

1

10 **TITLE X—BANKRUPTCY RELIEF**11 **SEC. 1001. BANKRUPTCY RELIEF.**

12 (a) PROPERTY OF THE ESTATE.—

13 (1) IN GENERAL.—Section 541(b) of title 11,
14 United States Code, is amended—15 (A) in paragraph (9), in the matter fol-
16 lowing subparagraph (B), by striking “or”;17 (B) in paragraph (10)(C), by striking the
18 period at the end and inserting “; or”; and19 (C) by inserting after paragraph (10) the
20 following:21 “(11) recovery rebates made under section
22 6428 of the Internal Revenue Code of 1986.”.23 (2) SUNSET.—Effective on the date that is 1
24 year after the date of enactment of this Act, section

1 541(b) of title 11, United States Code, is amend-
2 ed—

3 (A) in paragraph (9), in the matter fol-
4 lowing subparagraph (B), by adding “or” at the
5 end;

6 (B) in paragraph (10)(C), by striking “;
7 or” and inserting a period; and

8 (C) by striking paragraph (11).

9 (b) DISCHARGE.—

10 (1) IN GENERAL.—Section 1328 of title 11,
11 United States Code, is amended by adding at the
12 end the following:

13 “(i) Subject to subsection (d), after notice and a
14 hearing, the court may grant a discharge of debts dis-
15 chargeable under subsection (a) to a debtor who has not
16 completed payments to the trustee or a creditor holding
17 a security interest in the principal residence of the debtor
18 if—

19 “(1) the debtor defaults on not more than 3
20 monthly payments due on a residential mortgage
21 under section 1322(b)(5) on or after March 13,
22 2020, to the trustee or creditor caused by a material
23 financial hardship due, directly or indirectly, by the
24 coronavirus disease 2019 (COVID–19) pandemic; or

1 “(2)(A) the plan provides for the curing of a
2 default and maintenance of payments on a residen-
3 tial mortgage under section 1322(b)(5); and

4 “(B) the debtor has entered into a forbearance
5 agreement or loan modification agreement with the
6 holder or servicer (as defined in section 6(i) of the
7 Real Estate Settlement Procedures Act of 1974 (12
8 U.S.C. 2605(i)) of the mortgage described in sub-
9 paragraph (A).”.

10 (2) SUNSET.—Effective on the date that is 1
11 year after the date of enactment of this Act, section
12 1328 of title 11, United States Code, is amended by
13 striking subsection (i).

14 (c) PROTECTION AGAINST DISCRIMINATORY TREAT-
15 MENT.—

16 (1) IN GENERAL.—Section 525 of title 11,
17 United States Code, is amended by adding at the
18 end the following:

19 “(d) A person may not be denied relief under sections
20 4022 through 4024 of the CARES Act (15 U.S.C. 9056,
21 9057, 9058) because the person is or has been a debtor
22 under this title.”.

23 (2) SUNSET.—Effective on the date that is 1
24 year after the date of enactment of this Act, section

1 525 of title 11, United States Code, is amended by
2 striking subsection (d).

3 (d) CARES FORBEARANCE CLAIMS.—

4 (1) FILING OF PROOFS OF CLAIMS OR INTER-
5 ESTS.—Section 501 of title 11, United States Code,
6 is amended by adding at the end the following:

7 “(f)(1) In this subsection—

8 “(A) the term ‘CARES forbearance claim’
9 means a supplemental claim for the amount of a
10 Federally backed mortgage loan or a Federally
11 backed multifamily mortgage loan that was not re-
12 ceived by an eligible creditor during the forbearance
13 period of a loan granted forbearance under section
14 4022 or 4023 of the CARES Act (15 U.S.C. 9056,
15 9057);

16 “(B) the term ‘eligible creditor’ means a
17 servicer (as defined in section 6(i) of the Real Estate
18 Settlement Procedures Act of 1974 (12 U.S.C.
19 2605(i)) with a claim for a Federally backed mort-
20 gage loan or a Federally backed multifamily mort-
21 gage loan of the debtor that is provided for by a
22 plan under section 1322(b)(5);

23 “(C) the term ‘Federally backed mortgage loan’
24 has the meaning given the term in section 4022(a)
25 of the CARES Act (15 U.S.C. 9056(a)); and

1 “(D) the term ‘Federally backed multifamily
2 mortgage loan’ has the meaning given the term in
3 section 4023(f) of the CARES Act (15 U.S.C.
4 9057(f)).

5 “(2)(A) Only an eligible creditor may file a supple-
6 mental proof of claim for a CARES forbearance claim.

7 “(B) If an underlying mortgage loan obligation has
8 been modified or deferred by an agreement of the debtor
9 and an eligible creditor of the mortgage loan in connection
10 with a mortgage forbearance granted under section 4022
11 or 4023 of the CARES Act (15 U.S.C. 9056, 9057) in
12 order to cure mortgage payments forborne under the for-
13 bearance, the proof of claim filed under subparagraph (A)
14 shall include—

15 “(i) the relevant terms of the modification or
16 deferral;

17 “(ii) for a modification or deferral that is in
18 writing, a copy of the modification or deferral; and

19 “(iii) a description of the payments to be de-
20 ferred until the date on which the mortgage loan
21 matures.”.

22 (2) ALLOWANCE OF CLAIMS OR INTERESTS.—
23 Section 502(b)(9) of title 11, United States Code, is
24 amended to read as follows:

1 “(9) proof of such claim is not timely filed, ex-
2 cept to the extent tardily filed as permitted under
3 paragraph (1), (2), or (3) of section 726(a) or under
4 the Federal Rules of Bankruptcy Procedure, except
5 that—

6 “(A) a claim of a governmental unit shall
7 be timely filed if it is filed before 180 days after
8 the date of the order for relief or such later
9 time as the Federal Rules of Bankruptcy Proce-
10 dure may provide;

11 “(B) in a case under chapter 13, a claim
12 of a governmental unit for a tax with respect to
13 a return filed under section 1308 shall be time-
14 ly if the claim is filed on or before the date that
15 is 60 days after the date on which such return
16 was filed as required; and

17 “(C) a CARES forbearance claim (as de-
18 fined in section 501(f)(1)) shall be timely filed
19 if the claim is filed before the date that is 120
20 days after the expiration of the forbearance pe-
21 riod of a loan granted forbearance under sec-
22 tion 4022 or 4023 of the CARES Act (15
23 U.S.C. 9056, 9057).”.

24 (3) SUNSET.—Effective on the date that is 1
25 year after the date of enactment of this Act—

1 (A) section 501 of title 11, United States
2 Code, is amended by striking subsection (f);
3 and

4 (B) section 502(b)(9) of title 11, United
5 States Code, is amended—

6 (i) in subparagraph (A), by adding
7 “and” at the end;

8 (ii) in subparagraph (B), by striking
9 “; and” and inserting a period; and

10 (iii) by striking subparagraph (C).

11 (e) MODIFICATION OF PLAN AFTER CONFIRMA-
12 TION.—

13 (1) IN GENERAL.—Section 1329 of title 11,
14 United States Code, is amended by adding at the
15 end the following:

16 “(e)(1) A debtor of a case for which a creditor files
17 a proof of claim under section 501(f) may file a request
18 for a modification of the plan to provide for the proof of
19 claim.

20 “(2) If the debtor does not file a request for a modi-
21 fication of the plan under paragraph (1) on or before the
22 date that is 30 days after the date on which a creditor
23 files a claim under section 501(f), after notice, the court,
24 on a motion of the court or on a motion of the United
25 States trustee, the trustee, a bankruptcy administrator,

1 or any party in interest, may request a modification of
2 the plan to provide for the proof of claim.”.

3 (2) SUNSET.—Effective on the date that is 1
4 year after the date of enactment of this Act, section
5 1329 of title 11, United States Code, is amended by
6 striking subsection (e).

7 (f) EXECUTORY CONTRACTS AND UNEXPIRED
8 LEASES.—

9 (1) IN GENERAL.—Section 365(d) of title 11,
10 United States Code, is amended—

11 (A) in paragraph (3)—

12 (i) by inserting “(A)” after “(3)”;

13 (ii) by inserting “, except as provided
14 in subparagraph (B)” after “such 60-day
15 period”; and

16 (iii) by adding at the end the fol-
17 lowing:

18 “(B) In a case under subchapter V of chapter 11,
19 the time for performance of an obligation described in sub-
20 paragraph (A) arising under any unexpired lease of non-
21 residential real property may be extended by the court if
22 the debtor is experiencing or has experienced a material
23 financial hardship due, directly or indirectly, to the
24 coronavirus disease 2019 (COVID–19) pandemic until the
25 earlier of—

1 “(i) the date that is 60 days after the date of
2 the order for relief, which may be extended by the
3 court for an additional period of 60 days if the court
4 determines that the debtor is continuing to experi-
5 ence a material financial hardship due, directly or
6 indirectly, to the coronavirus disease 2019 (COVID-
7 19) pandemic; or

8 “(ii) the date on which the lease is assumed or
9 rejected under this section.

10 “(C) An obligation described in subparagraph (A) for
11 which an extension is granted under subparagraph (B)
12 shall be treated as an administrative expense described in
13 section 507(a)(2) for the purpose of section 1191(e).”;
14 and

15 (B) in paragraph (4), by striking “120”
16 each place it appears and inserting “210”.

17 (2) SUNSET.—

18 (A) IN GENERAL.—Effective on the date
19 that is 2 years after the date of enactment of
20 this Act, section 365(d) of title 11, United
21 States Code, is amended—

22 (i) in paragraph (3)—

23 (I) by striking “(A)” after “(3)”;
24

2892

1 (II) by striking “, except as pro-
2 vided in subparagraph (B)” after
3 “such 60-day period”; and

4 (III) by striking subparagraphs
5 (B) and (C); and

6 (ii) in paragraph (4), by striking
7 “210” each place it appears and inserting
8 “120”.

9 (B) SUBCHAPTER V CASES FILED BEFORE
10 SUNSET.—Notwithstanding the amendments
11 made by subparagraph (A), the amendments
12 made by paragraph (1) shall apply in any case
13 commenced under subchapter V of chapter 11
14 of title 11, United States Code, before the date
15 that is 2 years after the date of enactment of
16 this Act.

17 (g) PREFERENCES.—

18 (1) IN GENERAL.—Section 547 of title 11,
19 United States Code, is amended—

20 (A) in subsection (b), in the matter pre-
21 ceding paragraph (1), by striking “and (i)” and
22 inserting “, (i), and (j)”; and

23 (B) by adding at the end the following:

24 “(j)(1) In this subsection:

1 “(A) The term ‘covered payment of rental ar-
2 rearages’ means a payment of arrearages that—

3 “(i) is made in connection with an agree-
4 ment or arrangement—

5 “(I) between the debtor and a lessor
6 to defer or postpone the payment of rent
7 and other periodic charges under a lease of
8 nonresidential real property; and

9 “(II) made or entered into on or after
10 March 13, 2020;

11 “(ii) does not exceed the amount of rental
12 and other periodic charges agreed to under the
13 lease of nonresidential real property described
14 in clause (i)(I) before March 13, 2020; and

15 “(iii) does not include fees, penalties, or in-
16 terest in an amount greater than the amount of
17 fees, penalties, or interest—

18 “(I) scheduled to be paid under the
19 lease of nonresidential real property de-
20 scribed in clause (i)(I); or

21 “(II) that the debtor would owe if the
22 debtor had made every payment due under
23 the lease of nonresidential real property
24 described in clause (i)(I) on time and in
25 full before March 13, 2020.

1 “(B) The term ‘covered payment of supplier ar-
2 rearages’ means a payment of arrearages that—

3 “(i) is made in connection with an agree-
4 ment or arrangement—

5 “(I) between the debtor and a supplier
6 of goods or services to defer or postpone
7 the payment of amounts due under an ex-
8 ecutory contract for goods or services; and

9 “(II) made or entered into on or after
10 March 13, 2020;

11 “(ii) does not exceed the amount due
12 under the executory contract described in clause
13 (i)(I) before March 13, 2020; and

14 “(iii) does not include fees, penalties, or in-
15 terest in an amount greater than the amount of
16 fees, penalties, or interest—

17 “(I) scheduled to be paid under the
18 executory contract described in clause
19 (i)(I); or

20 “(II) that the debtor would owe if the
21 debtor had made every payment due under
22 the executory contract described in clause
23 (i)(I) on time and in full before March 13,
24 2020.

1 “(2) The trustee may not avoid a transfer under this
2 section for—

3 “(A) a covered payment of rental arrearages; or

4 “(B) a covered payment of supplier arrear-
5 ages.”.

6 (2) SUNSET.—

7 (A) IN GENERAL.—Effective on the date
8 that is 2 years after the date of enactment of
9 this Act, section 547 of title 11, United States
10 Code, is amended—

11 (i) in subsection (b), in the matter
12 preceding paragraph (1), by striking “, (i),
13 and (j)” and inserting “and (i)”; and

14 (ii) by striking subsection (j).

15 (B) CASES FILED BEFORE SUNSET.—Not-
16 withstanding the amendments made by sub-
17 paragraph (A), the amendments made by para-
18 graph (1) shall apply in any case commenced
19 under title 11, United States Code, before the
20 date that is 2 years after the date of enactment
21 of this Act.

22 (h) TERMINATION OF UTILITY SERVICES.—

23 (1) IN GENERAL.—Section 366 of title 11,
24 United States Code, is amended by adding at the
25 end the following:

1 “(d) Notwithstanding any other provision of this sec-
2 tion, a utility may not alter, refuse, or discontinue service
3 to a debtor who does not furnish adequate assurance of
4 payment under this section if the debtor—

5 “(1) is an individual;

6 “(2) makes a payment to the utility for any
7 debt owed to the utility for service provided during
8 the 20-day period beginning on the date of the order
9 for relief; and

10 “(3) after the date on which the 20-day period
11 beginning on the date of the order for relief ends,
12 makes a payment to the utility for services provided
13 during the pendency of case when such a payment
14 becomes due.”.

15 (2) SUNSET.—Effective on the date that is 1
16 year after the date of enactment of this Act, section
17 366 of title 11, United States Code, is amended by
18 striking subsection (d).

19 (i) CUSTOMS DUTIES.—

20 (1) IN GENERAL.—Section 507(d) of title 11,
21 United States Code, is amended—

22 (A) by striking “, (a)(8)”;

23 (B) by inserting “or subparagraphs (A)
24 through (E) and (G) of subsection (a)(8)” after
25 “(a)(9)”;

2897

1 (C) inserting “or subparagraph” after
2 “such subsection”.

3 (2) SUNSET.—Effective on the date that is 1
4 year after the date of enactment of this Act, section
5 507(d) of title 11, United States Code, is amend-
6 ed—

7 (A) by inserting “, (a)(8)” before “, or
8 (a)(9)”;

9 (B) by striking “or subparagraphs (A)
10 through (E) and (G) of subsection (a)(8)”; and

11 (C) by striking “or subparagraph” after
12 “such subsection”.

13 **TITLE XI—WESTERN WATER AND**
14 **INDIAN AFFAIRS**

15 **SEC. 1101. AGING INFRASTRUCTURE ACCOUNT.**

16 Section 9603 of the Omnibus Public Land Manage-
17 ment Act of 2009 (43 U.S.C. 510b) is amended by adding
18 at the end the following:

19 “(d) AGING INFRASTRUCTURE ACCOUNT.—

20 “(1) ESTABLISHMENT.—There is established in
21 the general fund of the Treasury a special account,
22 to be known as the ‘Aging Infrastructure Account’
23 (referred to in this subsection as the ‘Account’), to
24 provide funds to, and provide for the extended re-
25 payment of the funds by, a transferred works oper-