Public Law 115–438
115th Congress

An Act

To amend the Federal Assets Sale and Transfer Act of 2016 to provide flexibility with respect to the leaseback of certain Federal real property, and for other purposes.

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

SECTION 1. LEASEBACK RESTRICTION.

Section 12(b)(4) of the Federal Assets Sale and Transfer Act of 2016 (40 U.S.C. 1303 note; Public Law 114–287) is amended—

(1) by inserting “for a period of greater than 3 years” before the period at the end;

(2) by striking “None of the” and inserting the following:

“(A) IN GENERAL.—None of the”; and

(3) by adding at the end the following:

“(B) REQUIREMENTS.—A leaseback under this paragraph—

“(i) shall expire on or before the last day of the 3-year period beginning on the date of the sale of the respective property;

“(ii) may not contain any options to extend or renew the leaseback;

“(iii) may only be entered into once for purposes of temporarily housing the Federal agency in the property at the time of the sale; and

“(iv) shall only be for the purpose of facilitating the sale of the respective property.”.

Approved January 14, 2019.
Public Law 110–438
110th Congress

An Act

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.

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 Reservists Debt Relief Act of 2008".

SEC. 2. AMENDMENTS.

Section 707(b)(2)(D) of title 11, United States Code, is amended—

(1) in clauses (i) and (ii)—

(A) by indenting the left margin of such clauses 2 ems to the right, and

(B) by redesignating such clauses as subclauses (I) and (II), respectively,

(2) by striking "testing, if the debtor is a disabled veteran"

and inserting the following:

"testing—

(i) if the debtor is a disabled veteran",

(3) by striking the period at the end and inserting "; or",

and

(4) by adding at the end the following:

"(ii) with respect to the debtor, while the debtor is—

"(I) on, and during the 540-day period beginning immediately after the debtor is released from, a period of active duty (as defined in section 101(d)(1) of title 10) of not less than 90 days; or

"(II) performing, and during the 540-day period beginning immediately after the debtor is no longer performing, a homeland defense activity (as defined in section 901(1) of title 32) performed for a period of not less than 90 days;

if after September 11, 2001, the debtor while a member of a reserve component of the Armed Forces or a member of the National Guard, was called to such active duty or performed such homeland defense activity.");

SEC. 3. GAO STUDY.

(a) COMPTROLLER GENERAL STUDY.—Not later than 2 years after the effective date of this Act, the Comptroller General shall
complete and transmit to the Speaker of the House of Representa-
tives and the President pro tempore of the Senate, a study of
the use and the effects of the provisions of law amended (and
as amended) by this Act. Such study shall address, at a minimum—

(1) whether and to what degree members of reserve com-
ponents of the Armed Forces and members of the National Guard
avail themselves of the benefits of such provisions,

(2) whether and to what degree such members are debtors
in cases under title 11 of the United States Code that are
substantially related to service that qualifies such members
for the benefits of such provisions,

(3) whether and to what degree such members are debtors
in cases under such title that are materially related to such
service, and

(4) the effects that the use by such members of section
707(b)(2)(D) of such title, as amended by this Act, has on
the bankruptcy system, creditors, and the debt-incurrence prac-
tices of such members.

(b) FACTORS.—For purposes of subsection (a)—

(1) a case shall be considered to be substantially related
to the service of a member of a reserve component of the
Armed Forces or a member of the National Guard that qualifies
such member for the benefits of the provisions of law amended
(and as amended) by this Act if more than 33 percent of
the aggregate amount of the debts in such case is incurred
as a direct or indirect result of such service,

(2) a case shall be considered to be materially related
to the service of a member of a reserve component of the
Armed Forces or a member of the National Guard that qualifies
such member for the benefits of such provisions if more than
10 percent of the aggregate amount of the debts in such case
is incurred as a direct or indirect result of such service, and

(3) the term “effects” means—

(A) with respect to the bankruptcy system and credi-
tors—

(i) the number of cases under title 11 of the United
States Code in which members of reserve components
of the Armed Forces and members of the National
Guard avail themselves of the benefits of such provi-
sions,

(ii) the aggregate amount of debt in such cases,

(iii) the aggregate amount of debt of such members
discharged in cases under chapter 7 of such title,

(iv) the aggregate amount of debt of such members
in cases under chapter 7 of such title as of the time
such cases are converted to cases under chapter 13
of such title,

(v) the amount of resources expended by the bank-
ruptcy courts and by the bankruptcy trustees, stated
separately, in cases under title 11 of the United States
Code in which such members avail themselves of the
benefits of such provisions, and

(vi) whether and to what extent there is any indicia
of abuse or potential abuse of such provisions, and

(B) with respect to debt-incurrence practices—
SEC. 4. EFFECTIVE DATE; APPLICATION OF AMENDMENTS.

(a) EFFECTIVE DATE.—Except as provided in subsection (b), this Act and the amendments made by this Act shall take effect 60 days after the date of enactment of this Act.

(b) APPLICATION OF AMENDMENTS.—The amendments made by this Act shall apply only with respect to cases commenced under title 11 of the United States Code in the 3-year period beginning on the effective date of this Act.

Approved October 20, 2008.