

115TH CONGRESS  
1ST SESSION

# H. RES. \_\_\_\_\_

Providing for the concurrence by the House in the Senate amendment to  
H.R. 2266, with an amendment.

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## IN THE HOUSE OF REPRESENTATIVES

M. \_\_\_\_\_ submitted the following resolution; which was referred to  
the Committee on \_\_\_\_\_

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# RESOLUTION

Providing for the concurrence by the House in the Senate  
amendment to H.R. 2266, with an amendment.

1       *Resolved*, That upon the adoption of this resolution  
2 the House shall be considered to have taken from the  
3 Speaker's table the bill, H.R. 2266, with the Senate  
4 amendment thereto, and to have concurred in the Senate  
5 amendment with the following amendment:

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

1 **SEC. 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 SUPPLE-**  
6 **MENTAL APPROPRIATIONS FOR DIS-**  
7 **ASTER RELIEF REQUIREMENTS ACT**  
8 **OF 2017**

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

15 **TITLE I**

16 **DEPARTMENT OF HOMELAND SECURITY**

17 **FEDERAL EMERGENCY MANAGEMENT AGENCY**

18 **DISASTER RELIEF FUND**

19 **(INCLUDING TRANSFERS OF FUNDS)**

20 For an additional amount for “Disaster Relief Fund”  
21 for major disasters declared pursuant to the Robert T.  
22 Stafford Disaster Relief and Emergency Assistance Act  
23 (42 U.S.C. 5121 et seq.), \$18,670,000,000, to remain  
24 available until expended, of which \$10,000,000 shall be  
25 transferred to the Department of Homeland Security Of-  
26 fice of Inspector General for audits and investigations re-

1 lated to disasters: *Provided*, That the Administrator of the  
2 Federal Emergency Management Agency shall publish on  
3 the Agency's website not later than 5 days after an award  
4 of a public assistance grant under section 406 of the Rob-  
5 ert T. Stafford Disaster Relief and Emergency Assistance  
6 Act (42 U.S.C. 5172) that is in excess of \$1,000,000, the  
7 specifics of each such grant award: *Provided further*, That  
8 for any mission assignment or mission assignment task  
9 order to another Federal department or agency regarding  
10 a major disaster in excess of \$1,000,000, not later than  
11 5 days after the issuance of such mission assignment or  
12 mission assignment task order, the Administrator shall  
13 publish on the Agency's website the following: the name  
14 of the impacted State, the disaster declaration for such  
15 State, the assigned agency, the assistance requested, a de-  
16 scription of the disaster, the total cost estimate, and the  
17 amount obligated: *Provided further*, That not later than  
18 10 days after the last day of each month until a mission  
19 assignment or mission assignment task order described in  
20 the preceding proviso is completed and closed out, the Ad-  
21 ministrator shall update any changes to the total cost esti-  
22 mate and the amount obligated: *Provided further*, That for  
23 a disaster declaration related to Hurricane Harvey, Hurri-  
24 cane Irma, or Hurricane Maria, the Administrator shall  
25 submit to the Committees on Appropriations of the House

1 of Representatives and the Senate, not later than 5 days  
2 after the first day of each month beginning after the date  
3 of enactment of this Act, and shall publish on the Agency's  
4 website, not later than 10 days after the first day of each  
5 such month, an estimate or actual amount, if available,  
6 for the current fiscal year of the cost of the following cat-  
7 egories of spending: public assistance, individual assist-  
8 ance, operations, mitigation, administrative, and any other  
9 relevant category (including emergency measures and dis-  
10 aster resources): *Provided further*, That not later than 10  
11 days after the first day of each month, the Administrator  
12 shall publish on the Agency's website the report (referred  
13 to as the Disaster Relief Monthly Report) as required by  
14 Public Law 114-4.

15 Of the amounts provided in this division for the Dis-  
16 aster Relief Fund, up to \$4,900,000,000 may be trans-  
17 ferred to the Disaster Assistance Direct Loan Program  
18 Account for the cost of direct loans as authorized under  
19 section 417 of the Robert T. Stafford Disaster Relief and  
20 Emergency Assistance Act (42 U.S.C. 5184) to be used  
21 to assist local governments in providing essential services  
22 as a result of Hurricanes Harvey, Irma, or Maria: *Pro-*  
23 *vided further*, That such amounts may subsidize gross obli-  
24 gations for the principal amount of direct loans not to ex-  
25 ceed \$4,900,000,000 under section 417 of the Stafford

1 Act: *Provided further*, That notwithstanding section 417  
2 of the Stafford Act, a territory or possession, and instru-  
3 mentalities and local governments thereof, of the United  
4 States shall be deemed to be a local government for pur-  
5 poses of this paragraph: *Provided further*, That notwith-  
6 standing section 417(b) of the Stafford Act, the amount  
7 of any such loan issued to a territory or possession, and  
8 instrumentalities and local governments thereof, may be  
9 based on the projected loss of tax and other revenues and  
10 on projected cash outlays not previously budgeted for a  
11 period not to exceed 180 days from the date of the major  
12 disaster, and may exceed \$5,000,000: *Provided further*,  
13 That notwithstanding any other provision of law or the  
14 constitution of a territory or possession that limits the  
15 issuance of debt, a territory or possession, and instrumen-  
16 talities and local governments thereof, may each receive  
17 more than one loan with repayment provisions and other  
18 terms specific to the type of lost tax and other revenues  
19 and on projected unbudgeted cash outlays for which the  
20 loan is provided: *Provided further*, That notwithstanding  
21 section 417(c)(1) of the Stafford Act, loans to a territory  
22 or possession, and instrumentalities and local governments  
23 thereof, may be cancelled in whole or in part only at the  
24 discretion of the Secretary of Homeland Security in con-  
25 sultation with the Secretary of the Treasury: *Provided fur-*

1 *ther*, That notwithstanding any other provision of law, the  
2 Secretary of Homeland Security, in consultation with the  
3 Secretary of the Treasury, shall determine the terms, con-  
4 ditions, eligible uses, and timing and amount of Federal  
5 disbursements of loans issued to a territory or possession,  
6 and instrumentalities and local governments thereof: *Pro-*  
7 *vided further*, That such costs, including the cost of modi-  
8 fying such loans, shall be as defined in section 502 of the  
9 Congressional Budget Act of 1974 (2 U.S.C. 661a): *Pro-*  
10 *vided further*, That FEMA may transfer up to 1.5 percent  
11 of the amount under this paragraph to the Disaster As-  
12 sistance Direct Loan Program Account for administrative  
13 expenses to carry out under this paragraph the direct loan  
14 program, as authorized by section 417 of the Stafford Act:  
15 *Provided further*, That of the amount provided under this  
16 paragraph for transfer, up to \$150,000,000 may be trans-  
17 ferred to the Disaster Assistance Direct Loan Program  
18 Account for the cost to lend a territory or possession of  
19 the United States that portion of assistance for which the  
20 territory or possession is responsible under the cost-shar-  
21 ing provisions of the major disaster declaration for Hurri-  
22 canes Irma or Maria, as authorized under section 319 of  
23 the Robert T. Stafford Disaster Relief and Emergency As-  
24 sistance Act (42 U.S.C. 5162): *Provided further*, That of  
25 the amount provided under this paragraph for transfer,

1 up to \$1,000,000 may be transferred to the Disaster As-  
2 sistance Direct Loan Program Account for administrative  
3 expenses to carry out the Advance of Non-Federal Share  
4 program, as authorized by section 319 of the Stafford Act.

5 The amount provided under this heading is des-  
6 ignated by the Congress as being for an emergency re-  
7 quirement pursuant to section 251(b)(2)(A)(i) of the Bal-  
8 anced Budget and Emergency Deficit Control Act of 1985.

## 9 TITLE II

### 10 DEPARTMENT OF AGRICULTURE

#### 11 FOREST SERVICE

#### 12 WILDLAND FIRE MANAGEMENT

#### 13 (INCLUDING TRANSFER OF FUNDS)

14 For an additional amount for “Wildland Fire Man-  
15 agement”, \$184,500,000, to remain available through  
16 September 30, 2021, for urgent wildland fire suppression  
17 operations: *Provided*, That such funds shall be solely avail-  
18 able to be transferred to and merged with other appropria-  
19 tions accounts from which funds were previously trans-  
20 ferred for wildland fire suppression in fiscal year 2017 to  
21 fully repay those amounts: *Provided further*, That such  
22 amount is designated by the Congress as being for an  
23 emergency requirement pursuant to section  
24 251(b)(2)(A)(i) of the Balanced Budget and Emergency  
25 Deficit Control Act of 1985.

1 FLAME WILDFIRE SUPPRESSION RESERVE FUND  
2 (INCLUDING TRANSFER OF FUNDS)

3 For an additional amount for “FLAME Wildfire  
4 Suppression Reserve Fund”, \$342,000,000, to remain  
5 available through September 30, 2021, for necessary ex-  
6 penses for large wildland fire suppression operations of the  
7 Department of Agriculture and as a reserve fund for sup-  
8 pression and Federal emergency response activities: *Pro-*  
9 *vided*, That notwithstanding the FLAME Act of 2009 (43  
10 U.S.C. 1748a(e)), such funds shall be solely available to  
11 be transferred to and merged with other appropriations  
12 accounts from which funds were previously transferred for  
13 wildland fire suppression in fiscal year 2017 to fully repay  
14 those amounts: *Provided further*, That such amount is des-  
15 ignated by the Congress as being for an emergency re-  
16 quirement pursuant to section 251(b)(2)(A)(i) of the Bal-  
17 anced Budget and Emergency Deficit Control Act of 1985.

18 DEPARTMENT OF THE INTERIOR  
19 DEPARTMENT-WIDE PROGRAMS  
20 WILDLAND FIRE MANAGEMENT  
21 (INCLUDING TRANSFER OF FUNDS)

22 For an additional amount for “Wildland Fire Man-  
23 agement”, \$50,000,000, to remain available until ex-  
24 pended, for urgent wildland fire suppression activities and  
25 funds necessary to repay any transfers needed for these



1 costs: *Provided*, That such funds may be available to be  
2 transferred to and merged with other appropriations ac-  
3 counts to fully repay amounts previously transferred for  
4 wildland fire suppression: *Provided further*, That such  
5 amount is designated by the Congress as being for an  
6 emergency requirement pursuant to section  
7 251(b)(2)(A)(i) of the Balanced Budget and Emergency  
8 Deficit Control Act of 1985.

9

## TITLE III

10

## GENERAL PROVISIONS

11 SEC. 301. Each amount appropriated or made avail-  
12 able by this division is in addition to amounts otherwise  
13 appropriated for the fiscal year involved.

14 SEC. 302. No part of any appropriation contained in  
15 this division shall remain available for obligation beyond  
16 the current fiscal year unless expressly so provided herein.

17 SEC. 303. The terms and conditions applicable to the  
18 funds provided in this division, including those provided  
19 by this title, shall also apply to the funds made available  
20 in division B of Public Law 115–56.

21 SEC. 304. Each amount designated in this division  
22 by the Congress as being for an emergency requirement  
23 pursuant to section 251(b)(2)(A)(i) of the Balanced Budg-  
24 et and Emergency Deficit Control Act of 1985 shall be  
25 available only if the President subsequently so designates

1 all such amounts and transmits such designations to the  
2 Congress.

3 SEC. 305. (a)(1) Not later than December 31, 2017,  
4 in accordance with criteria to be established by the Direc-  
5 tor of the Office of Management and Budget (referred to  
6 in this section as “OMB”), each Federal agency shall sub-  
7 mit to OMB, the Government Accountability Office, the  
8 respective Inspector General of each agency, and the Com-  
9 mittees on Appropriations of the House of Representatives  
10 and the Senate internal control plans for funds provided  
11 by this division and division B of Public Law 115–56.

12 (2) Not later than March 31, 2018, the Government  
13 Accountability Office shall review for the Committees on  
14 Appropriations of the House of Representatives and the  
15 Senate the design of the internal control plans required  
16 by paragraph (1).

17 (b) All programs and activities receiving funds under  
18 this division shall be deemed to be “susceptible to signifi-  
19 cant improper payments” for purposes of the Improper  
20 Payments Information Act of 2002 (31 U.S.C. 3321 note),  
21 notwithstanding section 2(a) of such Act.

22 (c) Funds for grants provided by this division or divi-  
23 sion B of Public Law 115–56 shall be expended by the  
24 grantees within the 24-month period following the agen-  
25 cy’s obligation of funds for the grant, unless, in accord-

1 ance with guidance to be issued by the Director of OMB,  
2 the Director waives this requirement for a particular grant  
3 program and submits a written justification for such waiv-  
4 er to the Committees on Appropriations of the House of  
5 Representatives and the Senate. In the case of such  
6 grants, the agency shall include a term in the grant that  
7 requires the grantee to return to the agency any funds  
8 not expended within the 24-month period.

9 SEC. 306. (a) The first proviso under the heading  
10 “Department of Housing and Urban Development—Com-  
11 munity Planning and Development—Community Develop-  
12 ment Fund” in division B of Public Law 115–56 is  
13 amended by striking “State or unit of general local gov-  
14 ernment” and inserting “State, unit of general local gov-  
15 ernment, or Indian tribe (as such term is defined in sec-  
16 tion 102 of the Housing and Community Development Act  
17 of 1974 (42 U.S.C. 5302))”.

18 (b) Amounts repurposed pursuant to subsection (a)  
19 that were previously designated by the Congress as an  
20 emergency requirement pursuant to the Balanced Budget  
21 and Emergency Deficit Control Act of 1985 are des-  
22 ignated by the Congress as being for an emergency re-  
23 quirement pursuant to section 251(b)(2)(A)(i) of such  
24 Act.

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

3           “(7) The Department of the Interior, Environ-  
4 ment, and Related Agencies Appropriations Act,  
5 2017 (division G of Public Law 115–31), except the  
6 language under the heading ‘FLAME Wildfire Sup-  
7 pression Reserve Fund’ in the Departments of Agri-  
8 culture and the Interior.”.

9       SEC. 308. (a) Notwithstanding sections 1309, 1310,  
10 and 1310a of the National Flood Insurance Act of 1968  
11 (42 U.S.C. 4016 – 4017a) and section 15(e) of the Fed-  
12 eral Flood Insurance Act of 1956 (42 U.S.C 2414(e)), and  
13 any borrowing agreement entered into between the De-  
14 partment of the Treasury and the Federal Emergency  
15 Management Agency, of the indebtedness of the Adminis-  
16 trator under any notes or other obligations issued pursu-  
17 ant to section 1309(a) of the National Flood Insurance  
18 Act of 1968 (42 U.S.C. 4016(a)) and section 15(e) of the  
19 Federal Insurance Act of 1956 (42 U.S.C. 2414(e)) that  
20 is outstanding as of the date of the enactment of this Act,  
21 an amount of \$16,000,000,000 is hereby cancelled. To the  
22 extent of the amount cancelled, the Administrator and the  
23 National Flood Insurance Fund are relieved of all liability  
24 to the Secretary of the Treasury under any such notes  
25 or other obligations, including for any interest due under

1 such notes and any other fees and charges payable in con-  
2 nection with such notes, and the total amount of notes  
3 and obligations issued by the Administrator pursuant to  
4 such sections shall be considered to be reduced by such  
5 amount for the purposes of the limitation on such total  
6 amount under such section 1309(a).

7 (b) The amount of the indebtedness cancelled under  
8 subsection (a) may be treated as public debt of the United  
9 States.

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

13 (2) The amount provided in this section is designated  
14 by the Congress as being for an emergency requirement  
15 pursuant to section 251(b)(2)(A)(i) of the Balanced Budg-  
16 et and Emergency Deficit Control Act of 1985.

17 SEC. 309. Notwithstanding section 19(a)(2)(B) of the  
18 Food and Nutrition Act of 2008 (7 U.S.C. 2028), not to  
19 exceed \$1,270,000,000 of funds made available for the  
20 contingency reserve under the heading “Supplemental Nu-  
21 trition Assistance Program” of division A of Public Law  
22 114–113 shall be available for the Secretary to provide  
23 a grant to the Commonwealth of Puerto Rico for disaster  
24 nutrition assistance in response to the Presidentially de-  
25 clared major disasters and emergencies: *Provided*, That

1 funds made available to Puerto Rico under this section  
2 shall remain available for obligation by the Commonwealth  
3 until September 30, 2019, and shall be in addition to  
4 funds otherwise made available: *Provided further*, That  
5 such amount is designated by the Congress as being for  
6 an emergency requirement pursuant to section  
7 251(b)(2)(A)(i) of the Balanced Budget and Emergency  
8 Deficit Control Act of 1985.

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

17       This division may be cited as the “Additional Supple-  
18 mental Appropriations for Disaster Relief Requirements  
19 Act of 2017”.

20       **DIVISION B—BANKRUPTCY**  
21       **JUDGESHIP ACT OF 2017**

22       **SECTION 1001. SHORT TITLE.**

23       This division may be cited as the “Bankruptcy  
24 Judgeship Act of 2017”.

1 **SEC. 1002. EXTENSION OF TEMPORARY OFFICE OF BANK-**  
2 **RUPTCY JUDGES IN CERTAIN JUDICIAL DIS-**  
3 **TRICTS.**

4 (a) TEMPORARY OFFICE OF BANKRUPTCY JUDGES  
5 AUTHORIZED BY THE BANKRUPTCY JUDGESHIP ACT OF  
6 2005.—

7 (1) EXTENSIONS.—The temporary office of  
8 bankruptcy judges authorized for the following dis-  
9 tricts by subsection (b) of the Bankruptcy Judgeship  
10 Act of 2005 (28 U.S.C. 152 note) are extended until  
11 the applicable vacancy specified in paragraph (2) in  
12 the office of a bankruptcy judge for the respective  
13 district occurs:

14 (A) The district of Delaware.

15 (B) The southern district of Florida.

16 (C) The district of Maryland.

17 (D) The eastern district of Michigan.

18 (E) The district of Nevada.

19 (F) The eastern district of North Carolina.

20 (G) The district of Puerto Rico.

21 (H) The eastern district of Virginia.

22 (2) VACANCIES.—

23 (A) SINGLE VACANCIES.—Except as pro-  
24 vided in subparagraphs (B), (C), and (D), the  
25 1st vacancy in the office of a bankruptcy judge  
26 for each district specified in paragraph (1)—

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 DELAWARE.—The 1st,  
8 2d, 3d, and 4th vacancies in the office of a  
9 bankruptcy judge for the district of Delaware—

10 (i) occurring 5 years or more after the  
11 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 (C) DISTRICT OF MARYLAND.—

17 (i) The 1st vacancy in the office of a  
18 bankruptcy judge for the district of Mary-  
19 land—

20 (I) occurring more than 5 years  
21 after the date of the enactment of this  
22 Act, and  
23 (II) resulting from the death, re-  
24 tirement, resignation, or removal of a  
25 bankruptcy judge,



1 shall not be filled.

2 (ii) The 2d and 3d vacancies in the  
3 office of a bankruptcy judge for the dis-  
4 trict of Maryland resulting from the death,  
5 retirement, resignation, or removal of a  
6 bankruptcy judge, shall not be filled.

7 (D) SOUTHERN DISTRICT OF FLORIDA.—  
8 The 1st and 2d vacancies in the office of a  
9 bankruptcy judge for the southern district of  
10 Florida—

11 (i) occurring more than 5 years after  
12 the date of the enactment of this Act, and

13 (ii) resulting from the death, retire-  
14 ment, resignation, or removal of a bank-  
15 ruptcy judge,

16 shall not be filled.

17 (3) APPLICABILITY OF PROVISIONS.—Except as  
18 provided in paragraphs (1) and (2), all other provi-  
19 sions of subsection (b) of the Bankruptcy Judgeship  
20 Act of 2005 (28 U.S.C. 152 note) and section 2 of  
21 the Temporary Bankruptcy Judgeships Extension  
22 Act of 2012 (28 U.S.C. 152 note) remain applicable  
23 to the temporary office of bankruptcy judges re-  
24 ferred to in paragraph (1).

1 (b) TEMPORARY OFFICE OF BANKRUPTCY JUDGES  
2 EXTENDED BY THE BANKRUPTCY JUDGESHIP ACT OF  
3 2005 AND THE TEMPORARY BANKRUPTCY JUDGESHIPS  
4 EXTENSION ACT OF 2012.—

5 (1) EXTENSIONS.—The temporary office of  
6 bankruptcy judges authorized by section 3 of the  
7 Bankruptcy Judgeship Act of 1992 (28 U.S.C. 152  
8 note) and extended by subsection (c) of the Bank-  
9 ruptcy Judgeship Act of 2005 (28 U.S.C. 152 note)  
10 and further extended by section 2 of the Temporary  
11 Bankruptcy Judgeships Extension Act of 2012 (28  
12 U.S.C. 152 note) for the district of Delaware and  
13 the district of Puerto Rico are extended until the ap-  
14 plicable vacancy specified in paragraph (2) in the of-  
15 fice of a bankruptcy judge for the respective district  
16 occurs.

17 (2) VACANCIES.—

18 (A) DISTRICT OF DELAWARE.—The 5th  
19 vacancy in the office of a bankruptcy judge for  
20 the district of Delaware—

21 (i) occurring more than 5 years after  
22 the date of the enactment of this Act, and  
23 (ii) resulting from the death, retire-  
24 ment, resignation, or removal of a bank-  
25 ruptcy judge,

1 shall not be filled.

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

5 (i) occurring more than 5 years after  
6 the date of the enactment of this Act, and

7 (ii) resulting from the death, retire-  
8 ment, resignation, or removal of a bank-  
9 ruptcy judge,

10 shall not be filled.

11 (3) APPLICABILITY OF OTHER PROVISIONS.—

12 Except as provided in paragraphs (1) and (2), all  
13 other provisions of section 3 of the Bankruptcy  
14 Judgeship Act of 1992 (28 U.S.C. 152 note), sub-  
15 section (c) of the Bankruptcy Judgeship Act of 2005  
16 (28 U.S.C. 152 note), and section 2 of the Tem-  
17 porary Bankruptcy Judgeships Extension Act of  
18 2012 (28 U.S.C. 152 note) remain applicable to the  
19 temporary office of bankruptcy judges referred to in  
20 paragraph (1).

21 **SEC. 1003. TEMPORARY OFFICE OF BANKRUPTCY JUDGE**  
22 **AUTHORIZED.**

23 (a) APPOINTMENTS.—The following bankruptcy  
24 judges shall be appointed in the manner prescribed in sec-  
25 tion 152(a)(1) of title 28, United States Code, for the ap-

1 pointment of bankruptcy judges provided for in section  
2 152(a)(2) of that title:

3 (1) Two additional bankruptcy judges for the  
4 district of Delaware.

5 (2) One additional bankruptcy judge for the  
6 middle district of Florida.

7 (3) One additional bankruptcy judge for the  
8 eastern district of Michigan.

9 (b) VACANCIES.—

10 (1) DISTRICT OF DELAWARE.—The 6th and 7th  
11 vacancies in the office of a bankruptcy judge for the  
12 district of Delaware—

13 (A) occurring 5 years or more after the ap-  
14 pointment date of the bankruptcy judge ap-  
15 pointed under subsection (a)(1) to such office,  
16 and

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

20 (2) MIDDLE DISTRICT OF FLORIDA.—The 1st  
21 vacancy in the office of a bankruptcy judge for the  
22 middle district of Florida—

23 (A) occurring 5 years or more after the ap-  
24 pointment date of the bankruptcy judge ap-

1           pointed under subsection (a)(2) to such office,  
2           and

3                   (B) resulting from the death, retirement,  
4           resignation, or removal of a bankruptcy judge,  
5           shall not be filled.

6           (3) EASTERN DISTRICT OF MICHIGAN.—The 2d  
7           vacancy in the office of a bankruptcy judge for the  
8           eastern district of Michigan—

9                   (A) occurring 5 years or more after the ap-  
10           pointment date of the bankruptcy judge ap-  
11           pointed under subsection (a)(3) to such office,  
12           and

13                   (B) resulting from the death, retirement,  
14           resignation, or removal of a bankruptcy judge,  
15           shall not be filled.

16 **SEC. 1004. BANKRUPTCY FEES.**

17           (a) AMENDMENTS TO TITLE 28 OF THE UNITED  
18           STATES CODE.—Section 1930(a)(6) of title 28, United  
19           States Code, is amended—

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

22                   (2) by adding at the end the following:

23                   “(B) During each of fiscal years 2018 through  
24           2022, if the balance in the United States Trustee  
25           System Fund as of September 30 of the most recent

1 full fiscal year is less than \$200,000,000, the quar-  
2 terly fee payable for a quarter in which disburse-  
3 ments equal or exceed \$1,000,000 shall be the lesser  
4 of 1 percent of such disbursements or \$250,000.”.

5 (b) DEPOSITS OF CERTAIN FEES FOR FISCAL YEARS  
6 2018 THROUGH 2022.—Notwithstanding section 589a(b)  
7 of title 28, United States Code, for each of fiscal years  
8 2018 through 2022—

9 (1) 98 percent of the fees collected under sec-  
10 tion 1930(a)(6) of such title shall be deposited as  
11 offsetting collections to the appropriation “United  
12 States Trustee System Fund”, to remain available  
13 until expended; and

14 (2) 2 percent of the fees collected under section  
15 1930(a)(6) of such title shall be deposited in the  
16 general fund of the Treasury.

17 (c) APPLICATION OF AMENDMENTS.—The amend-  
18 ments made by this section shall apply to quarterly fees  
19 payable under section 1930(a)(6) of title 28, United  
20 States Code, as amended by this section, for disburse-  
21 ments made in any calendar quarter that begins on or  
22 after the date of enactment of this Act.

1 **SEC. 1005. CLARIFICATION OF RULE ALLOWING DIS-**  
2 **CHARGE TO GOVERNMENTAL CLAIMS ARISING**  
3 **FROM THE DISPOSITION OF FARM AS-**  
4 **SETS UNDER CHAPTER 12 BANKRUPTCIES.**

5 (a) IN GENERAL.—Subchapter II of chapter 12 of  
6 title 11, United States Code, is amended by adding at the  
7 end the following:

8 **“§ 1232. Claim by a governmental unit based on the**  
9 **disposition of property used in a farming**  
10 **operation**

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

18 “(1) shall be treated as an unsecured claim  
19 arising before the date on which the petition is filed;

20 “(2) shall not be entitled to priority under sec-  
21 tion 507;

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

23 “(4) shall be discharged in accordance with sec-  
24 tion 1228.

25 “(b) For purposes of applying sections 1225(a)(4),  
26 1228(b)(2), and 1229(b)(1) to a claim described in sub-

1 section (a) of this section, the amount that would be paid  
2 on such claim if the estate of the debtor were liquidated  
3 in a case under chapter 7 of this title shall be the amount  
4 that would be paid by the estate in a chapter 7 case if  
5 the claim were an unsecured claim arising before the date  
6 on which the petition was filed and were not entitled to  
7 priority under section 507.

8 “(c) For purposes of applying sections 523(a),  
9 1228(a)(2), and 1228(c)(2) to a claim described in sub-  
10 section (a) of this section, the claim shall not be treated  
11 as a claim of a kind specified in subparagraph (A) or (B)  
12 of section 523(a)(1).

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

16 “(2) If a debtor files a tax return after the filing of  
17 the petition for a period in which a claim described in sub-  
18 section (a) arises, and the claim relates to the tax return,  
19 the debtor shall serve notice of the claim on the govern-  
20 mental unit charged with the responsibility for the collec-  
21 tion of the tax at the address and in the manner des-  
22 igned in section 505(b)(1). Notice under this paragraph  
23 shall state that the debtor has filed a petition under this  
24 chapter, state the name and location of the court in which  
25 the case under this chapter is pending, state the amount



1 of the claim, and include a copy of the filed tax return  
2 and documentation supporting the calculation of the  
3 claim.

4 “(3) If notice of a claim has been served on the gov-  
5 ernmental unit in accordance with paragraph (2), the gov-  
6 ernmental unit may file a proof of claim not later than  
7 180 days after the date on which such notice was served.  
8 If the governmental unit has not filed a timely proof of  
9 the claim, the debtor or trustee may file proof of the claim  
10 that is consistent with the notice served under paragraph  
11 (2). If a proof of claim is filed by the debtor or trustee  
12 under this paragraph, the governmental unit may not  
13 amend the proof of claim.

14 “(4) A claim filed under this subsection shall be de-  
15 termined and shall be allowed under subsection (a), (b),  
16 or (c) of section 502, or disallowed under subsection (d)  
17 or (e) of section 502, in the same manner as if the claim  
18 had arisen immediately before the date of the filing of the  
19 petition.”.

20 (b) TECHNICAL AND CONFORMING AMENDMENTS.—

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

23 (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 fol-  
10 lowing:

11 “(5) subject to section 1232, provide for the  
12 treatment of any claim by a governmental unit of a  
13 kind described in section 1232(a).”;

14 (B) in section 1228—

15 (i) in subsection (a)—

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

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

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

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

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

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

7                   (C) in section 1229(a)—

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

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

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

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

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

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

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

23                  (1) any bankruptcy case—

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

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

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

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