



ADMINISTRATIVE OFFICE OF THE
UNITED STATES COURTS

JAMES C. DUFF
Director

WASHINGTON, D.C. 20544

December 29, 2015

MEMORANDUM

To: Chief Judges, United States District Courts
Judges, United States Bankruptcy Courts
District Court Executives
Clerks, United States District Courts
Clerks, United States Bankruptcy Courts
Bankruptcy Administrators

From: James C. Duff 

RE: EXTENSION OF TEMPORARY EXCLUSION FROM MEANS TESTING IN
BANKRUPTCY CASES (**IMPORTANT INFORMATION**)

On December 18, 2015, the President signed into law a four-year extension of the National Guard and Reservist Debt Relief Act of 2008, Pub. L. No. 110-438.¹ The Act amends Section 707(b)(2)(D) of the Bankruptcy Code to provide a temporary exclusion from the bankruptcy means test for reservists and members of the National Guard called up for at least 90 days of active duty or homeland defense activity following September 11, 2001. As originally enacted, the exclusion only applied to cases commenced during the three-year period after December 18, 2008. This three-year period was extended to seven years through subsequent legislation and to 11 years by this latest extension.

At the request of the Advisory Committee on Bankruptcy Rules, Interim Rule 1007-I was transmitted to the courts in 2008 for adoption as a local rule to implement the temporary exclusion. A copy of the Interim Rule with an updated footnote which reflects the extension of time embodied in the Act is posted on the Federal Rulemaking website at: <http://www.uscourts.gov/rules-policies/current-rules-practice-procedure>.

¹ See, National Guard and Reservist Debt Relief Extension Act of 2015, Pub. L. No. 114-107.

If a court provided that the Interim Rule automatically terminates on a certain date, it should revise that provision to conform to the extension of the temporary exclusion, using December 18, 2019, as the appropriate terminal date. If a court did not provide for the automatic termination of the Interim Rule, no change is needed.