**This is an unofficial transcription of a 2017 excerpt amending the Bankruptcy Code,
prepared by Robert J. Pfister for ease of reading and copying/pasting.
The authoritative text is the United States Statutes at Large.**

One Hundred Fifteenth Congress, Session I
Public Law 115-72 — 131 Stat. 1224 (H.R. 2266)
October 26, 2017

AN ACT *Making additional supplemental appropriations for disaster relief requirements for the fiscal year ending September 30, 2018, 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. SHORT TITLE.

This Act may be cited as the "Additional Supplemental Appropriations for Disaster Relief Requirements Act, 2017".

DIVISION A—ADDITIONAL SUPPLEMENTAL APPROPRIATIONS FOR DISASTER RELIEF REQUIREMENTS ACT OF 2017

The following sums are hereby appropriated, out of any money in the Treasury not otherwise appropriated, and out of applicable corporate or other revenues, receipts, and funds, for the several departments, agencies, corporations, and other organizational units of Government for fiscal year 2018, and for other purposes, namely:

TITLE I

DEPARTMENT OF HOMELAND SECURITY

FEDERAL EMERGENCY MANAGEMENT AGENCY

DISASTER RELIEF FUND

(INCLUDING TRANSFERS OF FUNDS)

For an additional amount for "Disaster Relief Fund" for major disasters declared pursuant to the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.), $18,670,000,000, to remain available until expended, of which $10,000,000 shall be transferred to the Department of Homeland Security Office of Inspector General for audits and investigations related to disasters: *Provided*, That the Administrator of the Federal Emergency Management Agency shall publish on the Agency's website not later than 5 days after an award of a public assistance grant under section 406 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5172) that is in excess of $1,000,000, the specifics of each such grant award: *Provided further*, That for any mission assignment or mission assignment task order to another Federal department or agency regarding a major disaster in excess of $1,000,000, not later than 5 days

[131 Stat. 1225–1231 omitted (7 pages)]

shall not be filled.

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

(A) occurring 5 years or more after the appointment date of the bankruptcy judge appointed under subsection (a)(3) to such office; and

(B) resulting from the death, retirement, resignation, or removal of a bankruptcy judge,

shall not be filled.

SEC. 1004. BANKRUPTCY FEES.

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

(1) by striking "(6) In" and inserting "(6)(A) Except as provided in subparagraph (B), in"; and

(2) by adding at the end the following:

"(B) During each of fiscal years 2018 through 2022, if the balance in the United States Trustee System Fund as of September 30 of the most recent full fiscal year is less than $200,000,000, the quarterly fee payable for a quarter in which disbursements equal or exceed $1,000,000 shall be the lesser of 1 percent of such disbursements or $250,000.".

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

(1) 98 percent of the fees collected under section 1930(a)(6) of such title shall be deposited as offsetting collections to the appropriation "United States Trustee System Fund", to remain available until expended; and

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

(c) APPLICATION OF AMENDMENTS.—The amendments made by this section shall apply to quarterly fees payable under section 1930(a)(6) of title 28, United States Code, as amended by this section, for disbursements made in any calendar quarter that begins on or after the date of enactment of this Act.

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

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

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

"(a) Any unsecured claim of a governmental unit against the debtor or the estate that arises before the filing of the petition, or that arises after the filing of the petition and before the debtor's discharge under section 1228, as a result of the sale, transfer, exchange, or other disposition of any property used in the debtor's farming operation—

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

"(2) shall not be entitled to priority under section 507;

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

"(4) shall be discharged in accordance with section 1228.

"(b) For purposes of applying sections 1225(a)(4), 1228(b)(2), and 1229(b)(1) to a claim described in subsection (a) of this section, the amount that would be paid on such claim if the estate of the debtor were liquidated in a case under chapter 7 of this title shall be the amount that would be paid by the estate in a chapter 7 case if the claim were an unsecured claim arising before the date on which the petition was filed and were not entitled to priority under section 507.

"(c) For purposes of applying sections 523(a), 1228(a)(2), and 1228(c)(2) to a claim described in subsection (a) of this section, the claim shall not be treated as a claim of a kind specified in subparagraph (A) or (B) of section 523(a)(1).

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

"(2) If a debtor files a tax return after the filing of the petition for a period in which a claim described in subsection (a) arises, and the claim relates to the tax return, the debtor shall serve notice of the claim on the governmental unit charged with the responsibility for the collection of the tax at the address and in the manner designated in section 505(b)(1). Notice under this paragraph shall state that the debtor has filed a petition under this chapter, state the name and location of the court in which the case under this chapter is pending, state the amount of the claim, and include a copy of the filed tax return and documentation supporting the calculation of the claim.

"(3) If notice of a claim has been served on the governmental unit in accordance with paragraph (2), the governmental unit may file a proof of claim not later than 180 days after the date on which such notice was served. If the governmental unit has not filed a timely proof of the claim, the debtor or trustee may file proof of the claim that is consistent with the notice served under paragraph (2). If a proof of claim is filed by the debtor or trustee under this paragraph, the governmental unit may not amend the proof of claim.

"(4) A claim filed under this subsection shall be determined and shall be allowed under subsection (a), (b), or (c) of section 502, or disallowed under subsection (d) or (e) of section 502, in the same manner as if the claim had arisen immediately before the date of the filing of the petition.".

(b) TECHNICAL AND CONFORMING AMENDMENTS.—

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

(A) in section 1222(a)—

(i) in paragraph (2), by striking "unless—" and all that follows through "the holder" and inserting "unless the holder";

(ii) in paragraph (3), by striking "and" at the end;

(iii) in paragraph (4), by striking the period at the end and inserting "; and"; and

(iv) by adding at the end the following:

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

(B) in section 1228—

(i) in subsection (a)—

(I) in the matter preceding paragraph (1)—

(aa) by inserting a comma after "all debts provided for by the plan"; and

(bb) by inserting a comma after "allowed under section 503 of this title"; and

(II) in paragraph (2), by striking "the kind" and all that follows and inserting "a kind specified in section 523(a) of this title, except as provided in section 1232(c)."; and

(ii) in subsection (c)(2), by inserting ", except as provided in section 1232(c)" before the period at the end; and

(C) in section 1229(a)—

(i) in paragraph (2), by striking "or" at the end;

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

(iii) by adding at the end the following:

"(4) provide for the payment of a claim described in section 1232(a) that arose after the date on which the petition was filed.".

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

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

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

(1) any bankruptcy case—

(A) that is pending on the date of enactment of this Act;

(B) in which the plan under chapter 12 of title 11, United States Code, has not been confirmed on the date of enactment of this Act; and

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

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

APPROVED October 26, 2017.