Over the years, Congress has occasionally made other amendments to the Bankruptcy Code, usually tucked away in appropriations bills that received little scrutiny. Some of these amendments, for example, have greatly limited the dischargeability of student loans,\(^{48}\) family support obligations owed to governmental units,\(^{49}\) and criminal restitution.\(^{50}\) Despite much talk about a bankruptcy overhaul in 1998, largely instigated by a consumer credit industry media and lobbying campaign,\(^{51}\) only one set of changes to the Bankruptcy Code actually became law in the first few years after the report of the National Bankruptcy Review Commission. This was the Religious Liberty and Charitable Donation Protection Act of 1998.\(^{52}\) The amendments made by this Act protect bona fide and reasonable religious and charitable contributions\(^{53}\) from being attacked and recovered from the donee as fraudulent transfers.\(^{54}\) In addition, the amendments permit debtors to continue to make such contributions after bankruptcy in cases filed under chapter 7 and chapter 13.\(^{55}\)

Since the passage of the 2005 legislation, there have been only minor changes to the Code. After at least one court had ruled that the disposable income test, as amended in 2005, did not permit some debtors to make religious and charitable contributions,\(^{56}\) Congress quickly amended section 1325(b) to permit such expenses for all chapter 13 debtors.\(^{57}\) Several other amendments, not affecting consumer cases, were made at the behest of the bond industry.\(^{58}\) Congress also has amended section 1930 of title 28, raising bankruptcy filing fees to their current levels.\(^{59}\) Congress passed limited exclusions from the chapter 7 means test for certain members of the armed forces in 2008.\(^{60}\) In 2009, Congress changed several time periods in several sections of the Code to conform to time period changes being made in the Bankruptcy Rules.\(^{61}\) And in 2010, Congress passed The Bankruptcy Technical Corrections Act of 2010.\(^{62}\) That legislation made changes in the 2005 bankruptcy amendments that were almost entirely technical corrections to drafting errors. Amendments to the Code in 2014 added protections for ABLE accounts maintained for the benefit of disabled persons to sections 541 and 707, and required the reporting of interests in such accounts in the same manner as interests in section 529 educational savings accounts are reported.\(^{63}\) The most recent amendments, in 2019, 1) extended protections for certain military reservists and National Guard members from the chapter 7 means test,\(^{64}\) 2) increased the debt limits for chapter 12 eligibility,\(^{65}\) 3) excluded veterans and military disability benefits from the definition of “current monthly income,”\(^{66}\) and 4) created a new subchapter of chapter 11 for small business reorganizations.\(^{67}\)

**Footnotes**

48. \(^{48}\) See § 15.4.3.8 [1], infra.

49. \(^{49}\) See § 15.4.3.5.2 [2], infra.

50. \(^{50}\) See § 15.4.3.7 [3], infra.

51. \(^{51}\) See § 1.4.4.1 [4], infra.

52. \(^{52}\) Pub. L. No. 105-183, 112 Stat. 517. The amendments made by this Act affect cases pending on or after the date of the Act (June 19, 1998).

53. \(^{53}\) The contributions must be made to a qualified donee under the Internal Revenue Code. The amount may not exceed fifteen percent of the debtor’s gross income unless a larger contribution is consistent with the debtor’s past pattern of contributions.

54. \(^{54}\) Protections from avoidance have been added to both 11 U.S.C. §§ 544 and 548. The law overrules cases such as *In re Newman*, 203 B.R. 468 (D. Kan. 1996) and *In re Gomes*, 219 B.R. 286 (Bankr. D. Or. 1998) which had found charitable contributions to be constructive fraudulent transfers within the meaning of the Bankruptcy Code. See §§ 10.4.2.6.2 [5], 10.4.2.6.5 [6], infra.
55 [55] See §§ 12.3.3 [7], 13.4 [8], infra.


See §§ 3.2.2 [9], 4.2.2 [10], infra, for further discussion of filing fees.


63 [63] 11 U.S.C. §§ 521(c), 541(b)(10), and 707(b)(2)(A)(ii)(II) (as added or amended by Pub. L. No. 113-295, Division B, § 104 (2014)). See § 2.5.4 [12], infra.


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1.1.2.6 Other Amendments to the Code

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