

National Guard and Reservists Debt Relief Act of 2008

On December 19, 2008, the [National Guard and Reservists Debt Relief Act of 2008 \(the "Act"\)](#) goes into effect, along with companion [Interim Bankruptcy Rule 1007-I](#). The Act exempts qualifying members of the National Guard and reserve components of the Armed Forces from the Chapter 7 "Means Test" for a certain period of time. The Act applies to reservists and Guard members who, after September 11, 2001, are called to active duty or to perform a homeland defense activity for at least 90 days. Those who qualify for this Means Test exemption will be exempt from the Means Test for the duration of their military service or homeland defense activity plus an additional 540 days.

In conjunction with the Act, [revised Official Form 22A \(Means Test Form\)](#) will also go into effect on December 19, 2008. As amended, Official Form 22A will include a new Part 1C where qualifying debtors may invoke the Act's exclusion from the Means Test. The following steps MUST be taken when filing a Chapter 7 case if a qualified person wishes to take advantage of the Means Test exemption under the Act.

- ▶ Check the box at the top of Official Form 22A next to "The presumption is temporarily inapplicable."
- ▶ Complete Section 1C on the same form.
- ▶ All external filers will then file, as a virtual CM/ECF event, the *Statement of Debtor's Temporary Exclusion from Means Test*.
- ▶ If the debtor has not been released from active duty or ceased his/her homeland defense activity at the time the petition is filed, but is so released during the pendency of the bankruptcy case, the debtor must, at the time of the debtor's release, file the *Release From Active Duty* as a CM/ECF virtual event.

The Clerk's Office will issue and docket what is called the *Notice of Temporary Exclusion from Presumption of Abuse* form after:

- 1) Official Form 22A is filed with "The presumption is temporarily inapplicable" marked;
- 2) the *Statement of Debtor's Temporary Exclusion from Means Test* has been filed; and
- 3) the 341 Meeting of Creditors event has been entered into the case.

The Clerk's Office will send the *Notice of Temporary Exclusion from Presumption of Abuse* to the debtor and debtor's counsel. If the *Notice of Temporary Exclusion from Presumption of Abuse* indicates that the debtor will need to complete the Means Test at a later date, the debtor MUST do so within the time indicated on the notice.

If you have any questions about filing as exempt under the Act, please call the Court's CM/ECF Help Desk at 1-866-803-9517 or the Court's Operations Manager, Donna Bard, at (314) 244-4800.



The next meeting of the Senate is Dec 16, 2008; the House next meets Jan 3, 2009.

Congress > Legislation



S. 3197: National Guard and Reservists Debt Relief Act of 2008

110th Congress
2007-2008

A bill to amend title 11, United States Code, to exempt for a limited 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.

Overview

Sponsor: [Sen. Richard Durbin \[D-IL\]](#) [show cosponsors \(2\)](#)

Text: [Summary](#) | [Full Text](#)

Status:

- Introduced** Jun 25, 2008
- Referred to Committee** [View Committee Assignments](#)
- Reported by Committee** Sep 11, 2008
- Passed Senate** Sep 30, 2008
- Passed House** Oct 3, 2008
- Signed by President** Oct 20, 2008

This bill has become law. [Last Updated: Nov 17, 2008]

Last Action: Oct 20, 2008: Became Public Law No: 110-438.

Related: See the [Related Legislation](#) page for other bills related to this one and a list of subject terms that have been applied to this bill. Sometimes the text of one bill or resolution is incorporated into another, and in those cases the original bill or resolution, as it would appear here, would seem to be abandoned.

Navigation

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Track S. 3197



The feed for this bill includes all major activity on this bill, activity on amendments, references in the Congressional Record, and relevant upcoming committee meetings.

[Preview Feed](#)

Question & Answer

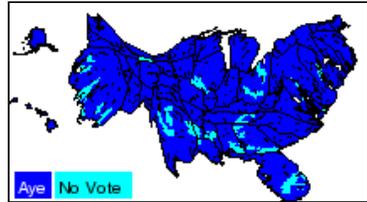


Have a question about this bill? [Submit a short fact-oriented question](#) and see if it will be answered by other visitors. (If you have a general question about how Congress works, see [this page instead](#).)

Votes on Passage

Sep 30, 2008: This bill **passed** in the **Senate** by Unanimous Consent. A record of each representative's position was not kept.

Oct 3, 2008: This bill **passed** in the **House of Representatives** by roll call vote. The vote was held under a suspension of the rules to cut debate short and pass the bill, needing a two-thirds majority. This usually occurs for non-controversial legislation. The totals were 411 Ayes, 0 Nays, 22 Present/Not Voting.



[View Votes](#) (House of Representatives roll no. 682)

You are not watching the votes of any senators or representatives. To monitor votes, [look up a Member of Congress](#).

Roll Call Votes

Members of Congress conduct more than just up-or-down votes on bills. Below is a list of votes on the bill as well as on any amendments proposed, motions to conclude debate (cloture), and other motions related to the bill.

Date	Where	Description - Result
Oct 3, 2008 1:29 PM	House	On Passage - House - S 3197 National Guard and Reservists Debt Relief Act - Under Suspension of the Rules Passed 411-0, 22 not voting (2/3 required)

To cite this information, click a citation format for a suggestion: [Bibliography](#) | [Wikipedia](#).

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Primary Source

See [S. 3197 on THOMAS](#) for the official source of information on this bill or resolution.

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