

In the House of Representatives, U. S.,

October 12, 2017.

Resolved, That the House agree to the amendment of the Senate to the bill (H.R. 2266) entitled “An Act to amend title 28 of the United States Code to authorize the appointment of additional bankruptcy judges; and for other purposes.”, with the following

HOUSE AMENDMENT TO SENATE AMENDMENT:

In lieu of the matter proposed to be inserted by the Senate amendment, insert the following:

1 *SECTION 1. SHORT TITLE.*

2 *This Act may be cited as the “Additional Supple-*
3 *mental Appropriations for Disaster Relief Requirements*
4 *Act, 2017”.*

5 *DIVISION A—ADDITIONAL SUPPLEMENTAL*
6 *APPROPRIATIONS FOR DISASTER RE-*
7 *LIEF REQUIREMENTS ACT OF 2017*

8 *The following sums are hereby appropriated, out of*
9 *any money in the Treasury not otherwise appropriated,*
10 *and out of applicable corporate or other revenues, receipts,*
11 *and funds, for the several departments, agencies, corpora-*
12 *tions, and other organizational units of Government for fis-*
13 *cal year 2018, and for other purposes, namely:*

1 *TITLE I*
2 *DEPARTMENT OF HOMELAND SECURITY*
3 *FEDERAL EMERGENCY MANAGEMENT AGENCY*
4 *DISASTER RELIEF FUND*
5 *(INCLUDING TRANSFERS OF FUNDS)*

6 *For an additional amount for “Disaster Relief Fund”*
7 *for major disasters declared pursuant to the Robert T. Staf-*
8 *ford Disaster Relief and Emergency Assistance Act (42*
9 *U.S.C. 5121 et seq.), \$18,670,000,000, to remain available*
10 *until expended, of which \$10,000,000 shall be transferred*
11 *to the Department of Homeland Security Office of Inspector*
12 *General for audits and investigations related to disasters:*
13 *Provided, That the Administrator of the Federal Emergency*
14 *Management Agency shall publish on the Agency’s website*
15 *not later than 5 days after an award of a public assistance*
16 *grant under section 406 of the Robert T. Stafford Disaster*
17 *Relief and Emergency Assistance Act (42 U.S.C. 5172) that*
18 *is in excess of \$1,000,000, the specifics of each such grant*
19 *award: Provided further, That for any mission assignment*
20 *or mission assignment task order to another Federal depart-*
21 *ment or agency regarding a major disaster in excess of*
22 *\$1,000,000, not later than 5 days after the issuance of such*
23 *mission assignment or mission assignment task order, the*
24 *Administrator shall publish on the Agency’s website the fol-*
25 *lowing: the name of the impacted State, the disaster dec-*

1 lation for such State, the assigned agency, the assistance
2 requested, a description of the disaster, the total cost esti-
3 mate, and the amount obligated: Provided further, That not
4 later than 10 days after the last day of each month until
5 a mission assignment or mission assignment task order de-
6 scribed in the preceding proviso is completed and closed out,
7 the Administrator shall update any changes to the total cost
8 estimate and the amount obligated: Provided further, That
9 for a disaster declaration related to Hurricane Harvey,
10 Hurricane Irma, or Hurricane Maria, the Administrator
11 shall submit to the Committees on Appropriations of the
12 House of Representatives and the Senate, not later than 5
13 days after the first day of each month beginning after the
14 date of enactment of this Act, and shall publish on the Agen-
15 cy's website, not later than 10 days after the first day of
16 each such month, an estimate or actual amount, if avail-
17 able, for the current fiscal year of the cost of the following
18 categories of spending: public assistance, individual assist-
19 ance, operations, mitigation, administrative, and any other
20 relevant category (including emergency measures and dis-
21 aster resources): Provided further, That not later than 10
22 days after the first day of each month, the Administrator
23 shall publish on the Agency's website the report (referred
24 to as the Disaster Relief Monthly Report) as required by
25 Public Law 114-4.

1 *Of the amounts provided in this division for the Dis-*
2 *aster Relief Fund, up to \$4,900,000,000 may be transferred*
3 *to the Disaster Assistance Direct Loan Program Account*
4 *for the cost of direct loans as authorized under section 417*
5 *of the Robert T. Stafford Disaster Relief and Emergency*
6 *Assistance Act (42 U.S.C. 5184) to be used to assist local*
7 *governments in providing essential services as a result of*
8 *Hurricanes Harvey, Irma, or Maria: Provided further,*
9 *That such amounts may subsidize gross obligations for the*
10 *principal amount of direct loans not to exceed*
11 *\$4,900,000,000 under section 417 of the Stafford Act: Pro-*
12 *vided further, That notwithstanding section 417 of the Staf-*
13 *ford Act, a territory or possession, and instrumentalities*
14 *and local governments thereof, of the United States shall*
15 *be deemed to be a local government for purposes of this*
16 *paragraph: Provided further, That notwithstanding section*
17 *417(b) of the Stafford Act, the amount of any such loan*
18 *issued to a territory or possession, and instrumentalities*
19 *and local governments thereof, may be based on the pro-*
20 *jected loss of tax and other revenues and on projected cash*
21 *outlays not previously budgeted for a period not to exceed*
22 *180 days from the date of the major disaster, and may ex-*
23 *ceed \$5,000,000: Provided further, That notwithstanding*
24 *any other provision of law or the constitution of a territory*
25 *or possession that limits the issuance of debt, a territory*

1 or possession, and instrumentalities and local governments
2 thereof, may each receive more than one loan with repay-
3 ment provisions and other terms specific to the type of lost
4 tax and other revenues and on projected unbudgeted cash
5 outlays for which the loan is provided: Provided further,
6 That notwithstanding section 417(c)(1) of the Stafford Act,
7 loans to a territory or possession, and instrumentalities and
8 local governments thereof, may be cancelled in whole or in
9 part only at the discretion of the Secretary of Homeland
10 Security in consultation with the Secretary of the Treasury:
11 Provided further, That notwithstanding any other provision
12 of law, the Secretary of Homeland Security, in consultation
13 with the Secretary of the Treasury, shall determine the
14 terms, conditions, eligible uses, and timing and amount of
15 Federal disbursements of loans issued to a territory or pos-
16 session, and instrumentalities and local governments there-
17 of: Provided further, That such costs, including the cost of
18 modifying such loans, shall be as defined in section 502 of
19 the Congressional Budget Act of 1974 (2 U.S.C. 661a): Pro-
20 vided further, That FEMA may transfer up to 1.5 percent
21 of the amount under this paragraph to the Disaster Assist-
22 ance Direct Loan Program Account for administrative ex-
23 penses to carry out under this paragraph the direct loan
24 program, as authorized by section 417 of the Stafford Act:
25 Provided further, That of the amount provided under this

1 paragraph for transfer, up to \$150,000,000 may be trans-
 2 ferred to the Disaster Assistance Direct Loan Program Ac-
 3 count for the cost to lend a territory or possession of the
 4 United States that portion of assistance for which the terri-
 5 tory or possession is responsible under the cost-sharing pro-
 6 visions of the major disaster declaration for Hurricanes
 7 Irma or Maria, as authorized under section 319 of the Rob-
 8 ert T. Stafford Disaster Relief and Emergency Assistance
 9 Act (42 U.S.C. 5162): Provided further, That of the amount
 10 provided under this paragraph for transfer, up to
 11 \$1,000,000 may be transferred to the Disaster Assistance
 12 Direct Loan Program Account for administrative expenses
 13 to carry out the Advance of Non-Federal Share program,
 14 as authorized by section 319 of the Stafford Act.

15 The amount provided under this heading is designated
 16 by the Congress as being for an emergency requirement pur-
 17 suant to section 251(b)(2)(A)(i) of the Balanced Budget and
 18 Emergency Deficit Control Act of 1985.

19 TITLE II

20 DEPARTMENT OF AGRICULTURE

21 FOREST SERVICE

22 WILDLAND FIRE MANAGEMENT

23 (INCLUDING TRANSFER OF FUNDS)

24 For an additional amount for “Wildland Fire Man-
 25 agement”, \$184,500,000, to remain available through Sep-

1 *tember 30, 2021, for urgent wildland fire suppression oper-*
 2 *ations: Provided, That such funds shall be solely available*
 3 *to be transferred to and merged with other appropriations*
 4 *accounts from which funds were previously transferred for*
 5 *wildland fire suppression in fiscal year 2017 to fully repay*
 6 *those amounts: Provided further, That such amount is des-*
 7 *ignated by the Congress as being for an emergency require-*
 8 *ment pursuant to section 251(b)(2)(A)(i) of the Balanced*
 9 *Budget and Emergency Deficit Control Act of 1985.*

10 *FLAME WILDFIRE SUPPRESSION RESERVE FUND*

11 *(INCLUDING TRANSFER OF FUNDS)*

12 *For an additional amount for “FLAME Wildfire Sup-*
 13 *pression Reserve Fund”, \$342,000,000, to remain available*
 14 *through September 30, 2021, for necessary expenses for large*
 15 *wildland fire suppression operations of the Department of*
 16 *Agriculture and as a reserve fund for suppression and Fed-*
 17 *eral emergency response activities: Provided, That notwith-*
 18 *standing the FLAME Act of 2009 (43 U.S.C. 1748a(e)),*
 19 *such funds shall be solely available to be transferred to and*
 20 *merged with other appropriations accounts from which*
 21 *funds were previously transferred for wildland fire suppres-*
 22 *sion in fiscal year 2017 to fully repay those amounts: Pro-*
 23 *vided further, That such amount is designated by the Con-*
 24 *gress as being for an emergency requirement pursuant to*

1 *section 251(b)(2)(A)(i) of the Balanced Budget and Emer-*
 2 *gency Deficit Control Act of 1985.*

3 *DEPARTMENT OF THE INTERIOR*

4 *DEPARTMENT-WIDE PROGRAMS*

5 *WILDLAND FIRE MANAGEMENT*

6 *(INCLUDING TRANSFER OF FUNDS)*

7 *For an additional amount for “Wildland Fire Man-*
 8 *agement”, \$50,000,000, to remain available until expended,*
 9 *for urgent wildland fire suppression activities and funds*
 10 *necessary to repay any transfers needed for these costs: Pro-*
 11 *vided, That such funds may be available to be transferred*
 12 *to and merged with other appropriations accounts to fully*
 13 *repay amounts previously transferred for wildland fire sup-*
 14 *pression: Provided further, That such amount is designated*
 15 *by the Congress as being for an emergency requirement pur-*
 16 *suant to section 251(b)(2)(A)(i) of the Balanced Budget and*
 17 *Emergency Deficit Control Act of 1985.*

18 *TITLE III*

19 *GENERAL PROVISIONS*

20 *SEC. 301. Each amount appropriated or made avail-*
 21 *able by this division is in addition to amounts otherwise*
 22 *appropriated for the fiscal year involved.*

23 *SEC. 302. No part of any appropriation contained in*
 24 *this division shall remain available for obligation beyond*
 25 *the current fiscal year unless expressly so provided herein.*

1 *SEC. 303. The terms and conditions applicable to the*
2 *funds provided in this division, including those provided*
3 *by this title, shall also apply to the funds made available*
4 *in division B of Public Law 115–56.*

5 *SEC. 304. Each amount designated in this division by*
6 *the Congress as being for an emergency requirement pursu-*
7 *ant to section 251(b)(2)(A)(i) of the Balanced Budget and*
8 *Emergency Deficit Control Act of 1985 shall be available*
9 *only if the President subsequently so designates all such*
10 *amounts and transmits such designations to the Congress.*

11 *SEC. 305. (a)(1) Not later than December 31, 2017,*
12 *in accordance with criteria to be established by the Director*
13 *of the Office of Management and Budget (referred to in this*
14 *section as “OMB”), each Federal agency shall submit to*
15 *OMB, the Government Accountability Office, the respective*
16 *Inspector General of each agency, and the Committees on*
17 *Appropriations of the House of Representatives and the*
18 *Senate internal control plans for funds provided by this di-*
19 *vision and division B of Public Law 115–56.*

20 *(2) Not later than March 31, 2018, the Government*
21 *Accountability Office shall review for the Committees on*
22 *Appropriations of the House of Representatives and the*
23 *Senate the design of the internal control plans required by*
24 *paragraph (1).*

1 (b) All programs and activities receiving funds under
2 this division shall be deemed to be “susceptible to significant
3 improper payments” for purposes of the Improper Pay-
4 ments Information Act of 2002 (31 U.S.C. 3321 note), not-
5 withstanding section 2(a) of such Act.

6 (c) Funds for grants provided by this division or divi-
7 sion B of Public Law 115–56 shall be expended by the
8 grantees within the 24-month period following the agency’s
9 obligation of funds for the grant, unless, in accordance with
10 guidance to be issued by the Director of OMB, the Director
11 waives this requirement for a particular grant program
12 and submits a written justification for such waiver to the
13 Committees on Appropriations of the House of Representa-
14 tives and the Senate. In the case of such grants, the agency
15 shall include a term in the grant that requires the grantee
16 to return to the agency any funds not expended within the
17 24-month period.

18 SEC. 306. (a) The first proviso under the heading “De-
19 partment of Housing and Urban Development—Communi-
20 nity Planning and Development—Community Develop-
21 ment Fund” in division B of Public Law 115–56 is amend-
22 ed by striking “State or unit of general local government”
23 and inserting “State, unit of general local government, or
24 Indian tribe (as such term is defined in section 102 of the

1 *Housing and Community Development Act of 1974 (42*
2 *U.S.C. 5302))”.*

3 *(b) Amounts repurposed pursuant to subsection (a)*
4 *that were previously designated by the Congress as an emer-*
5 *gency requirement pursuant to the Balanced Budget and*
6 *Emergency Deficit Control Act of 1985 are designated by*
7 *the Congress as being for an emergency requirement pursu-*
8 *ant to section 251(b)(2)(A)(i) of such Act.*

9 *SEC. 307. Section 101(a)(7) of division D of Public*
10 *Law 115–56 is amended to read as follows:*

11 *“(7) The Department of the Interior, Environ-*
12 *ment, and Related Agencies Appropriations Act, 2017*
13 *(division G of Public Law 115–31), except the lan-*
14 *guage under the heading ‘FLAME Wildfire Suppres-*
15 *sion Reserve Fund’ in the Departments of Agriculture*
16 *and the Interior.”.*

17 *SEC. 308. (a) Notwithstanding sections 1309, 1310,*
18 *and 1310a of the National Flood Insurance Act of 1968 (42*
19 *U.S.C. 4016–4017a) and section 15(e) of the Federal Flood*
20 *Insurance Act of 1956 (42 U.S.C. 2414(e)), and any bor-*
21 *rowing agreement entered into between the Department of*
22 *the Treasury and the Federal Emergency Management*
23 *Agency, of the indebtedness of the Administrator under any*
24 *notes or other obligations issued pursuant to section 1309(a)*
25 *of the National Flood Insurance Act of 1968 (42 U.S.C.*

1 4016(a)) and section 15(e) of the Federal Insurance Act of
 2 1956 (42 U.S.C. 2414(e)) that is outstanding as of the date
 3 of the enactment of this Act, an amount of \$16,000,000,000
 4 is hereby cancelled. To the extent of the amount cancelled,
 5 the Administrator and the National Flood Insurance Fund
 6 are relieved of all liability to the Secretary of the Treasury
 7 under any such notes or other obligations, including for any
 8 interest due under such notes and any other fees and
 9 charges payable in connection with such notes, and the total
 10 amount of notes and obligations issued by the Adminis-
 11 trator pursuant to such sections shall be considered to be
 12 reduced by such amount for the purposes of the limitation
 13 on such total amount under such section 1309(a).

14 (b) The amount of the indebtedness cancelled under
 15 subsection (a) may be treated as public debt of the United
 16 States.

17 (c)(1) This section is designated as an emergency re-
 18 quirement pursuant to section 4(g) of the Statutory Pay-
 19 As-You-Go Act of 2010 (2 U.S.C. 933(g)).

20 (2) The amount provided in this section is designated
 21 by the Congress as being for an emergency requirement pur-
 22 suant to section 251(b)(2)(A)(i) of the Balanced Budget and
 23 Emergency Deficit Control Act of 1985.

24 SEC. 309. Notwithstanding section 19(a)(2)(B) of the
 25 Food and Nutrition Act of 2008 (7 U.S.C. 2028), not to

1 exceed \$1,270,000,000 of funds made available for the con-
2 tingency reserve under the heading “Supplemental Nutri-
3 tion Assistance Program” of division A of Public Law 114–
4 113 shall be available for the Secretary to provide a grant
5 to the Commonwealth of Puerto Rico for disaster nutrition
6 assistance in response to the Presidentially declared major
7 disasters and emergencies: Provided, That funds made
8 available to Puerto Rico under this section shall remain
9 available for obligation by the Commonwealth until Sep-
10 tember 30, 2019, and shall be in addition to funds otherwise
11 made available: Provided further, That such amount is des-
12 ignated by the Congress as being for an emergency require-
13 ment pursuant to section 251(b)(2)(A)(i) of the Balanced
14 Budget and Emergency Deficit Control Act of 1985.

15 SEC. 310. Notwithstanding section 2208(l)(3) of title
16 10, United States Code, during fiscal year 2018, the dollar
17 limitation on advance billing of a customer of a working-
18 capital fund in such section shall not apply with respect
19 to the advance billing of the Federal Emergency Manage-
20 ment Agency. In the preceding sentence, the term “advance
21 billing” has the meaning given the term in section
22 2208(l)(4) of title 10, United States Code.

23 This division may be cited as the “Additional Supple-
24 mental Appropriations for Disaster Relief Requirements
25 Act of 2017”.

1 ***DIVISION B—BANKRUPTCY***
2 ***JUDGESHIP ACT OF 2017***

3 ***SEC. 1001. SHORT TITLE.***

4 *This division may be cited as the “Bankruptcy Judge-*
5 *ship Act of 2017”.*

6 ***SEC. 1002. EXTENSION OF TEMPORARY OFFICE OF BANK-***
7 ***RUPTCY JUDGES IN CERTAIN JUDICIAL DIS-***
8 ***TRICTS.***

9 *(a) TEMPORARY OFFICE OF BANKRUPTCY JUDGES AU-*
10 *THORIZED BY THE BANKRUPTCY JUDGESHIP ACT OF*
11 *2005.—*

12 *(1) EXTENSIONS.—The temporary office of bank-*
13 *ruptcy judges authorized for the following districts by*
14 *subsection (b) of the Bankruptcy Judgeship Act of*
15 *2005 (28 U.S.C. 152 note) are extended until the ap-*
16 *plicable vacancy specified in paragraph (2) in the of-*
17 *fice of a bankruptcy judge for the respective district*
18 *occurs:*

19 *(A) The district of Delaware.*

20 *(B) The southern district of Florida.*

21 *(C) The district of Maryland.*

22 *(D) The eastern district of Michigan.*

23 *(E) The district of Nevada.*

24 *(F) The eastern district of North Carolina.*

25 *(G) The district of Puerto Rico.*

1 (H) *The eastern district of Virginia.*

2 (2) *VACANCIES.—*

3 (A) *SINGLE VACANCIES.—Except as pro-*
 4 *vided in subparagraphs (B), (C), and (D), the*
 5 *1st vacancy in the office of a bankruptcy judge*
 6 *for each district specified in paragraph (1)—*

7 (i) *occurring more than 5 years after*
 8 *the date of the enactment of this Act; and*

9 (ii) *resulting from the death, retire-*
 10 *ment, resignation, or removal of a bank-*
 11 *ruptcy judge,*
 12 *shall not be filled.*

13 (B) *DISTRICT OF DELAWARE.—The 1st, 2d,*
 14 *3d, and 4th vacancies in the office of a bank-*
 15 *ruptcy judge for the district of Delaware—*

16 (i) *occurring 5 years or more after the*
 17 *date of the enactment of this Act; and*

18 (ii) *resulting from the death, retire-*
 19 *ment, resignation, or removal of a bank-*
 20 *ruptcy judge,*
 21 *shall not be filled.*

22 (C) *DISTRICT OF MARYLAND.—*

23 (i) *The 1st vacancy in the office of a*
 24 *bankruptcy judge for the district of Mary-*
 25 *land—*

1 (I) occurring more than 5 years
 2 after the date of the enactment of this
 3 Act; and

4 (II) resulting from the death, re-
 5 irement, resignation, or removal of a
 6 bankruptcy judge,
 7 shall not be filled.

8 (ii) The 2d and 3d vacancies in the of-
 9 fice of a bankruptcy judge for the district of
 10 Maryland resulting from the death, retire-
 11 ment, resignation, or removal of a bank-
 12 ruptcy judge, shall not be filled.

13 (D) SOUTHERN DISTRICT OF FLORIDA.—
 14 The 1st and 2d vacancies in the office of a bank-
 15 ruptcy judge for the southern district of Flor-
 16 ida—

17 (i) occurring more than 5 years after
 18 the date of the enactment of this Act; and

19 (ii) resulting from the death, retire-
 20 ment, resignation, or removal of a bank-
 21 ruptcy judge,

22 shall not be filled.

23 (3) APPLICABILITY OF PROVISIONS.—Except as
 24 provided in paragraphs (1) and (2), all other provi-
 25 sions of subsection (b) of the Bankruptcy Judgeship

1 *Act of 2005 (28 U.S.C. 152 note) and section 2 of the*
 2 *Temporary Bankruptcy Judgeships Extension Act of*
 3 *2012 (28 U.S.C. 152 note) remain applicable to the*
 4 *temporary office of bankruptcy judges referred to in*
 5 *paragraph (1).*

6 ***(b) TEMPORARY OFFICE OF BANKRUPTCY JUDGES EX-***
 7 ***TENDED BY THE BANKRUPTCY JUDGESHIP ACT OF 2005***
 8 ***AND THE TEMPORARY BANKRUPTCY JUDGESHIPS EXTEN-***
 9 ***SION ACT OF 2012.—***

10 ***(1) EXTENSIONS.—****The temporary office of bank-*
 11 *ruptcy judges authorized by section 3 of the Bank-*
 12 *ruptcy Judgeship Act of 1992 (28 U.S.C. 152 note)*
 13 *and extended by subsection (c) of the Bankruptcy*
 14 *Judgeship Act of 2005 (28 U.S.C. 152 note) and fur-*
 15 *ther extended by section 2 of the Temporary Bank-*
 16 *ruptcy Judgeships Extension Act of 2012 (28 U.S.C.*
 17 *152 note) for the district of Delaware and the district*
 18 *of Puerto Rico are extended until the applicable va-*
 19 *cancy specified in paragraph (2) in the office of a*
 20 *bankruptcy judge for the respective district occurs.*

21 ***(2) VACANCIES.—***

22 ***(A) DISTRICT OF DELAWARE.—****The 5th va-*
 23 *cancy in the office of a bankruptcy judge for the*
 24 *district of Delaware—*

1 (i) occurring more than 5 years after
 2 the date of the enactment of this Act; and
 3 (ii) resulting from the death, retire-
 4 ment, resignation, or removal of a bank-
 5 ruptcy judge,
 6 shall not be filled.

7 (B) *DISTRICT OF PUERTO RICO.*—The 2d
 8 vacancy in the office of a bankruptcy judge for
 9 the district of Puerto Rico—

10 (i) occurring more than 5 years after
 11 the date of the enactment of this Act; and
 12 (ii) resulting from the death, retire-
 13 ment, resignation, or removal of a bank-
 14 ruptcy judge,
 15 shall not be filled.

16 (3) *APPLICABILITY OF OTHER PROVISIONS.*—*Ex-*
 17 *cept as provided in paragraphs (1) and (2), all other*
 18 *provisions of section 3 of the Bankruptcy Judgeship*
 19 *Act of 1992 (28 U.S.C. 152 note), subsection (c) of the*
 20 *Bankruptcy Judgeship Act of 2005 (28 U.S.C. 152*
 21 *note), and section 2 of the Temporary Bankruptcy*
 22 *Judgeships Extension Act of 2012 (28 U.S.C. 152*
 23 *note) remain applicable to the temporary office of*
 24 *bankruptcy judges referred to in paragraph (1).*

1 **SEC. 1003. TEMPORARY OFFICE OF BANKRUPTCY JUDGE AU-**
2 **THORIZED.**

3 (a) *APPOINTMENTS.*—*The following bankruptcy judges*
4 *shall be appointed in the manner prescribed in section*
5 *152(a)(1) of title 28, United States Code, for the appoint-*
6 *ment of bankruptcy judges provided for in section 152(a)(2)*
7 *of that title:*

8 (1) *Two additional bankruptcy judges for the*
9 *district of Delaware.*

10 (2) *One additional bankruptcy judge for the*
11 *middle district of Florida.*

12 (3) *One additional bankruptcy judge for the east-*
13 *ern district of Michigan.*

14 (b) *VACANCIES.*—

15 (1) *DISTRICT OF DELAWARE.*—*The 6th and 7th*
16 *vacancies in the office of a bankruptcy judge for the*
17 *district of Delaware—*

18 (A) *occurring 5 years or more after the ap-*
19 *pointment date of the bankruptcy judge ap-*
20 *pointed under subsection (a)(1) to such office;*
21 *and*

22 (B) *resulting from the death, retirement,*
23 *resignation, or removal of a bankruptcy judge,*
24 *shall not be filled.*

1 (2) *MIDDLE DISTRICT OF FLORIDA.—The 1st va-*
 2 *cancy in the office of a bankruptcy judge for the mid-*
 3 *dle district of Florida—*

4 (A) *occurring 5 years or more after the ap-*
 5 *pointment date of the bankruptcy judge ap-*
 6 *pointed under subsection (a)(2) to such office;*
 7 *and*

8 (B) *resulting from the death, retirement,*
 9 *resignation, or removal of a bankruptcy judge,*
 10 *shall not be filled.*

11 (3) *EASTERN DISTRICT OF MICHIGAN.—The 2d*
 12 *vacancy in the office of a bankruptcy judge for the*
 13 *eastern district of Michigan—*

14 (A) *occurring 5 years or more after the ap-*
 15 *pointment date of the bankruptcy judge ap-*
 16 *pointed under subsection (a)(3) to such office;*
 17 *and*

18 (B) *resulting from the death, retirement,*
 19 *resignation, or removal of a bankruptcy judge,*
 20 *shall not be filled.*

21 **SEC. 1004. BANKRUPTCY FEES.**

22 (a) *AMENDMENTS TO TITLE 28 OF THE UNITED*
 23 *STATES CODE.—Section 1930(a)(6) of title 28, United*
 24 *States Code, is amended—*

1 (1) *by striking “(6) In” and inserting “(6)(A)*
 2 *Except as provided in subparagraph (B), in”; and*

3 (2) *by adding at the end the following:*

4 “(B) *During each of fiscal years 2018 through*
 5 *2022, if the balance in the United States Trustee Sys-*
 6 *tem Fund as of September 30 of the most recent full*
 7 *fiscal year is less than \$200,000,000, the quarterly fee*
 8 *payable for a quarter in which disbursements equal or*
 9 *exceed \$1,000,000 shall be the lesser of 1 percent of*
 10 *such disbursements or \$250,000.”.*

11 (b) *DEPOSITS OF CERTAIN FEES FOR FISCAL YEARS*
 12 *2018 THROUGH 2022.—Notwithstanding section 589a(b) of*
 13 *title 28, United States Code, for each of fiscal years 2018*
 14 *through 2022—*

15 (1) *98 percent of the fees collected under section*
 16 *1930(a)(6) of such title shall be deposited as offsetting*
 17 *collections to the appropriation “United States Trust-*
 18 *ee System Fund”, to remain available until expended;*
 19 *and*

20 (2) *2 percent of the fees collected under section*
 21 *1930(a)(6) of such title shall be deposited in the gen-*
 22 *eral fund of the Treasury.*

23 (c) *APPLICATION OF AMENDMENTS.—The amendments*
 24 *made by this section shall apply to quarterly fees payable*
 25 *under section 1930(a)(6) of title 28, United States Code,*

1 *as amended by this section, for disbursements made in any*
 2 *calendar quarter that begins on or after the date of enact-*
 3 *ment of this Act.*

4 **SEC. 1005. CLARIFICATION OF RULE ALLOWING DISCHARGE**
 5 **TO GOVERNMENTAL CLAIMS ARISING FROM**
 6 **THE DISPOSITION OF FARM ASSETS UNDER**
 7 **CHAPTER 12 BANKRUPTCIES.**

8 *(a) IN GENERAL.—Subchapter II of chapter 12 of title*
 9 *11, United States Code, is amended by adding at the end*
 10 *the following:*

11 **“§ 1232. Claim by a governmental unit based on the**
 12 **disposition of property used in a farming**
 13 **operation**

14 *“(a) Any unsecured claim of a governmental unit*
 15 *against the debtor or the estate that arises before the filing*
 16 *of the petition, or that arises after the filing of the petition*
 17 *and before the debtor’s discharge under section 1228, as a*
 18 *result of the sale, transfer, exchange, or other disposition*
 19 *of any property used in the debtor’s farming operation—*

20 *“(1) shall be treated as an unsecured claim aris-*
 21 *ing before the date on which the petition is filed;*

22 *“(2) shall not be entitled to priority under sec-*
 23 *tion 507;*

24 *“(3) shall be provided for under a plan; and*

1 “(4) shall be discharged in accordance with sec-
2 tion 1228.

3 “(b) For purposes of applying sections 1225(a)(4),
4 1228(b)(2), and 1229(b)(1) to a claim described in sub-
5 section (a) of this section, the amount that would be paid
6 on such claim if the estate of the debtor were liquidated
7 in a case under chapter 7 of this title shall be the amount
8 that would be paid by the estate in a chapter 7 case if the
9 claim were an unsecured claim arising before the date on
10 which the petition was filed and were not entitled to pri-
11 ority under section 507.

12 “(c) For purposes of applying sections 523(a),
13 1228(a)(2), and 1228(c)(2) to a claim described in sub-
14 section (a) of this section, the claim shall not be treated
15 as a claim of a kind specified in subparagraph (A) or (B)
16 of section 523(a)(1).

17 “(d)(1) A governmental unit may file a proof of claim
18 for a claim described in subsection (a) that arises after the
19 date on which the petition is filed.

20 “(2) If a debtor files a tax return after the filing of
21 the petition for a period in which a claim described in sub-
22 section (a) arises, and the claim relates to the tax return,
23 the debtor shall serve notice of the claim on the govern-
24 mental unit charged with the responsibility for the collec-
25 tion of the tax at the address and in the manner designated

1 *in section 505(b)(1). Notice under this paragraph shall state*
 2 *that the debtor has filed a petition under this chapter, state*
 3 *the name and location of the court in which the case under*
 4 *this chapter is pending, state the amount of the claim, and*
 5 *include a copy of the filed tax return and documentation*
 6 *supporting the calculation of the claim.*

7 “(3) *If notice of a claim has been served on the govern-*
 8 *mental unit in accordance with paragraph (2), the govern-*
 9 *mental unit may file a proof of claim not later than 180*
 10 *days after the date on which such notice was served. If the*
 11 *governmental unit has not filed a timely proof of the claim,*
 12 *the debtor or trustee may file proof of the claim that is con-*
 13 *sistent with the notice served under paragraph (2). If a*
 14 *proof of claim is filed by the debtor or trustee under this*
 15 *paragraph, the governmental unit may not amend the proof*
 16 *of claim.*

17 “(4) *A claim filed under this subsection shall be deter-*
 18 *mined and shall be allowed under subsection (a), (b), or*
 19 *(c) of section 502, or disallowed under subsection (d) or (e)*
 20 *of section 502, in the same manner as if the claim had aris-*
 21 *en immediately before the date of the filing of the petition.”.*

22 (b) *TECHNICAL AND CONFORMING AMENDMENTS.—*

23 (1) *IN GENERAL.—Subchapter II of chapter 12 of*
 24 *title 11, United States Code, is amended—*

25 (A) *in section 1222(a)—*

1 (i) in paragraph (2), by striking “un-
2 less—” and all that follows through “the
3 holder” and inserting “unless the holder”;

4 (ii) in paragraph (3), by striking
5 “and” at the end;

6 (iii) in paragraph (4), by striking the
7 period at the end and inserting “; and”;
8 and

9 (iv) by adding at the end the following:
10 “(5) subject to section 1232, provide for the treat-
11 ment of any claim by a governmental unit of a kind
12 described in section 1232(a).”;

13 (B) in section 1228—

14 (i) in subsection (a)—

15 (I) in the matter preceding para-
16 graph (1)—

17 (aa) by inserting a comma
18 after “all debts provided for by the
19 plan”; and

20 (bb) by inserting a comma
21 after “allowed under section 503
22 of this title”; and

23 (II) in paragraph (2), by striking
24 “the kind” and all that follows and in-
25 serting “a kind specified in section

1 523(a) of this title, except as provided
2 in section 1232(c).”; and

3 (ii) in subsection (c)(2), by inserting “,
4 except as provided in section 1232(c)” be-
5 fore the period at the end; and

6 (C) in section 1229(a)—

7 (i) in paragraph (2), by striking “or”
8 at the end;

9 (ii) in paragraph (3), by striking the
10 period at the end and inserting “; or”; and

11 (iii) by adding at the end the fol-
12 lowing:

13 “(4) provide for the payment of a claim de-
14 scribed in section 1232(a) that arose after the date on
15 which the petition was filed.”.

16 (2) *TABLE OF SECTIONS.*—The table of sections
17 for subchapter II of chapter 12 of title 11, United
18 States Code, is amended by adding at the end the fol-
19 lowing:

“1232. Claim by a governmental unit based on the disposition of property used
in a farming operation.”.

20 (c) *EFFECTIVE DATE.*—The amendments made by this
21 section shall apply to—

22 (1) any bankruptcy case—

23 (A) that is pending on the date of enact-
24 ment of this Act;

1 (B) in which the plan under chapter 12 of
2 title 11, United States Code, has not been con-
3 firmed on the date of enactment of this Act; and

4 (C) relating to which an order of discharge
5 under section 1228 of title 11, United States
6 Code, has not been entered; and

7 (2) any bankruptcy case that commences on or
8 after the date of enactment of this Act.

Attest:

Clerk.

115TH CONGRESS
1ST SESSION

H.R. 2266

**HOUSE AMENDMENT TO
SENATE AMENDMENT**