Federal flight deck officers, secure flight vetting, AIT machines, TSA intelligence analysts, explosive trace detection, canine teams, credentialing and boarding pass scanning systems, and behavior detection. It is merely part of the highly integrated risk-based analysis system that allows further concentration of limited resources on potentially higher risk passengers.

In closing, I'd like to thank Transportation Security Committee Chairman MIKE ROGERS and Homeland Security Committee Chairman PETER KING for moving this legislation, and all of my colleagues in committee, particularly Ranking Member BENNIE THOMPSON and Subcommittee Ranking Member SHEILA JACKSON LEE, for their support.

Mr. Speaker, I reserve the balance of my time.

Ms. RICHARDSON. Mr. Speaker, I rise in support of H.R. 1801, and yield myself such time as I may consume.

First of all, I'd like to acknowledge the work of Chairman KING and Ranking Member THOMPSON.

As a member of the Committee on Homeland Security, I'm pleased that, for the first time in this 112th Congress, the House is considering important transportation security legislation. H.R. 1801, the Risk-Based Security Screening for Members of the Armed Forces Act, requires the Transportation Security Administration to