

115TH CONGRESS
1ST SESSION

S. _____

To provide additional disaster recovery assistance for the Commonwealth of Puerto Rico and the United States Virgin Islands, and for other purposes.

IN THE SENATE OF THE UNITED STATES

Mr. SANDERS (for himself and Ms. WARREN) introduced the following bill; which was read twice and referred to the Committee on

A BILL

To provide additional disaster recovery assistance for the Commonwealth of Puerto Rico and the United States Virgin Islands, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE; TABLE OF CONTENTS.**

4 (a) SHORT TITLE.—This Act may be cited as the
5 “Puerto Rico and Virgin Islands Equitable Rebuild Act
6 of 2017”.

7 (b) TABLE OF CONTENTS.—The table of contents for
8 this Act is as follows:

Sec. 1. Short title; table of contents.

Sec. 2. Purposes.

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Sec. 3. Definitions.

TITLE I—DEBT

- Sec. 101. Sense of Congress relating to the debt of Puerto Rico.
 Sec. 102. Sense of Congress relating to the privatization of public institutions in Puerto Rico and the Virgin Islands.
 Sec. 103. Sense of Congress relating to the applicability of proposed excise tax to Puerto Rico and the Virgin Islands.

TITLE II—INFRASTRUCTURE

Subtitle A—Energy

- Sec. 201. Assistance for rebuilding of electric grid.
 Sec. 202. Clean energy grants.

Subtitle B—Energy Infrastructure Incentives

- Sec. 211. Grant program to promote access to renewable energy and energy efficiency for Puerto Rico and the Virgin Islands.
 Sec. 212. Incentives for energy efficient commercial buildings.
 Sec. 213. Incentives for new energy efficient homes.
 Sec. 214. Incentives for alternative motor vehicles and qualified plug-in electric drive motor vehicles.

Subtitle C—Transportation, Housing, and Agriculture Incentives

- Sec. 221. General provisions.
 Sec. 222. Highway program.
 Sec. 223. Federal-Aid Highways Emergency Relief Program.
 Sec. 224. Public Transportation Emergency Relief Program.
 Sec. 225. TIGER discretionary grants.
 Sec. 226. Passenger and freight rail improvements.
 Sec. 227. Airport improvement program.
 Sec. 228. Airport Facilities and Equipment.
 Sec. 229. Clean and safe water revolving funds.
 Sec. 230. Construction of ferry boats and ferry terminal facilities.
 Sec. 231. Corps of Engineers funds.
 Sec. 232. Predisaster hazard mitigation and resiliency.
 Sec. 233. Broadband programs.
 Sec. 234. Housing and community development.
 Sec. 235. Oversight.

Subtitle D—Limit on Privatization

- Sec. 241. Limit on privatization.

TITLE III—MEDICAID AND MEDICARE PARITY

Subtitle A—Medicaid

- Sec. 301. Elimination of general Medicaid funding limitations (“cap”) for territories.
 Sec. 302. Elimination of specific Federal medical assistance percentage (FMAP) limitation for territories; temporarily increasing the FMAP for Puerto Rico and the Virgin Islands to 100 percent.
 Sec. 303. Application of Medicaid waiver authority to all of the territories.

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Sec. 304. Permitting Medicaid DSH allotments for territories.

Subtitle B—Medicare

PART I—PART A

Sec. 311. Calculation of Medicare DSH payments for IPPS hospitals in Puerto Rico.

Sec. 312. Rebasing Target Amount for Hospitals in Territories.

Sec. 313. Medicare DSH Target Adjustment for Hospitals in Territories.

PART II—PART B

Sec. 321. Application of part B deemed enrollment process to residents of Puerto Rico; special enrollment period and limit on late enrollment penalties.

PART III—MEDICARE ADVANTAGE (PART C)

Sec. 331. Adjustment in benchmark for low-base payment counties in Puerto Rico.

PART IV—PART D

Sec. 341. Improved use of allocated prescription drug funds by territories.

Sec. 342. Report on treatment of territories under Medicare part D.

Subtitle C—Miscellaneous

Sec. 351. Modified treatment of territories with respect to application of ACA annual health insurance provider fees.

Sec. 352. Medicaid and CHIP territory transparency and information.

Sec. 353. Report on exclusion of territories from Exchanges.

Sec. 354. Temporary increase in Social Services Block Grant allotments for Puerto Rico and the Virgin Islands.

TITLE IV—AGRICULTURE

Sec. 401. Rural Utilities Service programs.

Sec. 402. Rural Energy for America Program.

Sec. 403. Rural community facilities program.

Sec. 404. Rural housing.

Sec. 405. Watershed and flood prevention operations.

Sec. 406. Community facilities grants.

Sec. 407. Waiver of noninsured crop disaster assistance program service fee.

Sec. 408. Assistance for Community Food Projects.

Sec. 409. Participation of Puerto Rico, American Samoa, and the Northern Mariana Islands in supplemental nutrition assistance program.

Sec. 410. Payment limitations for certain producers in disaster areas.

Sec. 411. Treatment of certain producers as socially disadvantaged farmers and ranchers.

Sec. 412. Emergency watershed protection program.

Sec. 413. Emergency forest restoration program.

Sec. 414. Treatment of certain producers as limited resource producers.

Sec. 415. Retroactive availability of catastrophic level of protection under non-insured crop assistance program.

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- Sec. 416. Distribution of funds made available for equipment assistance grants under the National School Lunch Act to Puerto Rico and Virgin Islands.
- Sec. 417. Special supplemental nutrition program for women, infants, and children.
- Sec. 418. Deadline for application submission.
- Sec. 419. Limit on privatization.

TITLE V—VETERANS AFFAIRS

- Sec. 501. Appropriation of amounts for Department of Veterans Affairs to address consequences of Hurricane Irma and Hurricane Maria in Puerto Rico and the Virgin Islands.
- Sec. 502. Limitation on privatization.

TITLE VI—EDUCATION RECOVERY

Subtitle A—Educational Assistance Funds

- Sec. 601. Education and Head Start funding.

Subtitle B—Elementary and Secondary Education Disaster Relief

- Sec. 611. Definitions.
- Sec. 612. Immediate aid to restart school operations.
- Sec. 613. Hold harmless for local educational agencies serving major disaster areas.
- Sec. 614. Paraprofessional reciprocity; delay.
- Sec. 615. Regulatory and financial relief.
- Sec. 616. Assistance for homeless children and youths.
- Sec. 617. Temporary emergency impact aid for displaced students.
- Sec. 618. Severability.
- Sec. 619. Anti-privatization requirement.
- Sec. 620. Authorization of funds.
- Sec. 621. Sunset provision.

Subtitle C—Higher Education Disaster Relief

- Sec. 631. Definitions.
- Sec. 632. General waivers and modifications.
- Sec. 633. Modification of part A of title II grants authorized.
- Sec. 634. Authorized uses of Trio, Gear-Up, part A or B of title III, title V, and other grants.
- Sec. 635. Professional judgment.
- Sec. 636. Expanding information dissemination regarding eligibility for Federal Pell Grants.
- Sec. 637. Procedures.
- Sec. 638. Temporary deferral for affected Federal student loan borrowers.
- Sec. 639. Termination of authority.

Subtitle D—Disaster Relief for Other Education and Related Programs

- Sec. 651. Definitions.
- Sec. 652. Agreements to extend certain deadlines of the individuals with disabilities education act to facilitate the provision of educational services to children with disabilities.
- Sec. 653. Head Start and child care and development block grants.

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TITLE VII—ECONOMIC DEVELOPMENT ASSISTANCE AND WORKER PROTECTIONS

- Sec. 701. Training and employment services.
- Sec. 702. Equitable treatment for residents of Puerto Rico and the Virgin Islands with respect to the earned income tax credit and the child tax credit.
- Sec. 703. Requirement to use local labor.
- Sec. 704. Minimum wage for young employees in Puerto Rico.
- Sec. 705. Overtime hours protections for workers in Puerto Rico.
- Sec. 706. Unemployment assistance for Puerto Rico and the Virgin Islands.
- Sec. 707. Economic Development Assistance Programs.
- Sec. 708. Appropriation to CDFI Fund for disaster relief in Puerto Rico and the Virgin Islands.
- Sec. 709. Community Development Fund.
- Sec. 710. Small Business Administration disaster loans.

TITLE VIII—ENVIRONMENTAL REMEDIATION

- Sec. 801. National Park Service Historic Preservation Fund.
- Sec. 802. Environmental Protection Agency Environmental Programs and Management.
- Sec. 803. Hazardous Substance Superfund.
- Sec. 804. Leaking Underground Storage Tank Fund.
- Sec. 805. Department of the Interior grants.
- Sec. 806. Department of Defense environmental restoration.
- Sec. 807. Additional Recovery Assistance for Puerto Rico and the Virgin Islands Fund.
- Sec. 808. United States Fish and Wildlife Service construction.
- Sec. 809. Activities carried out by the Chief of Engineers in Puerto Rico and the Virgin Islands.
- Sec. 810. Prohibition on privatization.

TITLE IX—LONG-TERM RESILIENT EMERGENCY DISASTER RELIEF PLAN

- Sec. 901. Long-term disaster relief plan for Puerto Rico and the Virgin Islands.

TITLE X—FEMA PROVISIONS

- Sec. 1001. Waiver of non-Federal share requirements.
- Sec. 1002. Hazard mitigation.
- Sec. 1003. Repair, restoration, and replacement of damaged facilities.
- Sec. 1004. Community disaster loans.
- Sec. 1005. Waiver of limit on management costs.
- Sec. 1006. Maximum amount of assistance for individuals and households program.
- Sec. 1007. Availability of translators.

TITLE XI—EMERGENCY FUNDING

Subtitle A—General Provisions

- Sec. 1101. Extension of claim filing deadline.
- Sec. 1102. Emergency designation.

Subtitle B—Puerto Rico and Virgin Islands Hurricane Damage Restoration Account

Sec. 1111. Definitions.

Sec. 1112. Puerto Rico and United States Virgin Islands Hurricane Damage Restoration Account.

Sec. 1113. Establishment and operation of the Puerto Rico and Virgin Islands emergency credit facility.

1 **SEC. 2. PURPOSES.**

2 The purposes of this Act are to—

3 (1) provide for the desperate, immediate needs
4 of the people of Puerto Rico and the Virgin Islands;

5 (2) ensure that the recovery efforts in Puerto
6 Rico and the Virgin Islands carried out by the Fed-
7 eral Government are driven by the local communities
8 who were impacted by Hurricanes Irma and Maria;

9 (3) implement recovery efforts in a way that al-
10 lows participation in transparent processes to ensure
11 public input and oversight in long term development;

12 (4) prevent the erosion of long-term develop-
13 ment, local and municipal governing power, the
14 rights of the people impacted, and their ability to in-
15 fluence their recovery;

16 (5) protect labor, public engagement, local and
17 municipal governing power, the National Environ-
18 mental Policy Act of 1969 (42 U.S.C. 4321 et seq.),
19 and other protections;

20 (6) address the real and imminent threats to
21 Puerto Rico and the Virgin Islands from extreme
22 weather events caused by anthropogenic climate
23 change; and

1 (7) during the recovery efforts, prioritize, where
2 possible—

3 (A) mitigation of the causes of climate
4 change by decreasing or eliminating dependence
5 on fossil fuel use;

6 (B) adaptation to the increasing climate
7 impacts of extreme weather and sea level rise
8 by rebuilding infrastructure to higher standards
9 and supporting innovative solutions that can
10 better withstand extreme weather and other
11 risks; and

12 (C) resiliency to ensure the safety and
13 health of the people of Puerto Rico and the Vir-
14 gin Islands to ensure they withstand future
15 threats and are able to efficiently and quickly
16 recover from the next hurricanes that strike
17 these islands.

18 **SEC. 3. DEFINITIONS.**

19 In this Act:

20 (1) COVERED DISASTER.—The term “covered
21 disaster” means a major disaster declared by the
22 President under section 401 of the Robert T. Staf-
23 ford Disaster Relief and Emergency Assistance Act
24 (42 U.S.C. 5170) with respect to Hurricane Irma or
25 Hurricane Maria.

1 (2) COVERED DISASTER AREA.—The term “cov-
2 ered disaster area” means an area—

3 (A) located in Puerto Rico or the Virgin
4 Islands; and

5 (B) for which the President declared a cov-
6 ered disaster.

7 (3) PUBLIC ASSISTANCE GRANT PROGRAM.—
8 The term “public assistance grant program” means
9 the public assistance grant program authorized
10 under sections 403, 406, 407, 418, 419, 428, and
11 502(a) of the Robert T. Stafford Disaster Relief and
12 Emergency Assistance Act (42 U.S.C. 5170b, 5172,
13 5173, 5185, 5186, 5189f, and 5192(a)).

14 (4) PUERTO RICO.—The term “Puerto Rico”
15 means the Commonwealth of Puerto Rico.

16 (5) VIRGIN ISLANDS.—The term “Virgin Is-
17 lands” means the Virgin Islands of the United
18 States.

19 **TITLE I—DEBT**

20 **SEC. 101. SENSE OF CONGRESS RELATING TO THE DEBT OF** 21 **PUERTO RICO.**

22 It is the sense of Congress that—

23 (1) Puerto Rico is experiencing a humanitarian
24 crisis, and cannot meet the most basic and essential
25 human needs with its outstanding debt;

1 (2) the people of Puerto Rico and their elected
2 representatives should determine the long-term fu-
3 ture of the island; and

4 (3) Puerto Rico's debt should be relieved, and
5 it is just and necessary to take steps to return con-
6 trol of Puerto Rico's economy to the people of Puer-
7 to Rico and their elected representatives.

8 **SEC. 102. SENSE OF CONGRESS RELATING TO THE PRIVAT-**
9 **IZATION OF PUBLIC INSTITUTIONS IN PUER-**
10 **TO RICO AND THE VIRGIN ISLANDS.**

11 It is the sense of Congress that any efforts to pri-
12 vatize public entities in Puerto Rico and the Virgin Islands
13 should be rejected.

14 **SEC. 103. SENSE OF CONGRESS RELATING TO THE APPLI-**
15 **CABILITY OF PROPOSED EXCISE TAX TO**
16 **PUERTO RICO AND THE VIRGIN ISLANDS.**

17 It is the sense of Congress that if the Tax Cuts and
18 Jobs Act (H.R. 1, 115th Congress) is enacted into law,
19 section 4491 of the Internal Revenue Code of 1986 (as
20 added by section 4303 of such Act), relating to the imposi-
21 tion of an excise tax on certain payments from domestic
22 corporations to related foreign corporations, shall not
23 apply to payments made by a domestic corporation to any
24 related corporation created or organized in, or under the
25 law of, a possession or territory of the United States.

TITLE II—INFRASTRUCTURE

Subtitle A—Energy

3 SEC. 201. ASSISTANCE FOR REBUILDING OF ELECTRIC 4 GRID.

5 (a) ASSISTANCE FOR REBUILDING OF ELECTRIC
6 GRID.—Assistance provided under section 406 of the Rob-
7 ert T. Stafford Disaster Relief and Emergency Assistance
8 Act (42 U.S.C. 5172) for a covered disaster area may be
9 used to repair or replace a public electric grid located in
10 the covered disaster area in accordance with subsection
11 (b).

12 (b) REQUIREMENTS.—

13 (1) IN GENERAL.—To be eligible for assistance
14 under subsection (a), not later than 42 days after
15 the date of enactment of this Act, Puerto Rico and
16 the Virgin Islands shall complete a process adminis-
17 tered by the applicable energy or service regulatory
18 commission, which shall include—

19 (A) a general assessment of the current
20 electricity needs of the customer classes and the
21 future modernization and resiliency needs of a
22 rebuilt electric power system;

23 (B) establishing a transparent process to
24 evaluate and develop criteria and standards to

1 evaluate potential projects for meeting the
2 needs described in subparagraph (A); and

3 (C) recommendations where funds should
4 be directed for meeting the needs described in
5 subparagraph (A) and implementing the
6 projects described in subparagraph (B).

7 (2) USE.—Assistance described in subsection
8 (a)—

9 (A) shall be used for projects that—

10 (i) prioritize restoring power imme-
11 diately; and

12 (ii) decrease or eliminate the use of
13 imported fossil fuels for electricity and
14 transportation, and increase the electric
15 grid resilience to future hurricanes and
16 other weather events, such as—

17 (I) micro grids;

18 (II) demand response tech-
19 nologies;

20 (III) energy efficient solutions
21 and technology;

22 (IV) residential and utility scale
23 solar projects, including thermal solar,
24 photovoltaic modules, and con-
25 centrated solar and solar generators;

1 (V) on and off shore wind, both
2 small and large scale;

3 (VI) geothermal, hydro, marine
4 and kinetic energy; and

5 (VII) energy storage; and

6 (B) may not be used for projects that in-
7 clude—

8 (i) the construction, operation, or
9 maintenance of new generation plants for
10 the production of energy using sanitary
11 waste landfill systems or fossil fuels of any
12 kind, including diesel, oil, coal, and natural
13 gas; or

14 (ii) the construction of new liquefied
15 natural gas import or export terminals or
16 natural gas pipeline infrastructure of any
17 kind.

18 (c) AUDITING.—If Puerto Rico or the Virgin Islands
19 receive assistance described in subsection (a), the applica-
20 ble energy or service regulatory commission shall appoint
21 an independent auditor that shall—

22 (1) oversee the expenditure of the assistance by
23 the regulated utilities, the contractors and sub-
24 contractors thereof, and any subsidiary or successor
25 entity; and

1 (2) submit to the applicable energy or service
2 regulatory commission reports on the expenditure of
3 funds under this section.

4 (d) APPROPRIATION OF FUNDS.—Out of funds of the
5 Treasury not otherwise appropriated, there is appro-
6 priated to the Administrator of the Federal Emergency
7 Management Agency \$13,000,000,000 for fiscal year
8 2018, to remain available until expended, for carrying out
9 the activities authorized under this section, and other re-
10 lated activities, including conservation and renewable re-
11 sources programs as authorized.

12 **SEC. 202. CLEAN ENERGY GRANTS.**

13 (a) ENERGY EFFICIENCY AND RENEWABLE EN-
14 ERGY.—

15 (1) IN GENERAL.—Out of funds of the Treas-
16 ury not otherwise appropriated, there is appro-
17 priated to the Energy Efficiency and Renewable En-
18 ergy Account of the Department of Energy
19 \$100,000,000 for fiscal year 2018, to remain avail-
20 able until expended and subject to paragraph (2), to
21 provide to Puerto Rico and the Virgin Islands, on a
22 competitive basis and in accordance with the applica-
23 ble allocation formula, to provide grants under the
24 programs described in that paragraph.

1 (2) MINIMUM ALLOCATION.—Of the amounts
2 made available under paragraph (1)—

3 (A) not less than \$19,200,000 shall be
4 made available to each of Puerto Rico and the
5 Virgin Islands, to remain available until ex-
6 pended, for grants under the Energy Efficiency
7 and Conservation Block Grant Program estab-
8 lished under section 542(a) of the Energy Inde-
9 pendence and Security Act of 2007 (42 U.S.C.
10 17152(a)), to be allocated in accordance with
11 section 543 of that Act (42 U.S.C. 17153),
12 after taking into account, for purposes of calcu-
13 lating distributions under subsection (b) of that
14 section, the most recent and accurate popu-
15 lation data available as of the date of the cal-
16 culation;

17 (B) not less than \$1,700,000 shall be
18 made available to Puerto Rico and not less than
19 \$390,000 shall be made available to the Virgin
20 Islands, to remain available until expended, for
21 grants under the Weatherization Assistance
22 Program for Low-Income Persons established
23 under part A of title IV of the Energy Con-
24 servation and Production Act (42 U.S.C. 6861
25 et seq.); and

1 (C) not less \$950,000 shall be made avail-
2 able to Puerto Rico and not less than \$430,000
3 shall be made available to the Virgin Islands, to
4 remain available until expended, for grants to
5 carry out State energy conservation programs
6 under part D of title III of the Energy Policy
7 and Conservation Act (42 U.S.C. 6321 et seq.).

8 (b) LOW-INCOME HOME ENERGY ASSISTANCE PRO-
9 GRAM.—Out of funds of the Treasury not otherwise appro-
10 priated, there is appropriated to the Secretary of Health
11 and Human Services \$31,600,000 for fiscal year 2018, to
12 remain available until expended, to provide, on a competi-
13 tive basis, grants authorized under section 2602(a) of the
14 Low-Income Home Energy Assistance Act of 1981 (42
15 U.S.C. 8621(a)), to be allocated in accordance with any
16 applicable formulas under that Act, of which—

17 (1) \$30,400,000 shall be made available to
18 Puerto Rico; and

19 (2) \$1,200,000 shall be made available to the
20 Virgin Islands.

21 (c) ELECTRICITY DELIVERY AND ENERGY RELI-
22 ABILITY.—Out of funds of the Treasury not otherwise ap-
23 propriated, there is appropriated to the Electricity Deliv-
24 ery and Energy Reliability Account of the Department of

1 Energy \$6,500,000 for fiscal year 2018, to remain avail-
2 able until expended—

3 (1) to conduct electricity delivery and energy re-
4 liability activities to modernize the electric grid in
5 Puerto Rico and the Virgin Islands, including—

6 (A) the use of demand responsive equip-
7 ment;

8 (B) enhancing the security and reliability
9 of energy infrastructure;

10 (C) providing for the conduct of research
11 relating to, and the development, demonstra-
12 tion, and deployment of, energy storage; and

13 (D) facilitating recovery from disruptions
14 to the energy supply; and

15 (2) to implement programs authorized under
16 title XIII of the Energy Independence and Security
17 Act of 2007 (42 U.S.C. 17381 et seq.) in Puerto
18 Rico and the Virgin Islands.

1 **Subtitle B—Energy Infrastructure**
2 **Incentives**

3 **SEC. 211. GRANT PROGRAM TO PROMOTE ACCESS TO RE-**
4 **NEWABLE ENERGY AND ENERGY EFFICIENCY**
5 **FOR PUERTO RICO AND THE VIRGIN IS-**
6 **LANDS.**

7 (a) IN GENERAL.—Upon application, the Secretary
8 of the Treasury shall, subject to the requirements of this
9 section, provide a grant to each eligible person who places
10 in service specified energy property in Puerto Rico or the
11 Virgin Islands to reimburse such person for a portion of
12 the expense of such property as provided in subsection (b).
13 No grant shall be made under this section with respect
14 to any property unless—

15 (1) in the case of specified energy property
16 which is described in paragraph (1) of section 45(d)
17 or clause (i) of section 48(a)(3)(A) of the Internal
18 Revenue Code of 1986 (determined without regard
19 to any date by which construction must begin), the
20 construction of such property begins after Sep-
21 tember 20, 2017, and

22 (2) in the case of any other specified energy
23 property, such property is placed in service after
24 September 20, 2017.

25 (b) GRANT AMOUNT.—

1 (1) IN GENERAL.—The amount of the grant
2 under subsection (a) with respect to any specified
3 energy property shall be 30 percent of the basis of
4 such property.

5 (2) DOLLAR LIMITATIONS.—In the case of
6 property described in paragraph (1), (2), (6), or (7)
7 of subsection (d), the amount of any grant under
8 this section with respect to such property shall not
9 exceed the limitation described in section
10 48(a)(5)(E), 48(c)(1)(B), 48(c)(2)(B), or
11 48(c)(3)(B) of the Internal Revenue Code of 1986,
12 respectively, with respect to such property.

13 (c) TIME FOR PAYMENT OF GRANT.—The Secretary
14 of the Treasury shall make payment of any grant under
15 subsection (a) during the 60-day period subsequent to the
16 date of the application for such grant.

17 (d) SPECIFIED ENERGY PROPERTY.—For purposes
18 of this section, the term “specified energy property”
19 means any of the following:

20 (1) QUALIFIED FACILITIES.—Any qualified
21 property (as defined in section 48(a)(5)(D) of the
22 Internal Revenue Code of 1986) which is part of a
23 qualified facility (within the meaning of section 45
24 of such Code) described in paragraph (1), (4), (9),
25 or (11) of section 45(d) of such Code (determined

1 without regard to any date by which construction
2 must begin).

3 (2) QUALIFIED FUEL CELL PROPERTY.—Any
4 qualified fuel cell property (as defined in section
5 48(c)(1) of such Code, determined without regard to
6 any termination date).

7 (3) SOLAR PROPERTY.—Any property described
8 in clause (i) or (ii) of section 48(a)(3)(A) of such
9 Code (determined without regard to any termination
10 date).

11 (4) QUALIFIED SMALL WIND ENERGY PROP-
12 erty.—Any qualified small wind energy property
13 (as defined in section 48(c)(4) of such Code, deter-
14 mined without regard to any termination date).

15 (5) GEOTHERMAL PROPERTY.—Any property
16 described in clause (iii) of section 48(a)(3)(A) of
17 such Code.

18 (6) QUALIFIED MICROTURBINE PROPERTY.—
19 Any qualified microturbine property (as defined in
20 section 48(c)(2) of such Code, determined without
21 regard to any termination date).

22 (7) COMBINED HEAT AND POWER SYSTEM
23 PROPERTY.—Any combined heat and power system
24 property (as defined in section 48(c)(3) of such

1 Code, determined without regard to subparagraph
2 (A)(iv) thereof).

3 (8) GEOTHERMAL HEAT PUMP PROPERTY.—
4 Any property described in clause (vii) of section
5 48(a)(3)(A) of such Code (determined without re-
6 gard to any termination date).

7 (9) RESIDENTIAL ENERGY EFFICIENT PROP-
8 erty.—Any property or equipment described in sub-
9 section (c) of section 25D of such Code (determined
10 without regard to subsection (h) of such section).

11 Such term shall not include any property unless deprecia-
12 tion (or amortization in lieu of depreciation) is allowable
13 (or would be allowable if section 933 of the Internal Rev-
14 enue Code of 1986 were not taken into account) with re-
15 spect to such property.

16 (e) ELIGIBLE PERSON.—For purposes of this section,
17 the term “eligible person” means—

18 (1) any individual that is a bona fide resident
19 (as defined under section 937 of the Internal Rev-
20 enue Code of 1986) of Puerto Rico or the Virgin Is-
21 lands, and

22 (2) any corporation which is organized under
23 the laws of Puerto Rico or the Virgin Islands.

24 (f) OTHER DEFINITIONS.—Terms used in this sec-
25 tion which are also used in section 45 or 48 of the Internal

1 Revenue Code of 1986 shall have the same meaning for
2 purposes of this section as when used in such section 45
3 or 48. Any reference in this section to the Secretary of
4 the Treasury shall be treated as including the Secretary's
5 delegate.

6 (g) APPLICATION OF CERTAIN RULES.—In making
7 grants under this section, the Secretary of the Treasury
8 shall apply rules similar to the rules of section 50 of the
9 Internal Revenue Code of 1986, except that in applying
10 subsection (b)(1) thereof “Puerto Rico or the Virgin Is-
11 lands” shall be substituted for “United States”. In apply-
12 ing such rules, if the property is disposed of, or otherwise
13 ceases to be specified energy property, the Secretary of
14 the Treasury shall provide for the recapture of the appro-
15 priate percentage of the grant amount in such manner as
16 the Secretary of the Treasury determines appropriate.

17 (h) APPROPRIATIONS.—For fiscal year 2018, there is
18 hereby appropriated to the Secretary of the Treasury—

19 (1) for providing grants for specified energy
20 property placed in service in Puerto Rico,
21 \$270,000,000, and

22 (2) for providing grants for specified energy
23 property placed in service in the Virgin Islands,
24 \$20,000,000,

25 to remain available until expended.

1 **SEC. 212. INCENTIVES FOR ENERGY EFFICIENT COMMER-**
2 **CIAL BUILDINGS.**

3 (a) GRANT PROGRAM FOR PUERTO RICO AND THE
4 VIRGIN ISLANDS.—

5 (1) IN GENERAL.—Upon application, the Sec-
6 retary of the Treasury shall, subject to the require-
7 ments of this subsection, provide a grant to each eli-
8 gible person who places in service energy efficient
9 commercial building property to reimburse such per-
10 son for a portion of the expense of such property as
11 provided in paragraph (2). No grant shall be made
12 under this subsection with respect to any property
13 unless such property is placed in service after Sep-
14 tember 20, 2017.

15 (2) GRANT AMOUNT.—The amount of the grant
16 under paragraph (1) with respect to any energy effi-
17 cient commercial building property shall be equal to
18 the product of—

19 (A) 35 percent, and

20 (B) the excess of—

21 (i) the product of—

22 (I) \$1.80, and

23 (II) the square footage of the
24 building, over

1 (ii) the aggregate amount of all prior
2 grants under paragraph (1) with respect to
3 the building.

4 (3) TIME FOR PAYMENT OF GRANT.—The Sec-
5 retary of the Treasury shall make payment of any
6 grant under paragraph (1) during the 60-day period
7 beginning on the later of—

8 (A) the date of the application for such
9 grant, or

10 (B) the date the energy efficient commer-
11 cial building property for which the grant is
12 being made is placed in service.

13 (4) ENERGY EFFICIENT COMMERCIAL BUILDING
14 PROPERTY.—For purposes of this subsection, the
15 term “energy efficient commercial building prop-
16 erty” has the meaning given such term under sec-
17 tion 179D(c) of the Internal Revenue Code of 1986,
18 except that—

19 (A) the determination of whether deprecia-
20 tion (or amortization in lieu of depreciation) is
21 allowable under such section 179D(c)(1)(A)
22 shall be made without regard to section 933 of
23 such Code,

1 (B) such section 179D(c)(1)(B)(i) shall be
2 applied by substituting “Puerto Rico or the Vir-
3 gin Islands” for “the United States”, and

4 (C) subsection (h) of section 179D of such
5 Code shall not apply.

6 (5) ELIGIBLE PERSON.—For purposes of this
7 subsection, the term “eligible person” means—

8 (A) any individual that is a bona fide resi-
9 dent (as defined under section 937 of the Inter-
10 nal Revenue Code of 1986) of Puerto Rico or
11 the Virgin Islands, and

12 (B) any corporation which is organized
13 under the laws of Puerto Rico or the Virgin Is-
14 lands.

15 (6) SECRETARY OF THE TREASURY.—Any ref-
16 erence in this subsection to the Secretary of the
17 Treasury shall be treated as including the Sec-
18 retary’s delegate.

19 (7) APPLICATION OF SPECIAL RULES.—Rules
20 similar to the rules of subsections (d), (f), and (g)
21 of section 179D of the Internal Revenue Code of
22 1986 shall apply with respect to grants under this
23 subsection.

24 (b) APPROPRIATIONS.—For fiscal year 2018, there is
25 hereby appropriated to the Secretary of the Treasury

1 \$11,500,000, to remain available until expended, to carry
2 out the purposes of this section.

3 **SEC. 213. INCENTIVES FOR NEW ENERGY EFFICIENT**
4 **HOMES.**

5 (a) GRANT PROGRAM FOR PUERTO RICO AND THE
6 VIRGIN ISLANDS.—

7 (1) IN GENERAL.—Upon application, the Sec-
8 retary of the Treasury shall, subject to the require-
9 ments of this subsection, provide a grant to each eli-
10 gible contractor with respect to each qualified new
11 energy efficient home which is—

12 (A) constructed by an eligible contractor,
13 and

14 (B) acquired by a person from such eligible
15 contractor for use as a residence.

16 No grant shall be made under this subsection with
17 respect to any qualified new energy efficient home
18 unless such home is acquired by another person for
19 use as a residence after September 20, 2017.

20 (2) AMOUNT OF GRANT.—The amount of the
21 grant under paragraph (1) with respect to any quali-
22 fied new energy efficient home is an amount equal
23 to—

1 (A) in the case of a dwelling unit described
2 in paragraph (1) or (2) of section 45L(c) of the
3 Internal Revenue Code of 1986, \$2,000, and

4 (B) in the case of a dwelling unit described
5 in paragraph (3) of section 45L(c) of the Inter-
6 nal Revenue Code of 1986, \$1,000.

7 (3) TIME FOR PAYMENT OF GRANT.—The Sec-
8 retary of the Treasury shall make payment of any
9 grant under paragraph (1) during the 60-day period
10 beginning on the later of—

11 (A) the date of the application for such
12 grant, or

13 (B) the date the qualified new energy effi-
14 cient home for which the grant is acquired by
15 another person for use as a residence.

16 (4) QUALIFIED NEW ENERGY EFFICIENT
17 HOME.—For purposes of this subsection, the term
18 “qualified new energy efficient home” has the mean-
19 ing given such term under section 45L(b)(2) of the
20 Internal Revenue Code of 1986, except that—

21 (A) subparagraph (A) thereof shall be ap-
22 plied by substituting “Puerto Rico or the Virgin
23 Islands” for “the United States”, and

1 (B) subparagraph (B) thereof shall be ap-
2 plied by substituting “September 20, 2017” for
3 “the date of the enactment of this section”.

4 (5) ELIGIBLE CONTRACTOR.—For purposes of
5 this subsection, the term “eligible contractor”
6 means—

7 (A) a person who constructed the qualified
8 new energy efficient home, or

9 (B) in the case of a qualified new energy
10 efficient home which is a manufactured home,
11 the manufactured home producer of such home.

12 (6) OTHER TERMS.—Terms used in this sub-
13 section which are also used in section 45L of the In-
14 ternal Revenue Code of 1986 shall have the same
15 meaning for purposes of this subsection as when
16 used in section 45L. Any reference in this subsection
17 to the Secretary of the Treasury shall be treated as
18 including the Secretary’s delegate.

19 (b) APPROPRIATIONS.—For fiscal year 2018, there is
20 hereby appropriated to the Secretary of the Treasury
21 \$30,800,000, to remain available until expended, to carry
22 out the purposes of this section.

1 **SEC. 214. INCENTIVES FOR ALTERNATIVE MOTOR VEHI-**
2 **CLES AND QUALIFIED PLUG-IN ELECTRIC**
3 **DRIVE MOTOR VEHICLES.**

4 (a) GRANT PROGRAM FOR PUERTO RICO AND THE
5 VIRGIN ISLANDS.—

6 (1) IN GENERAL.—Upon application, the Sec-
7 retary of the Treasury shall, subject to the require-
8 ments of this subsection, provide a grant to each eli-
9 gible person who places in service a qualified vehicle
10 to reimburse such person for a portion of the ex-
11 pense of such vehicle as provided in paragraph (2).
12 No grant shall be made under this subsection with
13 respect to any vehicle unless such vehicle is placed
14 in service after September 20, 2017.

15 (2) GRANT AMOUNT.—

16 (A) IN GENERAL.—The amount of the
17 grant under paragraph (1) with respect to any
18 qualified vehicle shall be an amount equal to—

19 (i) in the case of a vehicle described in
20 subparagraph (A) of paragraph (4), the
21 amount of the credit for such vehicle as de-
22 termined under subsection (b) of section
23 30B of the Internal Revenue Code of
24 1986,

25 (ii) in the case of a vehicle described
26 in subparagraph (B) of such paragraph,

1 the amount of the credit for such vehicle
2 as determined under subsection (d)(2)(A)
3 of such section,

4 (iii) in the case of a vehicle described
5 in subparagraph (C) of such paragraph,
6 the amount of the credit for such vehicle
7 as determined under subsection (i)(1) of
8 such section,

9 (iv) in the case of a vehicle described
10 in subparagraph (D) of such paragraph,
11 the amount of the credit for such vehicle
12 as determined under subsection (b) of sec-
13 tion 30D of the Internal Revenue Code of
14 1986, except that in applying paragraph
15 (3) of such subsection, “\$7,500” shall be
16 substituted for “\$5,000”, and

17 (v) in the case of a vehicle described
18 in subparagraph (E) of such paragraph,
19 the applicable amount for such vehicle as
20 determined under subsection (g)(2) of such
21 section.

22 (B) INAPPLICABILITY OF CREDIT TERMI-
23 NATION DATE.—For purposes of subparagraph
24 (A), in determining the amount of the credit
25 under section 30B or 30D of the Internal Rev-

1 enue Code of 1986, as applicable, such deter-
2 mination shall be made without regard to any
3 termination date under such section.

4 (3) TIME FOR PAYMENT OF GRANT.—The Sec-
5 retary of the Treasury shall make payment of any
6 grant under paragraph (1) during the 60-day period
7 beginning on the later of—

8 (A) the date of the application for such
9 grant, or

10 (B) the date the qualified vehicle for which
11 the grant is being made is placed in service.

12 (4) QUALIFIED VEHICLE.—For purposes of this
13 subsection, the term “qualified vehicle” means—

14 (A) any new qualified fuel cell motor vehi-
15 cle, as defined in subsection (b)(3) of section
16 30B of the Internal Revenue Code of 1986,

17 (B) any new qualified hybrid motor vehicle,
18 as defined in subsection (d)(3) of such section,
19 which is a passenger automobile or light truck
20 and which has a gross vehicle weight rating of
21 not more than 8,500 pounds,

22 (C) any motor vehicle which is converted to
23 a qualified plug-in electric drive motor vehicle,
24 as described in subsection (i)(1) of such section,

1 (D) any new qualified plug-in electric drive
2 motor vehicle, as defined in subsection (d)(1) of
3 section 30D of the Internal Revenue Code of
4 1986, and

5 (E) any qualified 2- or 3-wheeled plug-in
6 electric vehicle, as defined in subsection (g)(3)
7 of such section.

8 (5) ELIGIBLE PERSON.—For purposes of this
9 subsection, the term “eligible person” means—

10 (A) any individual that is a bona fide resi-
11 dent (as defined under section 937 of the Inter-
12 nal Revenue Code of 1986) of Puerto Rico or
13 the Virgin Islands, and

14 (B) any corporation which is organized
15 under the laws of Puerto Rico or the Virgin Is-
16 lands.

17 (6) SECRETARY OF THE TREASURY.—Any ref-
18 erence in this subsection to the Secretary of the
19 Treasury shall be treated as including the Sec-
20 retary’s delegate.

21 (b) APPROPRIATIONS.—For fiscal year 2018, there is
22 hereby appropriated to the Secretary of the Treasury
23 \$16,800,000, to remain available until expended, to carry
24 out the purposes of this section.

1 **Subtitle C—Transportation, Hous-**
2 **ing, and Agriculture Incentives**

3 **SEC. 221. GENERAL PROVISIONS.**

4 (a) **WAIVER OF NON-FEDERAL SHARE.**—Notwith-
5 standing any other provision of law, the non-Federal share
6 of the cost of any program or activity carried out using
7 funds provided under this subtitle shall be zero.

8 (b) **MAINTENANCE OF FUNDING; ADMINISTRATIVE**
9 **EXPENSES.**—

10 (1) **MAINTENANCE OF FUNDING.**—The funding
11 provided to any program or account under this sub-
12 title shall supplement (and not supplant) any fund-
13 ing provided for that program or account under any
14 other provision of law.

15 (2) **ADMINISTRATIVE EXPENSES.**—Notwith-
16 standing any other provision of law (including regu-
17 lations), of any funds provided for a program or ac-
18 count under this subtitle, the applicable Federal de-
19 partment or agency head may use such percentage
20 for administrative expenses as is established by the
21 limitation for administrative expenses in applicable
22 laws (including regulations) relating to the program
23 or activity.

1 **SEC. 222. HIGHWAY PROGRAM.**

2 (a) FUNDING.—Out of funds of the Treasury not oth-
3 erwise appropriated, there is appropriated to the Secretary
4 of Transportation \$4,500,000,000 for fiscal year 2018, to
5 remain available until expended, of which—

6 (1) \$3,000,000,000 shall be made available to
7 carry out the Puerto Rico Highway Program under
8 section 165(b) of title 23, United States Code; and

9 (2) \$1,500,000,000 shall be made available to
10 carry out the territorial highway program in the Vir-
11 gin Islands under section 165(c) of title 23, United
12 States Code.

13 (b) CONFORMING AMENDMENTS.—Section 165(a) of
14 title 23, United States Code, is amended—

15 (1) in paragraph (1), by striking
16 “\$158,000,000” and inserting “\$3,158,000,000”;
17 and

18 (2) in paragraph (2), by striking
19 “\$42,000,000” and inserting “\$1,542,000,000”.

20 **SEC. 223. FEDERAL-AID HIGHWAYS EMERGENCY RELIEF**
21 **PROGRAM.**

22 Notwithstanding subsection (d)(4) of section 125 of
23 title 23, United States Code, out of funds of the Treasury
24 not otherwise appropriated, there is appropriated to the
25 emergency fund established under that section
26 \$2,122,000,000 for fiscal year 2018, to remain available

1 until expended, for the repair or reconstruction of high-
2 ways, roads, and trails in Puerto Rico and the Virgin Is-
3 lands.

4 **SEC. 224. PUBLIC TRANSPORTATION EMERGENCY RELIEF**
5 **PROGRAM.**

6 Out of funds of the Treasury not otherwise appro-
7 priated, there is appropriated \$424,000,000 for fiscal year
8 2018, to remain available until expended, to the Secretary
9 of Transportation for the “Public Transportation Emer-
10 gency Relief Program” as authorized under section 5324
11 of title 49, United States Code, for recovery and relief ef-
12 forts in Puerto Rico and the Virgin Islands: *Provided,*
13 That not more than three-quarters of 1 percent of the
14 funds retained for public transportation emergency relief
15 shall be available for the purposes of administrative ex-
16 penses and ongoing program management oversight as au-
17 thorized under sections 5334 and 5338(f)(2) of title 49,
18 United States Code, and shall be in addition to any other
19 appropriations for such purposes.

20 **SEC. 225. TIGER DISCRETIONARY GRANTS.**

21 (a) DEFINITION OF TIGER DISCRETIONARY
22 GRANT.—In this section, the term “TIGER discretionary
23 grant” means a grant awarded and administered by the
24 Secretary of Transportation using funds made available
25 for national infrastructure investments under title I of di-

1 vision L of the Consolidated Appropriations Act, 2016
2 (Public Law 114–113; 129 Stat. 2835).

3 (b) REQUIREMENT.—Out of funds of the Treasury
4 not otherwise appropriated, there is appropriated to the
5 Secretary of Transportation \$250,000,000 for fiscal year
6 2018, to remain available until expended, to award
7 TIGER discretionary grants for eligible programs and ac-
8 tivities in Puerto Rico and the Virgin Islands.

9 **SEC. 226. PASSENGER AND FREIGHT RAIL IMPROVEMENTS.**

10 (a) FUNDING.—Out of funds of the Treasury not oth-
11 erwise appropriated, there is appropriated to the Secretary
12 of Transportation \$600,000,000 for fiscal year 2018, to
13 remain available until expended, for planning and capital
14 costs to build, improve, or expand passenger and freight
15 rail projects in Puerto Rico under titles 23 and 49, United
16 States Code.

17 (b) ELIGIBLE USES.—Of the amounts made available
18 for each fiscal year under subsection (a)—

19 (1) not more than 15 percent may be used for
20 temporary operating assistance for such rail and
21 transit projects as the Secretary of Transportation
22 determines to be eligible; and

23 (2) not more than 50 percent may be allocated
24 to another transportation capital investment account

1 funded under this Act, on approval of the Secretary
2 of Transportation.

3 **SEC. 227. AIRPORT IMPROVEMENT PROGRAM.**

4 Out of funds of the Treasury not otherwise appro-
5 priated, there is appropriated to the Secretary of Trans-
6 portation \$200,000,000 for fiscal year 2018, to remain
7 available until expended, to make grants under the Airport
8 Improvement Program under subchapter I of chapter 471
9 of title 49, United States Code, for eligible programs and
10 activities in Puerto Rico and the Virgin Islands.

11 **SEC. 228. AIRPORT FACILITIES AND EQUIPMENT.**

12 Out of funds of the Treasury not otherwise appro-
13 priated, there is appropriated to the Facilities and Equip-
14 ment Account of the Federal Aviation Administration
15 \$200,000,000 for fiscal year 2018, to remain available
16 until expended, for expenses in Puerto Rico and the Virgin
17 Islands, including expenses related to the consequences of
18 Hurricanes Maria and Irma in Puerto Rico and the Virgin
19 Islands.

20 **SEC. 229. CLEAN AND SAFE WATER REVOLVING FUNDS.**

21 Out of funds of the Treasury not otherwise appro-
22 priated, there is appropriated to the Administrator of the
23 Environmental Protection Agency for fiscal year 2018—

24 (1) \$125,000,000, to remain available until ex-
25 pended, to make capitalization grants to Puerto Rico

1 and the Virgin Islands for the purpose of estab-
2 lishing and maintaining water pollution control re-
3 volving funds under title VI of the Federal Water
4 Pollution Control Act (33 U.S.C. 1381 et seq.); and
5 (2) \$125,000,000, to remain available until ex-
6 pended, to make capitalization grants to Puerto Rico
7 and the Virgin Islands for the purpose of estab-
8 lishing and maintaining drinking water treatment
9 revolving loan funds under section 1452(a) of the
10 Safe Drinking Water Act (42 U.S.C. 300j-12(a)).

11 **SEC. 230. CONSTRUCTION OF FERRY BOATS AND FERRY**
12 **TERMINAL FACILITIES.**

13 Out of funds of the Treasury not otherwise appro-
14 priated, there is appropriated to the Secretary of Trans-
15 portation \$25,000,000 for fiscal year 2018, to remain
16 available until expended, for the construction of ferry
17 boats and ferry terminal facilities in Puerto Rico and the
18 Virgin Islands under section 147 of title 23, United States
19 Code.

20 **SEC. 231. CORPS OF ENGINEERS FUNDS.**

21 (a) CONSTRUCTION ACCOUNT.—Out of funds of the
22 Treasury not otherwise appropriated, there is appro-
23 priated to the Construction Account of the Corps of Engi-
24 neers \$3,255,000,000 for fiscal year 2018, to remain
25 available until expended, for authorized navigation, coastal

1 storm and riverine flood damage reduction, ecosystem res-
2 toration, and environmental infrastructure assistance ac-
3 tivities, of which—

4 (1) \$1,830,000,000 is for such activities in
5 Puerto Rico, with priority given to dredging the
6 Caño Martín Peña; and

7 (2) \$1,425,000,000 is for such activities in the
8 Virgin Islands.

9 (b) OPERATIONS AND MAINTENANCE ACCOUNT.—
10 Out of funds of the Treasury not otherwise appropriated,
11 there is appropriated to the Operations and Maintenance
12 Account of the Corps of Engineers \$375,000,000 for fiscal
13 year 2018, to remain available until expended, for eligible
14 operations and maintenance costs of coastal harbors and
15 channels, and for inland harbors, to improve the move-
16 ment of goods through marine ports in Puerto Rico and
17 the Virgin Islands.

18 **SEC. 232. PREDISASTER HAZARD MITIGATION AND RESIL-**
19 **IENCY.**

20 Out of funds of the Treasury not otherwise appro-
21 priated, there is appropriated to the Director of the Fed-
22 eral Emergency Management Agency \$250,000,000 for
23 fiscal year 2018, to remain available until expended, to
24 carry out in Puerto Rico and the Virgin Islands minor lo-
25 calized flood reduction projects and major flood risk re-

1 duction projects under the predisaster hazard mitigation
2 program under section 203 of the Robert T. Stafford Dis-
3 aster Relief and Emergency Assistance Act (42 U.S.C.
4 5133).

5 **SEC. 233. BROADBAND PROGRAMS.**

6 (a) BROADBAND INITIATIVES PROGRAM.—Out of
7 funds of the Treasury not otherwise appropriated, there
8 is appropriated \$150,000,000 for fiscal year 2018, to re-
9 main available until expended, for the broadband initia-
10 tives program established under title VI of the Rural Elec-
11 trification Act of 1936 (7 U.S.C. 950bb et seq.) to expand
12 access to, and the quality of, broadband service across
13 Puerto Rico and the Virgin Islands, with preference given
14 to—

15 (1) public or cooperatively owned telecommuni-
16 cations systems; or

17 (2) telecommunications systems that provide
18 telehealth, distance learning, and public safety bene-
19 fits.

20 (b) BROADBANDUSA PROGRAM.—Out of funds of
21 the Treasury not otherwise appropriated, there is appro-
22 priated \$150,000,000 for fiscal year 2018, to remain
23 available until expended, to the National Telecommuni-
24 cations and Information Administration to carry out the

1 BroadbandUSA program in Puerto Rico and the Virgin
2 Islands, with preference given to—

3 (1) public or cooperatively owned telecommuni-
4 cations systems; or

5 (2) telecommunications systems that provide
6 telehealth, distance learning, and public safety bene-
7 fits.

8 **SEC. 234. HOUSING AND COMMUNITY DEVELOPMENT.**

9 (a) HOME INVESTMENT PARTNERSHIPS PRO-
10 GRAM.—

11 (1) ALL PARTICIPATING JURISDICTIONS.—Out
12 of funds of the Treasury not otherwise appropriated,
13 there is appropriated \$85,000,000 for fiscal year
14 2018, to remain available until expended, for the
15 HOME Investment Partnerships program authorized
16 under title II of the Cranston-Gonzalez National Af-
17 fordable Housing Act (42 U.S.C. 12721 et seq.)—

18 (A) to be allocated between Puerto Rico
19 and the Virgin Islands in the same proportion
20 as for the most recent fiscal year; and

21 (B) of which the amount allocated to Puer-
22 to Rico under subparagraph (A) shall be allo-
23 cated proportionately among participating juris-
24 dictions in Puerto Rico in accordance with the

1 allocation among such jurisdictions for the most
2 recent fiscal year.

3 (2) CAÑO MARTÍN PEÑA COMMUNITIES.—Out of
4 funds of the Treasury not otherwise appropriated, in
5 addition to the amount appropriated under para-
6 graph (1), there is appropriated \$15,000,000 for fis-
7 cal year 2018, to remain available until expended,
8 for the HOME Investment Partnerships program
9 authorized under title II of the Cranston-Gonzalez
10 National Affordable Housing Act (42 U.S.C. 12721
11 et seq.) to be allocated to the HOME Investment
12 Partnership Program of the Municipality of San
13 Juan for use by the Caño Martín Peña Community
14 Land Trust (also known as “El Fedeicomiso de la
15 Tierra del Caño Martín Peña”) to create, improve,
16 and rehabilitate affordable housing in the 8 Caño
17 Martín Peña communities, including for the costs of
18 relocating homes from the banks of the channel to
19 other locations in the community.

20 (b) COMMUNITY DEVELOPMENT BLOCK GRANT PRO-
21 GRAM.—

22 (1) ALL JURISDICTIONS.—Out of funds of the
23 Treasury not otherwise appropriated, there is appro-
24 priated \$300,000,000 for fiscal year 2018, to remain
25 available until expended, for the community develop-

1 ment block grant program under title I of the Hous-
2 ing and Community Development Act of 1974 (42
3 U.S.C. 5301 et seq.)—

4 (A) to be allocated between Puerto Rico
5 and the Virgin Islands in the same proportion
6 as for the most recent fiscal year; and

7 (B) of which the amount allocated to Puer-
8 to Rico under subparagraph (A) shall be allo-
9 cated proportionately among entitlement com-
10 munities and nonentitlement communities in
11 Puerto Rico in accordance with the allocation
12 among such communities for the most recent
13 fiscal year.

14 (2) CAÑO MARTÍN PEÑA COMMUNITIES.—Out of
15 funds of the Treasury not otherwise appropriated, in
16 addition to the amount appropriated under para-
17 graph (1), there is appropriated \$25,000,000 for fis-
18 cal year 2018, to remain available until expended,
19 for the community development block grant program
20 under title I of the Housing and Community Devel-
21 opment Act of 1974 (42 U.S.C. 5301 et seq.) to be
22 allocated to the Municipality of San Juan for use by
23 the Martin Peña Canal ENLACE Project Corpora-
24 tion (also known as “La Corporación del Proyecto
25 ENLACE del Caño Martín Peña”) for housing,

1 community, and economic development in the 8
2 Caño Martín Peña communities.

3 (c) LOW INCOME HOUSING OPERATING SUBSIDY.—
4 Out of funds of the Treasury not otherwise appropriated,
5 there is appropriated \$41,200,000 for fiscal year 2018,
6 to remain available until expended, for payments to public
7 housing agencies for the operation and management of
8 public housing, as authorized under section 9(e) of the
9 United States Housing Act of 1937 (42 U.S.C. 1437g(e)),
10 of which—

11 (1) \$40,000,000 is for such payments to public
12 housing agencies in Puerto Rico; and

13 (2) \$1,200,000 is for such payments to public
14 housing agencies in the Virgin Islands.

15 (d) CHOICE NEIGHBORHOODS PROGRAM.—Out of
16 funds of the Treasury not otherwise appropriated, there
17 is appropriated \$172,000,000 for fiscal year 2018, to re-
18 main available until expended, for competitive grants
19 under the Choice Neighborhoods Initiative of the Depart-
20 ment of Housing and Urban Development for trans-
21 formation, rehabilitation, and replacement housing needs
22 of both public housing and Department of Housing and
23 Urban Development-assisted housing and to transform
24 neighborhoods of poverty into functioning, sustainable
25 mixed income neighborhoods with appropriate services,

1 schools, public assets, transportation, and access to jobs,
2 of which—

3 (1) \$167,000,000 is for grants for such pur-
4 poses in Puerto Rico; and

5 (2) \$5,000,000 is for grants for such purposes
6 in the Virgin Islands.

7 (e) SECTION 8 ADMINISTRATIVE FEES.—Out of
8 funds of the Treasury not otherwise appropriated, there
9 is appropriated \$47,600,000 for fiscal year 2018, to re-
10 main available until expended, for administrative and
11 other expenses of public housing agencies in administering
12 the tenant-based rental assistance program under section
13 8 of the United States Housing Act of 1947 (42 U.S.C.
14 1437f) in Puerto Rico and the Virgin Islands, of which—

15 (1) \$46,200,000 is for such expenses in Puerto
16 Rico; and

17 (2) \$1,400,000 is for such expenses in the Vir-
18 gin Islands.

19 (f) PUBLIC HOUSING CAPITAL FUND.—Out of funds
20 of the Treasury not otherwise appropriated, there is ap-
21 propriated \$687,000,000 for fiscal year 2018, to remain
22 available until expended, for the Public Housing Capital
23 Fund Program of the Department of Housing and Urban
24 Development to carry out capital and management activi-
25 ties for public housing agencies, as authorized under sec-

1 tion 9 of the United States Housing Act of 1937 (42
2 U.S.C. 1437g), of which—

3 (1) \$667,000,000 is for such activities in Puer-
4 to Rico; and

5 (2) \$20,000,000 is for such activities in the
6 Virgin Islands.

7 **SEC. 235. OVERSIGHT.**

8 (a) **PLANNING PROCESS.**—Puerto Rico and the Vir-
9 gin Islands may not receive any funds under this subtitle,
10 unless Puerto Rico and the Virgin Islands undertake a
11 planning process, administered by the respective regu-
12 latory drinking and waste water and service commissions,
13 for the water system of Puerto Rico and the Virgin Is-
14 lands, respectively.

15 (b) **REQUIREMENTS.**—The planning process required
16 under subsection (a) shall—

17 (1) contain an assessment of the current water
18 needs of the customer classes and future, moderniza-
19 tion and resiliency needs of a rebuilt drinking and
20 waste water system;

21 (2) describe a transparent and participatory
22 process to evaluate and determine the potential op-
23 tions for meeting the above needs; and

1 (3) include recommendations for where funds
2 should be directed for accomplishing the goals de-
3 scribed in paragraphs (1) and (2).

4 **Subtitle D—Limit on Privatization**

5 **SEC. 241. LIMIT ON PRIVATIZATION.**

6 No service provided or structure, facility, system,
7 means of transportation, or other infrastructure built, re-
8 habilitated, repaired, restored, improved, expanded, or
9 carried out using amounts made available under this title
10 may be transferred to the ownership and control of a pri-
11 vate individual or entity.

12 **TITLE III—MEDICAID AND** 13 **MEDICARE PARITY** 14 **Subtitle A—Medicaid**

15 **SEC. 301. ELIMINATION OF GENERAL MEDICAID FUNDING** 16 **LIMITATIONS (“CAP”) FOR TERRITORIES.**

17 (a) IN GENERAL.—Section 1108 of the Social Secu-
18 rity Act (42 U.S.C. 1308) is amended—

19 (1) in subsection (f), in the matter before para-
20 graph (1), by striking “subsection (g)” and inserting
21 “subsections (g) and (h)”;

22 (2) in subsection (g)(2), in the matter before
23 subparagraph (A), by inserting “and subsection (h)”
24 after “paragraphs (3) and (5)”;

1 (3) by adding at the end the following new sub-
2 section:

3 “(h) SUNSET OF MEDICAID FUNDING LIMITATIONS
4 FOR PUERTO RICO, THE VIRGIN ISLANDS OF THE
5 UNITED STATES, GUAM, THE NORTHERN MARIANA IS-
6 LANDS, AND AMERICAN SAMOA.—Subsections (f) and (g)
7 shall not apply to Puerto Rico, the Virgin Islands of the
8 United States, Guam, the Northern Mariana Islands, and
9 American Samoa beginning with fiscal year 2019.”.

10 (b) CONFORMING AMENDMENTS.—

11 (1) Section 1902(j) of the Social Security Act
12 (42 U.S.C. 1396a(j)) is amended by striking “, the
13 limitation in section 1108(f),”.

14 (2) Section 1903(u) of the Social Security Act
15 (42 U.S.C. 1396b(u)) is amended by striking para-
16 graph (4).

17 (3) Section 1323(c)(1) of the Patient Protection
18 and Affordable Care Act (42 U.S.C. 18043(c)(1)) is
19 amended by striking “2019” and inserting “2018”.

20 (c) EFFECTIVE DATE.—The amendments made by
21 this section shall apply beginning with fiscal year 2019.

1 **SEC. 302. ELIMINATION OF SPECIFIC FEDERAL MEDICAL**
2 **ASSISTANCE PERCENTAGE (FMAP) LIMITA-**
3 **TION FOR TERRITORIES; TEMPORARILY IN-**
4 **CREASING THE FMAP FOR PUERTO RICO AND**
5 **THE VIRGIN ISLANDS TO 100 PERCENT.**

6 Section 1905(b) of the Social Security Act (42 U.S.C.
7 1396d(b)) is amended—

8 (1) in clause (2), by inserting “for fiscal years
9 before fiscal year 2019” after “American Samoa”;
10 and

11 (2) by adding at the end the following new sen-
12 tence: “Notwithstanding the first sentence of this
13 subsection, for each of fiscal years 2018 and 2019,
14 the Federal medical assistance percentage for Puerto
15 Rico and the Virgin Islands shall be 100 percent.”

16 **SEC. 303. APPLICATION OF MEDICAID WAIVER AUTHORITY**
17 **TO ALL OF THE TERRITORIES.**

18 (a) IN GENERAL.—Section 1902(j) of the Social Se-
19 curity Act (42 U.S.C. 1396a(j)) is amended—

20 (1) by striking “American Samoa and the
21 Northern Mariana Islands” and inserting “Puerto
22 Rico, the Virgin Islands of the United States, Guam,
23 the Northern Mariana Islands, and American
24 Samoa”;

25 (2) by striking “American Samoa or the North-
26 ern Mariana Islands” and inserting “Puerto Rico,

1 the Virgin Islands of the United States, Guam, the
2 Northern Mariana Islands, or American Samoa”;

3 (3) by inserting “(1)” after “(j)”;

4 (4) by inserting “except as otherwise provided
5 in this subsection,” after “Notwithstanding any
6 other requirement of this title”; and

7 (5) by adding at the end the following:

8 “(2) The Secretary may not waive under this sub-
9 section with respect to the medical assistance program of
10 any territory—

11 “(A) the requirement of subsection
12 (a)(10)(A)(i)(IX) (relating to coverage of adults for-
13 merly under foster care);

14 “(B) the requirement to provide medical assist-
15 ance for early and periodic screening, diagnostic,
16 and treatment services (as defined in section
17 1905(r)) for individuals who are eligible for assist-
18 ance under the program and who under the age of
19 21; or

20 “(C) the requirement to provide for payment
21 for services described in section 1905(a)(2)(C) fur-
22 nished by a Federally-qualified health center and
23 services described in section 1905(a)(2)(B) furnished
24 by a rural health clinic in accordance with the provi-
25 sions of subsection (bb).”.

1 (b) EFFECTIVE DATE.—The amendments made by
2 this section shall apply beginning October 1, 2018.

3 **SEC. 304. PERMITTING MEDICAID DSH ALLOTMENTS FOR**
4 **TERRITORIES.**

5 Section 1923(f) of the Social Security Act (42 U.S.C.
6 1396) is amended—

7 (1) in paragraph (6), by adding at the end the
8 following new subparagraph:

9 “(C) TERRITORIES.—

10 “(i) FISCAL YEAR 2019.—For fiscal
11 year 2019, the DSH allotment for Puerto
12 Rico, the Virgin Islands of the United
13 States, Guam, the Northern Mariana Is-
14 lands, and American Samoa shall bear the
15 same ratio to \$150,000,000 as the ratio of
16 the number of individuals who are low-in-
17 come or uninsured and residing in such re-
18 spective territory (as estimated from time
19 to time by the Secretary) bears to the
20 sums of the number of such individuals re-
21 siding in all of the territories.

22 “(ii) SUBSEQUENT FISCAL YEAR.—
23 For each subsequent fiscal year, the DSH
24 allotment for each such territory is subject

1 to an increase in accordance with para-
2 graph (2).”; and

3 (2) in paragraph (9), by inserting before the pe-
4 riod at the end the following: “, and includes, begin-
5 ning with fiscal year 2019, Puerto Rico, the Virgin
6 Islands of the United States, Guam, the Northern
7 Mariana Islands, and American Samoa”.

8 **Subtitle B—Medicare**

9 **PART I—PART A**

10 **SEC. 311. CALCULATION OF MEDICARE DSH PAYMENTS FOR** 11 **IPPS HOSPITALS IN PUERTO RICO.**

12 Section 1886(d)(9)(D)(iii) of the Social Security Act
13 (42 U.S.C. 1395ww(d)(9)(D)(iii)) is amended to read as
14 follows:

15 “(iii) Subparagraph (F) (relating to dispropor-
16 tionate share payments), including application of
17 subsection (r), except that for this purpose—

18 “(I) the sum described in clause (ii) of this
19 subparagraph shall be substituted for the sum
20 referred to in paragraph (5)(F)(ii)(I); and

21 “(II) for discharges occurring on or after
22 October 1, 2017, subclause (I) of paragraph
23 (5)(F)(vi) shall be applied by substituting for
24 the numerator described in such subclause the
25 number of subsection (d) Puerto Rico hospital’s

1 patient days for the cost reporting period in-
2 volved which were made up of patients who (for
3 such days) were entitled to benefits under part
4 A of this title and were—

5 “(aa) entitled to supplementary secu-
6 rity income benefits (excluding any State
7 supplementation) under title XVI of this
8 Act;

9 “(bb) eligible for medical assistance
10 under a State plan under title XIX; or

11 “(cc) receiving aid or assistance under
12 any plan of the State approved under title
13 I, X, XIV, or XVI.”.

14 **SEC. 312. REBASING TARGET AMOUNT FOR HOSPITALS IN**
15 **TERRITORIES.**

16 Section 1886(b)(3) of the Social Security Act (42
17 U.S.C. 1395ww(b)(3)) is amended by adding at the end
18 the following new subparagraph:

19 “(M)(i) For each cost reporting period be-
20 ginning on or after October 1, 2017, in the case
21 of a hospital located in a territory of the United
22 States, there shall be substituted for the target
23 amount otherwise determined under subpara-
24 graph (A) the rebased target amount (as de-
25 fined in clause (ii)), if such substitution results

1 in an amount of payment under this section to
2 the hospital for such period that is greater than
3 the amount of payment that would be made
4 under this section to the hospital for such pe-
5 riod if this subparagraph were not to apply.

6 “(ii) For purposes of this subparagraph,
7 the term ‘rebased target amount’ has the mean-
8 ing given the term ‘target amount’ in subpara-
9 graph (A), except that—

10 “(I) there shall be substituted for the
11 base cost reporting period the 12-month
12 cost reporting period beginning during fis-
13 cal year 2015;

14 “(II) any reference in subparagraph
15 (A)(i) to the ‘first such cost reporting pe-
16 riod’ is deemed a reference to the first cost
17 reporting period beginning on or after Oc-
18 tober 1, 2017; and

19 “(III) the applicable percentage in-
20 crease shall only be applied under subpara-
21 graph (B)(ii) for cost reporting periods be-
22 ginning on or after October 1, 2017.

23 “(iii) Nothing in this subparagraph shall
24 affect any rebasing request by a hospital for

1 any cost reporting period beginning during a
2 fiscal year before fiscal year 2015.”.

3 **SEC. 313. MEDICARE DSH TARGET ADJUSTMENT FOR HOS-**
4 **PITALS IN TERRITORIES.**

5 Section 1886(b)(3) of the Social Security Act (42
6 U.S.C. 1395ww(b)(3)), as amended by section 312, is
7 amended by adding at the end the following new subpara-
8 graph:

9 “(N)(i) For each cost reporting period be-
10 ginning on or after October 1, 2017, in the case
11 of a hospital that is located in a territory of the
12 United States other than Puerto Rico and that
13 would be a subsection (d) hospital if it were lo-
14 cated in one of the 50 States, the target
15 amount shall be increased by—

16 “(I) in the case that such hospital has
17 a disproportionate patient percentage of
18 not less than 15 percent and not greater
19 than 40 percent, 10 percent; and

20 “(II) in the case that such hospital
21 has a disproportionate patient percentage
22 of greater than 40 percent, 10 percent plus
23 60 percent of the number of percentage
24 points by which such hospital’s dispropor-

1 tionate patient percentage exceeds 40 per-
2 cent.

3 “(ii) For purposes of this subparagraph,
4 the term ‘disproportionate patient percentage’
5 has the meaning given such term in subsection
6 (d)(5)(F)(vi), except that in applying such
7 meaning any reference under such subsection to
8 individuals entitled to supplementary security
9 income under title XVI shall be deemed for pur-
10 poses of this subparagraph to include individ-
11 uals—

12 “(I) eligible for medical assistance
13 under a State plan under title XIX; or

14 “(II) receiving aid or assistance under
15 any plan of the territory approved under
16 title I, X, XIV, or XVI.”.

17 **PART II—PART B**

18 **SEC. 321. APPLICATION OF PART B DEEMED ENROLLMENT**
19 **PROCESS TO RESIDENTS OF PUERTO RICO;**
20 **SPECIAL ENROLLMENT PERIOD AND LIMIT**
21 **ON LATE ENROLLMENT PENALTIES.**

22 (a) APPLICATION OF PART B DEEMED ENROLLMENT
23 PROCESS TO RESIDENTS OF PUERTO RICO.—Section
24 1837(f)(3) of the Social Security Act (42 U.S.C.

1 1395p(f)(3)) is amended by striking “, exclusive of Puerto
2 Rico”.

3 (b) EFFECTIVE DATE.—The amendment made by
4 subsection (a) shall apply to individuals whose initial en-
5 rollment period under section 1837(d) of the Social Secu-
6 rity Act begins on or after the first day of the effective
7 month, specified by the Secretary of Health and Human
8 Services under section 1839(j)(1)(C) of such Act, as added
9 by subsection (c)(2).

10 (c) TRANSITION PROVIDING SPECIAL ENROLLMENT
11 PERIOD AND LIMIT ON LATE ENROLLMENT PENALTIES
12 FOR CERTAIN MEDICARE BENEFICIARIES.—Section 1839
13 of the Social Security Act (42 U.S.C. 1395r) is amend-
14 ed—

15 (1) in the first sentence of subsection (b), by in-
16 serting “subject to section 1839(j)(2),” after “sub-
17 section (i)(4) or (l) of section 1837,”; and

18 (2) by adding at the end the following new sub-
19 section:

20 “(j) SPECIAL RULES FOR CERTAIN RESIDENTS OF
21 PUERTO RICO.—

22 “(1) SPECIAL ENROLLMENT PERIOD, COVERAGE
23 PERIOD FOR RESIDENTS WHO ARE ELIGIBLE BUT
24 NOT ENROLLED.—

1 “(A) IN GENERAL.—In the case of a tran-
2 sition individual (as defined in paragraph (3))
3 who is not enrolled under this part as of the
4 day before the first day of the effective month
5 (as defined in subparagraph (C)), the Secretary
6 shall provide for a special enrollment period
7 under section 1837 of 7 months beginning with
8 such effective month during which the indi-
9 vidual may be enrolled under this part.

10 “(B) COVERAGE PERIOD.—In the case of
11 such an individual who enrolls during such spe-
12 cial enrollment period, the coverage period
13 under section 1838 shall begin on the first day
14 of the second month after the month in which
15 the individual enrolls.

16 “(C) EFFECTIVE MONTH DEFINED.—In
17 this section, the term ‘effective month’ means a
18 month, not earlier than October 2018 and not
19 later than January 2019, specified by the Sec-
20 retary.

21 “(2) REDUCTION IN LATE ENROLLMENT PEN-
22 ALTIES FOR CURRENT ENROLLEES AND INDIVID-
23 UALS ENROLLING DURING TRANSITION.—

24 “(A) IN GENERAL.—In the case of a tran-
25 sition individual who is enrolled under this part

1 as of the day before the first day of the effec-
2 tive month or who enrolls under this part on or
3 after the date of the enactment of this sub-
4 section but before the end of the special enroll-
5 ment period under paragraph (1)(A), the
6 amount of the late enrollment penalty imposed
7 under section 1839(b) shall be recalculated by
8 reducing the penalty to 15 percent of the pen-
9 alty otherwise established.

10 “(B) APPLICATION.—Subparagraph (A)
11 shall be applied in the case of a transition indi-
12 vidual who—

13 “(i) is enrolled under this part as of
14 the month before the effective month, for
15 premiums for months beginning with such
16 effective month; or

17 “(ii) enrolls under this part on or
18 after the date of the enactment of this Act
19 and before the end of the special enroll-
20 ment period under paragraph (1)(A), for
21 premiums for months during the coverage
22 period under this part which occur during
23 or after the effective month.

24 “(C) LOSS OF REDUCTION IF INDIVIDUAL
25 TERMINATES ENROLLMENT.—Subparagraph

1 (A) shall not apply to a transition individual if
2 the individual terminates enrollment under this
3 part after the end of the special enrollment pe-
4 riod under paragraph (1).

5 “(3) TRANSITION INDIVIDUAL DEFINED.—In
6 this section, the term ‘transition individual’ means
7 an individual who resides in Puerto Rico and who
8 would have been deemed enrolled under this part
9 pursuant to section 1837(f) before the first day of
10 the effective month but for the fact that the indi-
11 vidual was a resident of Puerto Rico, regardless of
12 whether the individual is enrolled under this part as
13 of such first day.”.

14 **PART III—MEDICARE ADVANTAGE (PART C)**

15 **SEC. 331. ADJUSTMENT IN BENCHMARK FOR LOW-BASE**
16 **PAYMENT COUNTIES IN PUERTO RICO.**

17 Section 1853(n) of the Social Security Act (42 U.S.C.
18 1395w-103(n)) is amended—

19 (1) in paragraph (1), by striking “and (5)” and
20 inserting “, (5), and (6)”;

21 (2) in paragraph (4), by striking “In no case”
22 and inserting “Subject to paragraph (6), in no
23 case”; and

24 (3) by adding at the end the following new
25 paragraph:

1 2018 as follows, notwithstanding any other provision
2 of this title:

3 “(A) CLARIFYING STATE FLEXIBILITY TO
4 COVER NON-DUAL-ELIGIBLE INDIVIDUALS.—In
5 this title, the term ‘medical assistance’ includes
6 financial assistance furnished by a State under
7 this subsection to part D eligible individuals
8 who, if they were residing in one of the 50
9 States or the District of Columbia, would qual-
10 ify as subsidy eligible individuals under section
11 1860D–14(a)(3), and without regard to wheth-
12 er such individuals otherwise qualify for medical
13 assistance under this title.

14 “(B) 100 PERCENT FMAP TO REFLECT NO
15 STATE MATCHING REQUIRED FOR PART D LOW
16 INCOME SUBSIDIES.—The Federal medical as-
17 sistance percentage applicable to the assistance
18 furnished under this subsection is 100 percent.

19 “(C) LIMITED FUNDING FOR SPECIAL
20 RULES.—Subparagraphs (A) and (B), and the
21 provision of medical assistance for covered part
22 D drugs to low-income part D eligible individ-
23 uals for a State and period under this sub-
24 section, is limited to the amount specified in
25 paragraph (3) for such State and period, with-

1 out regard to the application of subsection (f)
2 or (g) of section 1108.”.

3 **SEC. 342. REPORT ON TREATMENT OF TERRITORIES**
4 **UNDER MEDICARE PART D.**

5 Paragraph (4) of section 1935(e) of the Social Secu-
6 rity Act (42 U.S.C. 1396u-5(e)) is amended to read as
7 follows:

8 “(4) REPORT ON APPLICATION OF SUB-
9 SECTION.—

10 “(A) IN GENERAL.—Not later than Feb-
11 ruary 1, 2020, the Secretary shall submit to
12 Congress a report on the application of this
13 subsection during the period beginning with fis-
14 cal year 2006 and ending fiscal year 2019.

15 “(B) INFORMATION TO BE INCLUDED IN
16 REPORT.—Such report shall include—

17 “(i) program guidance issued by the
18 Secretary to implement this subsection;

19 “(ii) for each territory, information on
20 the increased amount under paragraph (3)
21 and how the territory has applied such
22 amount, including the territory’s program
23 design, expenditures, and number of indi-
24 viduals (and dual-eligible individuals) as-
25 sisted; and

1 “(iii) a description of differences be-
2 tween how such territories are treated
3 under part D of title XVIII and under this
4 title compared with the treatment of the
5 50 States and the District of Columbia
6 under such part and this title for different
7 fiscal years within the period covered
8 under the report.

9 “(C) RECOMMENDATIONS.—Such report
10 shall include recommendations for improving
11 prescription drug coverage for low-income indi-
12 viduals in each territory, including rec-
13 ommendations regarding each of the following
14 alternative approaches:

15 “(i) Adjusting the aggregate amount
16 specified in paragraph (3)(B).

17 “(ii) Allowing residents of the terri-
18 tories to be subsidy eligible individuals
19 under section 1860D–14, notwithstanding
20 subsection (a)(3)(F) of such section, or
21 providing substantially equivalent low-in-
22 come prescription drug subsidies to such
23 residents.”.

1 **Subtitle C—Miscellaneous**

2 **SEC. 351. MODIFIED TREATMENT OF TERRITORIES WITH**
3 **RESPECT TO APPLICATION OF ACA ANNUAL**
4 **HEALTH INSURANCE PROVIDER FEES.**

5 Section 9010 of the Patient Protection and Afford-
6 able Care Act (26 U.S.C. 4001 note prec.) is amended—

7 (1) in subsection (b)(1), by inserting “subject
8 to subsection (j)(1),” after “With respect to each
9 covered entity,”; and

10 (2) by striking subsection (j) and inserting the
11 following:

12 “(j) SPECIAL RULES FOR TREATMENT OF TERRI-
13 TORIES.—

14 “(1) IN GENERAL.—In applying this section
15 with respect to United States health risks located
16 outside of the 50 States or the District of Columbia
17 for years beginning with 2018—

18 “(A) the amount of the fee under sub-
19 section (b) shall be 50 percent of the amount
20 of the fee otherwise determined;

21 “(B) the Secretary shall deposit the
22 amount of such fees collected for each territory
23 into a separate account; and

24 “(C) amounts in such an account for a ter-
25 ritory for a year are appropriated and shall be

1 available to the territory in accordance with
2 paragraph (2).

3 “(2) AVAILABILITY OF FUNDS.—Amounts made
4 available to a territory under paragraph (1)(C) with
5 respect to a territory for a year shall be made avail-
6 able to the territory, upon application of the terri-
7 tory to the Secretary of Health and Human Serv-
8 ices, only for the following purposes, as elected by
9 the territory in such application:

10 “(A) INCREASED PRESCRIPTION DRUG AS-
11 SISTANCE FOR LOW-INCOME PART D ELIGIBLE
12 INDIVIDUALS.—For increasing the amount of
13 funds made available to the territory under sec-
14 tion 1935(e)(3) of the Social Security Act (42
15 U.S.C. 1396u–5(e)(3)) for assistance for low-in-
16 come part D eligible individuals in obtaining
17 part D covered drugs.

18 “(B) SATISFYING STATE MEDICAID
19 MATCHING REQUIREMENT.—For purposes of
20 the territory meeting non-Federal matching re-
21 quirements imposed with respect to obtaining
22 Federal financial participation under title XIX
23 of the Social Security Act.”.

1 **SEC. 352. MEDICAID AND CHIP TERRITORY TRANSPARENCY**
2 **AND INFORMATION.**

3 (a) PUBLICATION OF INFORMATION ON FEDERAL
4 EXPENDITURES UNDER MEDICAID AND CHIP IN THE
5 TERRITORIES.—Not later than 180 days after the date
6 of the enactment of this Act, the Secretary of Health and
7 Human Services shall publish, and periodically update, on
8 the Internet site of the Centers for Medicare & Medicaid
9 Services information on Medicaid and CHIP carried out
10 in the territories of the United States. Such information
11 shall include, with respect to each such territory—

12 (1) the income levels established by the terri-
13 tory for purposes of eligibility of an individual to re-
14 ceive medical assistance under Medicaid or child
15 health assistance under CHIP;

16 (2) the number of individuals enrolled in Med-
17 icaid and CHIP in such territory;

18 (3) any State plan amendments in effect to
19 carry out Medicaid or CHIP in such territory;

20 (4) any waiver of the requirements of title XIX
21 or title XXI issued by the Secretary to carry out
22 Medicaid or CHIP in the territory, including a waiv-
23 er under section 1115 of the Social Security Act (42
24 U.S.C. 1315), any application for such a waiver, and
25 any documentation related to such application (in-
26 cluding correspondence);

1 (5) the amount of the Federal and non-Federal
2 share of expenditures under Medicaid and CHIP in
3 such territory;

4 (6) the systems in place for the furnishing of
5 health care items and services under Medicaid and
6 CHIP in such territory;

7 (7) the design of CHIP in such territory; and

8 (8) other information regarding the carrying
9 out of Medicaid and CHIP in the territory that is
10 published on such Internet site with respect to car-
11 rying out Medicaid and CHIP in each State and the
12 District of Columbia.

13 (b) DEFINITIONS.—In this section:

14 (1) CHIP.—The term “CHIP” means the
15 State Children’s Health Insurance Program under
16 title XXI of the Social Security Act.

17 (2) MEDICAID.—The term “Medicaid” means
18 the Medicaid program under title XIX of the Social
19 Security Act.

20 (3) TERRITORY.—The term “territory of the
21 United States” includes Puerto Rico, the Virgin Is-
22 lands, Guam, the Northern Mariana Islands, and
23 American Samoa.

1 **SEC. 353. REPORT ON EXCLUSION OF TERRITORIES FROM**
2 **EXCHANGES.**

3 (a) IN GENERAL.—Not later than February 1, 2020,
4 the Secretary of Health and Human Services shall submit
5 to Congress a report that details the adverse impacts in
6 each territory from the practical exclusion of the terri-
7 tories from the provisions of part II of subtitle D of title
8 I of the Patient Protection and Affordable Care Act inso-
9 far as such provisions provide for the establishment of an
10 American Health Benefit Exchange or the administration
11 of a federally facilitated Exchange in each State and in
12 the District of Columbia for the purpose of making health
13 insurance more affordable and accessible for individuals
14 and small businesses.

15 (b) INFORMATION IN REPORT.—The report shall in-
16 clude information on the following:

17 (1) An estimate of the total number of unin-
18 sured and underinsured individuals residing in each
19 territory with respect to health insurance coverage.

20 (2) A description of the number of health insur-
21 ance issuers in each territory and the health insur-
22 ance plans these issuers offer.

23 (3) An estimate of the number of individuals re-
24 siding in each territory who are denied premium and
25 cost-sharing assistance that would otherwise be
26 available to them for obtaining health insurance cov-

1 erage through an Exchange if they resided in one of
2 the 50 States or in the District of Columbia.

3 (4) An estimate of the amount of Federal as-
4 sistance described in paragraph (3) that is not being
5 made available to residents of each territory.

6 (5) An estimate of the number of small employ-
7 ers in each territory that would be eligible to pur-
8 chase health insurance coverage through a Small
9 Business Health Options Program (SHOP) Market-
10 place that would operate as part of an Exchange if
11 the employers were in one of the 50 States or in the
12 District of Columbia.

13 **SEC. 354. TEMPORARY INCREASE IN SOCIAL SERVICES**

14 **BLOCK GRANT ALLOTMENTS FOR PUERTO**

15 **RICO AND THE VIRGIN ISLANDS.**

16 (a) IN GENERAL.—For the purpose of increasing the
17 allotments for Puerto Rico and the Virgin Islands for fis-
18 cal year 2018 under section 2003 of the Social Security
19 Act (42 U.S.C. 1397b) in accordance with subsection (b),
20 there is appropriated \$138,600,000 for fiscal year 2018.

21 (b) ALLOTMENTS.—

22 (1) IN GENERAL.—From the amount appro-
23 priated under subsection (a), the Secretary of
24 Health and Human Services shall increase the
25 amount of the allotments for Puerto Rico and the

1 Virgin Islands for fiscal year 2018 under section
2 2003 of the Social Security Act (42 U.S.C.
3 1397b)—

4 (A) in the case of Puerto Rico, by
5 \$126,000,000; and

6 (B) in the case of the Virgin Islands, by
7 \$12,600,000.

8 (2) NO EFFECT ON ALLOTMENTS TO OTHER
9 STATES.—The increase to the allotments for fiscal
10 year 2018 for Puerto Rico and the Virgin Islands
11 under paragraph (1)—

12 (A) shall be made after the determination
13 of the allotments for Puerto Rico and the Vir-
14 gin Islands for fiscal year 2018 under section
15 2003 of the Social Security Act (42 U.S.C.
16 1397b); and

17 (B) shall not affect the amount of the al-
18 lotment determined for fiscal year 2018 for any
19 other State under such section.

20 (c) SPECIAL RULES.—

21 (1) Notwithstanding section 2002(c) of the So-
22 cial Security Act (42 U.S.C. 1397a(c)), the increase
23 in the allotments for Puerto Rico and the Virgin Is-
24 lands for fiscal year 2018 shall remain available
25 until expended, without fiscal year limitation.

1 (2) Paragraphs (1) and (4) of section 2005(a)
2 of the Social Security Act (42 U.S.C. 1397d(a))
3 shall not apply to the increase in the allotments for
4 Puerto Rico and the Virgin Islands for fiscal year
5 2018 under subsection (b).

6 **TITLE IV—AGRICULTURE**

7 **SEC. 401. RURAL UTILITIES SERVICE PROGRAMS.**

8 (a) WATER AND ENVIRONMENTAL PROGRAMS.—Out
9 of funds of the Treasury not otherwise appropriated, there
10 is appropriated to the Administrator of the Rural Utilities
11 Service \$284,000,000 for fiscal year 2018, to remain
12 available until expended, to provide for eligible programs
13 and activities in Puerto Rico and the Virgin Islands—

14 (1) water or waste disposal grants under sec-
15 tion 306(a)(2) of the Consolidated Farm and Rural
16 Development Act (7 U.S.C. 1926(a)(2));

17 (2) rural water or wastewater technical assist-
18 ance and training grants under section 306(a)(14)
19 of that Act (7 U.S.C. 1926(a)(14));

20 (3) emergency community water assistance
21 grants under section 306A of that Act (7 U.S.C.
22 1926a); and

23 (4) solid waste management grants under sec-
24 tion 310B(b) of that Act (7 U.S.C. 1932(b)).

25 (b) ELECTRIC PROGRAM.—

1 (1) IN GENERAL.—Out of funds of the Treas-
2 ury not otherwise appropriated, there is appro-
3 priated to the Administrator of the Rural Utilities
4 Service \$250,000,000 for fiscal year 2018, to remain
5 available until expended, to provide electric infra-
6 structure grants for eligible programs and activities
7 in Puerto Rico and the Virgin Islands under the
8 Rural Electrification Act of 1936 (7 U.S.C. 901 et
9 seq.).

10 (2) LIMITATIONS.—Funds appropriated under
11 paragraph (1) may not be used for projects that in-
12 clude—

13 (A) the construction, operation, or mainte-
14 nance of new generation plants for the produc-
15 tion of—

16 (i) energy using sanitary waste landfill
17 systems; or

18 (ii) fossil fuels of any kind, including
19 diesel, oil, coal, and natural gas; or

20 (B) the construction of—

21 (i) new liquefied natural gas import or
22 export terminals; or

23 (ii) natural gas pipeline infrastructure
24 of any kind.

1 **SEC. 402. RURAL ENERGY FOR AMERICA PROGRAM.**

2 Out of funds of the Treasury not otherwise appro-
3 priated, there is appropriated to the Secretary of Agri-
4 culture \$125,000,000 for fiscal year 2018, to remain
5 available until expended, to provide financial assistance
6 and grants for eligible programs and activities in Puerto
7 Rico and the Virgin Islands under section 9007 of the
8 Farm Security and Rural Investment Act of 2002 (7
9 U.S.C. 8107).

10 **SEC. 403. RURAL COMMUNITY FACILITIES PROGRAM.**

11 Of the amounts made available for each of fiscal
12 years 2018 through 2027 for the “Rural Housing Service,
13 Rural Community Facilities Program Account”, the
14 “Rural Business—Cooperative Service, Rural Business
15 Program Account”, and the “Rural Utilities Service,
16 Rural Water and Waste Disposal Program Account”, the
17 Secretary of Agriculture shall allocate not less than 1 per-
18 cent for assistance in 1 or more county-equivalent subdivi-
19 sions in Puerto Rico and the Virgin Islands the average
20 percentage of the population of which living in poverty
21 during the 30-year period ending on the date of enactment
22 of this Act is not less than 20 percent, as measured by
23 the 1990, 2000, and 2010 decennial censuses.

24 **SEC. 404. RURAL HOUSING.**

25 (a) OTHER SPECIAL LOANS AND GRANTS FOR MINOR
26 IMPROVEMENTS TO FARM HOUSING AND BUILDINGS.—

1 (1) IN GENERAL.—Out of any funds in the
2 Treasury not otherwise appropriated, there is appro-
3 priated to the Secretary of Agriculture \$20,600,000,
4 to remain available until expended, for the cost of
5 grants for very low-income housing repair and rural
6 housing preservation under section 504 of the Hous-
7 ing Act of 1949 (42 U.S.C. 1474) in a covered dis-
8 aster area.

9 (2) LIMITATION ON GRANTS.—Notwithstanding
10 any limitation established by the Secretary of Agri-
11 culture under the third sentence of section 504(a) of
12 the Housing Act of 1949 (42 U.S.C. 1474(a)), the
13 maximum amount of a grant under paragraph (1)
14 shall be \$20,000.

15 (b) MUTUAL AND SELF-HELP HOUSING.—Out of any
16 funds in the Treasury not otherwise appropriated, there
17 is appropriated to the Secretary of Agriculture
18 \$5,150,000, to remain available until expended, for the
19 cost of grants and contracts under section 523(b)(1)(A)
20 of the Housing Act of 1949 (42 U.S.C. 1490c(b)(1)(A)),
21 which shall be used to support grants made under sub-
22 section (a)(1).

1 **SEC. 405. WATERSHED AND FLOOD PREVENTION OPER-**
2 **ATIONS.**

3 (a) IN GENERAL.—Out of any funds in the Treasury
4 not otherwise appropriated, there is appropriated to the
5 Secretary of Agriculture \$18,044,000 for “Watershed and
6 Flood Prevention Operations” in Puerto Rico and the Vir-
7 gin Islands, of which \$9,022,000 shall be for necessary
8 expenses to purchase and restore floodplain easements as
9 authorized by section 403 of the Agricultural Credit Act
10 of 1978 (16 U.S.C. 2203).

11 (b) REQUIREMENT.—Funds appropriated under sub-
12 section (a) shall be allocated to projects that can be fully
13 funded and completed with the funds appropriated by this
14 Act and to activities that can commence promptly after
15 the date of enactment of this Act.

16 **SEC. 406. COMMUNITY FACILITIES GRANTS.**

17 Section 306(a) of the Consolidated Farm and Rural
18 Development Act (7 U.S.C. 1926(a)) is amended by add-
19 ing at the end the following:

20 “(27) PRIORITY FOR GRANTS FOR ESSENTIAL
21 COMMUNITY FACILITIES DAMAGED DUE TO HURRI-
22 CANE OR SEVERE WIND.—To the maximum extent
23 practicable, in providing community facility grants
24 under paragraphs (19), (20), and (21), the Sec-
25 retary shall give priority to applicants that would
26 use the grant—

1 “(A) to rebuild essential community facili-
2 ties in the Commonwealth of Puerto Rico or the
3 United States Virgin Islands that were dam-
4 aged or destroyed due to a hurricane or severe
5 wind; or

6 “(B) to construct essential community fa-
7 cilities in the Commonwealth of Puerto Rico or
8 the United States Virgin Islands to improve
9 food security and food independence in an area
10 that was damaged by a hurricane or severe
11 wind.”.

12 **SEC. 407. WAIVER OF NONINSURED CROP DISASTER AS-**
13 **SISTANCE PROGRAM SERVICE FEE.**

14 Section 196(k)(2) of the Federal Agriculture Im-
15 provement and Reform Act of 1996 (7 U.S.C. 7333(k)(2))
16 is amended by striking “paragraph (1) in the case of” and
17 inserting the following: “paragraph (1)—

18 “(A) to the maximum extent practicable, in
19 the case of a county located in—

20 “(i) the Commonwealth of Puerto
21 Rico; or

22 “(ii) the United States Virgin Islands;
23 and

24 “(B) in the case of”.

1 **SEC. 408. ASSISTANCE FOR COMMUNITY FOOD PROJECTS.**

2 Section 25 of the Food and Nutrition Act of 2008
3 (7 U.S.C. 2034) is amended—

4 (1) in subsection (b), by adding at the end the
5 following:

6 “(3) CERTAIN HURRICANE RECOVERY
7 PROJECTS.—For each of fiscal years 2018 through
8 2027, not less than 10 percent of the amount of
9 grants under this section shall be made available for
10 grants for community food projects described in sub-
11 section (d)(6).”;

12 (2) in subsection (d)—

13 (A) in paragraph (4), by striking “or” at
14 the end;

15 (B) in paragraph (5)(C), by striking the
16 period at the end and inserting “; or”; and

17 (C) by adding at the end the following:

18 “(6) for each of fiscal years 2018 through
19 2027, assist communities affected by hurricanes and
20 severe wind.”; and

21 (3) in subsection (e)—

22 (A) in paragraph (1), by striking “The
23 Federal” and inserting “Except as provided in
24 paragraph (4), the Federal”; and

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

1 “(4) CERTAIN HURRICANE RECOVERY
2 PROJECTS.—For each of fiscal years 2018 through
3 2027, in the case of a community food project de-
4 scribed in subsection (d)(6), the Federal share de-
5 scribed in paragraph (1) shall be 100 percent.”.

6 **SEC. 409. PARTICIPATION OF PUERTO RICO, AMERICAN**
7 **SAMOA, AND THE NORTHERN MARIANA IS-**
8 **LANDS IN SUPPLEMENTAL NUTRITION AS-**
9 **SISTANCE PROGRAM.**

10 (a) IN GENERAL.—

11 (1) DEFINITIONS.—Section 3 of the Food and
12 Nutrition Act of 2008 (7 U.S.C. 2012) is amend-
13 ed—

14 (A) in subsection (r), by inserting “the
15 Commonwealth of Puerto Rico, American
16 Samoa, the Commonwealth of the Northern
17 Mariana Islands,” after “Guam,”; and

18 (B) in subsection (u)(3), by inserting “the
19 Commonwealth of Puerto Rico, American
20 Samoa, the Commonwealth of the Northern
21 Mariana Islands,” after “Guam,”.

22 (2) ELIGIBLE HOUSEHOLDS.—Section 5 of the
23 Food and Nutrition Act of 2008 (7 U.S.C. 2014) is
24 amended—

1 (A) in subsection (b), in the first sentence,
2 by inserting “the Commonwealth of Puerto
3 Rico, American Samoa, the Commonwealth of
4 the Northern Mariana Islands,” after “Guam,”;

5 (B) in subsection (c)(1), by striking “and
6 Guam,” and inserting “Guam, the Common-
7 wealth of Puerto Rico, American Samoa, and
8 the Commonwealth of the Northern Mariana Is-
9 lands,”; and

10 (C) in subsection (e)—

11 (i) in paragraph (1)(A), by inserting
12 “the Commonwealth of Puerto Rico, Amer-
13 ican Samoa, the Commonwealth of the
14 Northern Mariana Islands,” after “Ha-
15 waii,” each place it appears; and

16 (ii) in paragraph (6)(B), by inserting
17 “the Commonwealth of Puerto Rico, Amer-
18 ican Samoa, the Commonwealth of the
19 Northern Mariana Islands,” after
20 “Guam,”.

21 (3) EFFECTIVE DATE.—

22 (A) IN GENERAL.—The amendments made
23 by this subsection shall be effective with respect
24 to Puerto Rico, American Samoa, or the Com-
25 monwealth of the Northern Mariana Islands, as

1 applicable, on the date described in subpara-
2 graph (B) if the Secretary of Agriculture sub-
3 mits to Congress a certification under sub-
4 section (f)(3) of section 19 of the Food and Nu-
5 trition Act of 2008 (7 U.S.C. 2028).

6 (B) DATE DESCRIBED.—The date referred
7 to in subparagraph (A) is, with respect to Puer-
8 to Rico, American Samoa, or the Common-
9 wealth of the Northern Mariana Islands, the
10 date established by Puerto Rico, American
11 Samoa, or the Commonwealth of the Northern
12 Mariana Islands, respectively, in the applicable
13 plan of operation submitted to the Secretary of
14 Agriculture under subsection (f)(1)(A) of sec-
15 tion 19 of the Food and Nutrition Act of 2008
16 (7 U.S.C. 2028).

17 (b) TRANSITION.—Section 19 of the Food and Nutri-
18 tion Act of 2008 (7 U.S.C. 2028) is amended by adding
19 at the end the following:

20 “(f) TRANSITION OF PUERTO RICO, AMERICAN
21 SAMOA, AND THE NORTHERN MARIANA ISLANDS TO SUP-
22 PLEMENTAL NUTRITION ASSISTANCE PROGRAM.—

23 “(1) SUBMISSION OF PLAN BY PUERTO RICO,
24 AMERICAN SAMOA, AND THE NORTHERN MARIANA
25 ISLANDS.—

1 “(A) SUBMISSION AND REVIEW OF PLAN
2 OF OPERATION.—If a State agency is des-
3 ignated by a governmental entity and submits
4 to the Secretary a request to participate in the
5 supplemental nutrition assistance program and
6 a plan of operation under section 11 (including
7 a date on which the governmental entity will
8 begin to participate in the supplemental nutri-
9 tion assistance program), the Secretary shall
10 determine whether that governmental entity
11 and State agency satisfy the requirements that
12 would apply under this Act for approval of that
13 plan if the governmental entity were 1 of the
14 several States.

15 “(B) DETERMINATION BY SECRETARY.—

16 “(i) APPROVAL.—The Secretary shall
17 approve a plan of operation under subpara-
18 graph (A) if the governmental entity and
19 State agency satisfy the requirements de-
20 scribed in that subparagraph.

21 “(ii) DISAPPROVAL.—If the Secretary
22 does not approve a plan of operation under
23 subparagraph (A), the Secretary shall pro-
24 vide to the governmental entity a state-

1 ment that describes each requirement that
2 is not satisfied by the plan.

3 “(2) APPROVAL OF RETAIL FOOD STORES.—If
4 the Secretary approves a plan of operation under
5 paragraph (1)(B)(i), the Secretary shall accept from
6 retail food stores located in the applicable govern-
7 mental entity applications under section 9 for ap-
8 proval to participate in the supplemental nutrition
9 assistance program.

10 “(3) SUBMISSION OF CERTIFICATION TO CON-
11 GRESS.—The Secretary shall submit to Congress a
12 certification that a governmental entity qualifies to
13 participate in the supplemental nutrition assistance
14 program as if the governmental entity were a State
15 if the Secretary—

16 “(A) approves the plan of operation under
17 paragraph (1)(B)(i); and

18 “(B) approves the applications under para-
19 graph (2) of a number of retail food stores lo-
20 cated in the governmental entity requesting to
21 participate in the supplemental nutrition assist-
22 ance program that would be sufficient to satisfy
23 the requirements of this Act if the govern-
24 mental entity were 1 of the several States.

1 “(4) CASH BENEFITS PROVIDED IN PUERTO
2 RICO.—As part of a plan of operation submitted
3 under paragraph (1)(A), the Secretary shall allow
4 the Commonwealth of Puerto Rico to provide a per-
5 centage of benefits under the supplemental nutrition
6 assistance program in the form of cash.

7 “(5) FAMILY MARKET PROGRAM IN PUERTO
8 RICO.—As part of a plan of operation submitted
9 under paragraph (1)(A), notwithstanding subsection
10 (g), the Secretary shall allow the Commonwealth of
11 Puerto Rico to continue to carry out, under the sup-
12 plemental nutrition assistance program, the Family
13 Market Program established under this section.

14 “(6) AUTHORIZATION OF APPROPRIATIONS.—
15 There are authorized to be appropriated to the Sec-
16 retary to carry out this subsection and the amend-
17 ments made by section 408(a) of the Puerto Rico
18 and Virgin Islands Equitable Rebuild Act of 2017
19 such sums as are necessary for fiscal year 2018, to
20 remain available until expended.

21 “(g) TERMINATION OF EFFECTIVENESS.—

22 “(1) IN GENERAL.—Subsections (a) through (e)
23 shall cease to be effective with respect to the Com-
24 monwealth of Puerto Rico, American Samoa, or the
25 Commonwealth of the Northern Mariana Islands, as

1 applicable, on the date described in paragraph (2) if
2 the Secretary submits to Congress a certification
3 under subsection (f)(3).

4 “(2) DATE DESCRIBED.—The date referred to
5 in paragraph (1) is, with respect to the Common-
6 wealth of Puerto Rico, American Samoa, the Com-
7 monwealth of the Northern Mariana Islands, the
8 date established by the Commonwealth of Puerto
9 Rico, American Samoa, or the Commonwealth of the
10 Northern Mariana Islands, respectively, in the appli-
11 cable plan of operation submitted to the Secretary
12 under subsection (f)(1)(A).”.

13 **SEC. 410. PAYMENT LIMITATIONS FOR CERTAIN PRO-**
14 **DUCERS IN DISASTER AREAS.**

15 (a) SUPPLEMENTAL AGRICULTURAL DISASTER AS-
16 SISTANCE.—Section 1501 of the Agricultural Act of 2014
17 (7 U.S.C. 9081) is amended—

18 (1) in subsection (a)—

19 (A) by redesignating paragraphs (1), (2),
20 (3), and (4) as paragraphs (2), (3), (4), and
21 (6), respectively;

22 (B) by inserting before paragraph (2) (as
23 so redesignated) the following:

24 “(1) DISASTER COUNTY.—The term ‘disaster
25 county’ means a county included in the geographical

1 area covered by a qualifying natural disaster dec-
2 laration for calendar year 2017 for which the re-
3 quest for that declaration was submitted during the
4 period beginning on January 1, 2017, and ending on
5 the date of enactment of the Puerto Rico and Virgin
6 Islands Equitable Rebuild Act of 2017.”; and

7 (C) by inserting after paragraph (4) (as so
8 redesignated) the following:

9 “(5) QUALIFYING NATURAL DISASTER DEC-
10 LARATION.—The term ‘qualifying natural disaster
11 declaration’ means—

12 “(A) a natural disaster declared by the
13 Secretary under section 321(a) of the Consoli-
14 dated Farm and Rural Development Act (7
15 U.S.C. 1961(a)); or

16 “(B) a major disaster or emergency des-
17 igned by the President under the Robert T.
18 Stafford Disaster Relief and Emergency Assist-
19 ance Act (42 U.S.C. 5121 et seq.)”;

20 (2) in subsection (e)(4)(B)—

21 (A) by striking “The total” and inserting
22 the following:

23 “(i) IN GENERAL.—Subject to clause
24 (ii), the total”; and

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

1 “(ii) CERTAIN PRODUCERS IN DIS-
2 ASTER COUNTIES.—The total amount of
3 payments received, directly or indirectly,
4 by a person or legal entity (excluding a
5 joint venture or general partnership) in a
6 disaster county under this subsection may
7 not exceed \$625,000 for the period of the
8 2017 through 2022 crop years.”;

9 (3) in subsection (f)(2)—

10 (A) by striking “The total” and inserting
11 the following:

12 “(A) IN GENERAL.—Subject to subpara-
13 graph (B), the total”; and

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

15 “(B) CERTAIN PRODUCERS IN DISASTER
16 COUNTIES.—

17 “(i) LIVESTOCK INDEMNITY PAY-
18 MENTS AND EMERGENCY ASSISTANCE FOR
19 LIVESTOCK, HONEY BEES, AND FARM-
20 RAISED FISH.—The total amount of pay-
21 ments received, directly or indirectly, by a
22 person or legal entity (excluding a joint
23 venture or general partnership) in a dis-
24 aster county under subsections (b) and (d)

1 “(C) QUALIFYING NATURAL DISASTER
2 DECLARATION.—The term ‘qualifying natural
3 disaster declaration’ means—

4 “(i) a natural disaster declared by the
5 Secretary under section 321(a) of the Con-
6 solidated Farm and Rural Development
7 Act (7 U.S.C. 1961(a)); or

8 “(ii) a major disaster or emergency
9 designated by the President under the
10 Robert T. Stafford Disaster Relief and
11 Emergency Assistance Act (42 U.S.C.
12 5121 et seq.).”; and

13 (2) in paragraph (2)—

14 (A) by striking “The total” and inserting
15 the following:

16 “(A) IN GENERAL.—Subject to subpara-
17 graph (B), the total”; and

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

19 “(B) CERTAIN PRODUCERS IN DISASTER
20 COUNTIES.—The total amount of payments re-
21 ceived, directly or indirectly, by a person or
22 legal entity (excluding a joint venture or gen-
23 eral partnership) in a disaster county under
24 this subsection may not exceed \$625,000 for

1 the period of the 2017 through 2022 crop
2 years.”.

3 **SEC. 411. TREATMENT OF CERTAIN PRODUCERS AS SO-**
4 **CIALLY DISADVANTAGED FARMERS AND**
5 **RANCHERS.**

6 Section 2501 of the Food, Agriculture, Conservation,
7 and Trade Act of 1990 (7 U.S.C. 2279) is amended by
8 adding at the end the following:

9 “(j) TREATMENT OF CERTAIN PRODUCERS.—For
10 purposes of administering any grant program and con-
11 servation program of the Department of Agriculture, the
12 Secretary shall consider an agricultural producer oper-
13 ating in the Commonwealth of Puerto Rico, the United
14 States Virgin Islands, or both, to be a socially disadvan-
15 taged farmer or rancher.”.

16 **SEC. 412. EMERGENCY WATERSHED PROTECTION PRO-**
17 **GRAM.**

18 Section 403 of the Agricultural Credit Act of 1978
19 (16 U.S.C. 2203) is amended by adding at the end the
20 following:

21 “(c) FEDERAL SHARE.—For each of fiscal years
22 2018 through 2022, the Federal share of the cost of any
23 emergency measure under this section or section 7 of the
24 Act of June 28, 1938 (33 U.S.C. 701b–1), in the Com-

1 monwealth of Puerto Rico or the United States Virgin Is-
2 lands shall be 100 percent.”.

3 **SEC. 413. EMERGENCY FOREST RESTORATION PROGRAM.**

4 Section 407(d) of the Agricultural Credit Act of 1978
5 (16 U.S.C. 2206(d)) is amended—

6 (1) by striking “Payments” and inserting the
7 following:

8 “(1) IN GENERAL.—Subject to paragraph (2),
9 payments”; and

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

11 “(2) PUERTO RICO AND VIRGIN ISLANDS.—For
12 each of fiscal years 2018 through 2022, payments
13 made under subsection (b) shall be 100 percent of
14 the total cost of the emergency measures carried out
15 by an owner of nonindustrial private forest land in
16 the Commonwealth of Puerto Rico or the United
17 States Virgin Islands.”.

18 **SEC. 414. TREATMENT OF CERTAIN PRODUCERS AS LIM-**
19 **ITED RESOURCE PRODUCERS.**

20 Title IV of the Agricultural Credit Act of 1978 (16
21 U.S.C. 2201 et seq.) is amended by adding at the end
22 the following:

1 **“SEC. 408. TREATMENT OF CERTAIN PRODUCERS AS LIM-**
2 **ITED RESOURCE PRODUCERS.**

3 “In carrying out sections 401 and 402, the Secretary
4 shall consider an agricultural producer operating in the
5 Commonwealth of Puerto Rico, the United States Virgin
6 Islands, or both to be a limited resource producer, as de-
7 termined by the Secretary.”

8 **SEC. 415. RETROACTIVE AVAILABILITY OF CATASTROPHIC**
9 **LEVEL OF PROTECTION UNDER NONINSURED**
10 **CROP ASSISTANCE PROGRAM.**

11 Section 196 of the Federal Agriculture Improvement
12 and Reform Act of 1996 (7 U.S.C. 7333) is amended by
13 adding at the end the following:

14 “(m) **RETROACTIVE AVAILABILITY FOR CERTAIN**
15 **PRODUCERS.—**

16 “(1) **IN GENERAL.—**Beginning on the date of
17 enactment of this subsection, the Secretary shall
18 retroactively make available to producers in disaster
19 counties (as defined in subsection (i)(1)) in the
20 Commonwealth of Puerto Rico and the United
21 States Virgin Islands the catastrophic level of pro-
22 tection under this section for the 2017 crop year.

23 “(2) **APPLICATION.—**A producer desiring assist-
24 ance under paragraph (1) shall submit to the Sec-
25 retary an application for the assistance not later

1 than 180 days after the date of enactment of this
2 subsection.”.

3 **SEC. 416. DISTRIBUTION OF FUNDS MADE AVAILABLE FOR**
4 **EQUIPMENT ASSISTANCE GRANTS UNDER**
5 **THE NATIONAL SCHOOL LUNCH ACT TO**
6 **PUERTO RICO AND VIRGIN ISLANDS.**

7 The matter under the heading “CHILD NUTRITION
8 PROGRAMS” of title IV of division A of the Consolidated
9 Appropriations Act, 2017 (Public Law 115–31), is amend-
10 ed by inserting before the period at the end the following:
11 “*Provided further*, That any amounts made available
12 under this heading to provide competitive grants to State
13 agencies for subgrants to local educational agencies and
14 schools to purchase the equipment needed to serve
15 healthier meals, improve food safety, or to help support
16 the establishment, maintenance, or expansion of the school
17 breakfast program that remain unexpended on the date
18 of enactment of the Puerto Rico and Virgin Islands Equi-
19 table Rebuild Act of 2017 shall be distributed to State
20 agencies in Puerto Rico and the Virgin Islands for those
21 purposes”.

22 **SEC. 417. SPECIAL SUPPLEMENTAL NUTRITION PROGRAM**
23 **FOR WOMEN, INFANTS, AND CHILDREN.**

24 (a) IN GENERAL.—Out of any funds in the Treasury
25 not otherwise appropriated, there is appropriated to the

1 Secretary of Agriculture \$14,000,000 to make grants to
2 States (as defined in section 15 of the Child Nutrition Act
3 of 1966 (42 U.S.C. 1784)) for the purposes described in
4 section 17(h)(10) of that Act (42 U.S.C. 1786(h)(10)) in
5 response to covered disasters.

6 (b) REQUIREMENT.—The amount appropriated
7 under subsection (a)—

8 (1) shall remain available for obligation until
9 September 30, 2019;

10 (2) shall be in addition to amounts otherwise
11 made available to carry out section 17(h)(10) of the
12 Child Nutrition Act of 1966 (42 U.S.C.
13 1786(h)(10)); and

14 (3) is designated by the Congress as being for
15 an emergency requirement pursuant to section
16 251(b)(2)(A)(i) of the Balanced Budget and Emer-
17 gency Deficit Control Act of 1985 (2 U.S.C.
18 901(b)(2)(A)(i)).

19 **SEC. 418. DEADLINE FOR APPLICATION SUBMISSION.**

20 Any applicant desiring a grant or other assistance
21 under this title or an amendment made by this title shall
22 submit an application for the grant or other assistance by
23 not later than 180 days after the date of enactment of
24 this Act.

1 **SEC. 419. LIMIT ON PRIVATIZATION.**

2 No service, assistance, or benefit provided or struc-
3 ture, facility, system, means of transportation, or other
4 infrastructure built, rehabilitated, repaired, restored, im-
5 proved, expanded, or carried out using amounts made
6 available under this title or the amendments made by this
7 title may be transferred to the ownership and control of
8 a private individual or entity.

9 **TITLE V—VETERANS AFFAIRS**

10 **SEC. 501. APPROPRIATION OF AMOUNTS FOR DEPARTMENT**
11 **OF VETERANS AFFAIRS TO ADDRESS CON-**
12 **SEQUENCES OF HURRICANE IRMA AND HUR-**
13 **RICANE MARIA IN PUERTO RICO AND THE**
14 **VIRGIN ISLANDS.**

15 Out of the funds in the Treasury not otherwise appro-
16 priated, there is appropriated \$200,000,000 for necessary
17 expenses of the Department of Veterans Affairs relating
18 to—

19 (1) the repair of medical facilities, including
20 hospitals and clinics, of the Department located in
21 Puerto Rico or the Virgin Islands that were dam-
22 aged by Hurricane Irma or Hurricane Maria;

23 (2) personnel requirements of the Department
24 at such facilities; and

25 (3) the provision of emergency services by the
26 Department in Puerto Rico and the Virgin Islands.

1 **SEC. 502. LIMITATION ON PRIVATIZATION.**

2 No service provided or structure, facility, system,
3 means of transportation, or other infrastructure built, re-
4 habilitated, repaired, restored, improved, expanded, or
5 carried out using amounts made available under this title
6 may be transferred to the ownership and control of a pri-
7 vate individual or entity.

8 **TITLE VI—EDUCATION**
9 **RECOVERY**

10 **Subtitle A—Educational Assistance**
11 **Funds**

12 **SEC. 601. EDUCATION AND HEAD START FUNDING.**

13 (a) DEPARTMENT OF EDUCATION FUNDING.—The
14 following sums are appropriated, out of any money in the
15 Treasury not otherwise appropriated, to address Hurri-
16 cane Irma and Hurricane Maria for the fiscal year ending
17 September 30, 2018, and for other purposes, namely for
18 assisting in meeting the educational needs of individuals
19 affected by a covered disaster in calendar year 2017:

20 (1) \$3,157,000,000, to remain available
21 through September 30, 2018, of which—

22 (A) \$930,000,000 shall be available to
23 State educational agencies until expended to
24 carry out section 612;

25 (B) \$5,000,000 shall be available to carry
26 out section 616; and

1 (C) \$1,100,000,000 shall be available to
2 carry out section 617.

3 (2) \$2,000,000, to remain available until ex-
4 pended, shall be available for the Project SERV pro-
5 gram under section 4631(a)(1)(A) of the Elementary
6 and Secondary Education Act of 1965 (20 U.S.C.
7 7281(a)(1)(A)) to provide education-related services,
8 which may include student counseling, to eligible en-
9 tities in which the learning environment has been
10 disrupted by a traumatic crisis due to the needs of
11 students who have been affected by a covered dis-
12 aster, including eligible entities serving significant
13 numbers of students who have been displaced from
14 Puerto Rico and the Virgin Islands.

15 (3) \$310,000,000, to remain available through
16 September 30, 2018, shall be available—

17 (A) to provide assistance under the pro-
18 grams authorized by subparts 3 and 4 of part
19 A and part C of title IV, and part B of title VII
20 of the Higher Education Act of 1965, for stu-
21 dents attending institutions of higher education
22 (as defined in section 102 of that Act) that are
23 located in a covered disaster area and who qual-
24 ify for assistance under subparts 3 and 4 of

1 part A and part C of title IV of the Higher
2 Education Act of 1965, of which—

3 (i) funds shall be made available to
4 provide assistance under such title IV pro-
5 grams notwithstanding any requirements
6 relating to matching, Federal share, res-
7 ervation of funds, or maintenance of effort
8 that would otherwise be applicable to that
9 assistance; and

10 (ii) funds shall be made available to
11 provide emergency assistance based on
12 demonstrated need under part B of title
13 VII of the Higher Education Act of 1965,
14 which may be used for student financial
15 assistance, faculty and staff salaries,
16 equipment and instruments, or any pur-
17 pose authorized under the Higher Edu-
18 cation Act of 1965, to institutions of high-
19 er education that are located in an area af-
20 fected by Hurricane Irma or Hurricane
21 Maria in calendar year 2017;

22 (B) to provide emergency assistance based
23 on demonstrated need to institutions of higher
24 education that are located in an area affected
25 by Hurricane Irma and Hurricane Maria in cal-

1 endar year 2017 and were forced to close, relo-
2 cate or significantly curtail their activities as a
3 result of damage directly sustained by such
4 hurricanes; and

5 (C) to provide payments to institutions of
6 higher education to help defray the unexpected
7 expenses associated with enrolling displaced
8 students from institutions of higher education
9 directly affected or at which operations have
10 been disrupted due to Hurricane Irma or Hur-
11 ricane Maria in calendar year 2017, in accord-
12 ance with criteria as are established by the Sec-
13 retary and made publicly available without re-
14 gard to section 437 of the General Education
15 Provisions Act or section 553 of title 5, United
16 States Code.

17 (b) HEAD START FUNDING.—There are appro-
18 priated, out of any money in the Treasury not otherwise
19 appropriated, \$810,000,000, for an additional amount for
20 the appropriations account appropriated under the head-
21 ing “CHILDREN AND FAMILIES SERVICES PROGRAMS”, for
22 Head Start to serve children displaced by Hurricane Irma
23 or Hurricane Maria in calendar year 2017, notwith-
24 standing subsections (a)(1) and (g)(1) of section 640 of
25 the Head Start Act (42 U.S.C. 9835), and to cover the

1 costs of renovating those Head Start facilities which were
2 affected by these hurricanes, to the extent reimbursements
3 from the Federal Emergency Management Agency and in-
4 surance companies do not fully cover such costs: *Provided*,
5 That of the amount provided under this heading,
6 \$800,000,000 shall be available for Head Start programs
7 in Puerto Rico and \$10,000,000 shall be available for
8 Head Start programs in the Virgin Islands.

9 **Subtitle B—Elementary and Sec-**
10 **ondary Education Disaster Re-**
11 **lief**

12 **SEC. 611. DEFINITIONS.**

13 Unless otherwise specified in this subtitle—

14 (1) the terms used in this subtitle have the
15 meanings given the terms in section 8101 of the Ele-
16 mentary and Secondary Education Act of 1965 (20
17 U.S.C. 7801);

18 (2) the terms “child with a disability” and “in-
19 fant or toddler with a disability” have the meanings
20 given those terms in section 602 of the Individuals
21 with Disabilities Education Act (20 U.S.C. 1401);
22 and

23 (3) the term “Secretary” means the Secretary
24 of Education.

1 **SEC. 612. IMMEDIATE AID TO RESTART SCHOOL OPER-**
2 **ATIONS.**

3 (a) PURPOSE.—It is the purpose of this section—

4 (1) to provide immediate services or assistance
5 to local educational agencies in Puerto Rico and the
6 Virgin Islands that serve a covered disaster area;
7 and

8 (2) to assist school administrators and per-
9 sonnel of such agencies with expenses related to the
10 restart of operations in, the re-opening of, and the
11 re-enrollment of students in, elementary schools and
12 secondary schools in such areas.

13 (b) PAYMENTS AUTHORIZED.—

14 (1) IN GENERAL.—From amounts appropriated
15 to carry out this subtitle, the Secretary is authorized
16 to make payments, in accordance with paragraph
17 (2), to State educational agencies in Puerto Rico
18 and the Virgin Islands to enable such agencies to
19 provide services or assistance to local educational
20 agencies serving a covered disaster area.

21 (2) PAYMENT BASIS.—The Secretary shall
22 make payments under paragraph (1) on such basis
23 as the Secretary determines appropriate, taking into
24 consideration the number of students who were en-
25 rolled, during the 2015–2016 school year, in elemen-

1 tary schools and secondary schools that were
2 closed—

3 (A) on September 7, 2017, as a result of
4 Hurricane Irma; or

5 (B) on September 20, 2017, as a result of
6 Hurricane Maria.

7 (c) ELIGIBILITY AND CONSIDERATION.—From the
8 payment provided by the Secretary under subsection (b),
9 the State educational agency shall provide services and as-
10 sistance to local educational agencies, consistent with the
11 provisions of this section. In determining the amount to
12 be provided for services or assistance under this section,
13 the State educational agency shall consider the following:

14 (1) The number of school-aged children served
15 by the local educational agency in the academic year
16 preceding the academic year for which the services
17 or assistance are provided.

18 (2) The severity of the impact of Hurricane
19 Irma or Hurricane Maria on the local educational
20 agency and the extent of the needs in each local edu-
21 cational agency in a covered disaster area.

22 (d) APPLICATIONS.—Each local educational agency
23 desiring services or assistance under this section shall sub-
24 mit an application to the State educational agency at such
25 time, in such manner, and accompanied by such informa-

1 tion as the State educational agency may reasonably re-
2 quire to ensure expedited and timely provision of services
3 or assistance to the local educational agency.

4 (e) USES OF FUNDS.—

5 (1) IN GENERAL.—A local educational agency
6 receiving services or assistance from the State edu-
7 cational agency under this section shall use such
8 services or assistance for—

9 (A) recovery of student and personnel
10 data, and other electronic information;

11 (B) replacement of school district informa-
12 tion systems, including hardware and software;

13 (C) financial operations;

14 (D) reasonable transportation costs;

15 (E) rental of mobile educational units and
16 leasing of neutral sites or spaces;

17 (F) initial replacement of instructional ma-
18 terials and equipment, including textbooks;

19 (G) redeveloping instructional plans, in-
20 cluding curriculum development;

21 (H) initiating and maintaining education
22 and support services; and

23 (I) such other activities related to the pur-
24 pose of this section that are approved by the
25 Secretary.

1 (2) USE WITH OTHER AVAILABLE FUNDS.—A
2 local educational agency receiving services or assist-
3 ance under this section may use such services or as-
4 sistance in coordination with other Federal, State, or
5 local funds available for the activities described in
6 paragraph (1).

7 (f) SUPPLEMENT NOT SUPPLANT.—

8 (1) IN GENERAL.—Except as provided in para-
9 graph (2), services or assistance made available
10 under this section shall be used to supplement, not
11 supplant, any funds made available through the Fed-
12 eral Emergency Management Agency or through
13 Puerto Rico or the Virgin Islands.

14 (2) EXCEPTION.—Paragraph (1) shall not pro-
15 hibit the provision of Federal assistance under this
16 section to an eligible State educational agency or
17 local educational agency that is or may be entitled
18 to receive, from another source, benefits for the
19 same purposes as under this section if—

20 (A) such State educational agency or local
21 educational agency has not received such other
22 benefits by the time of application for Federal
23 assistance under this section; and

24 (B) such State educational agency or local
25 educational agency agrees to repay all duplica-

1 tive Federal assistance received to carry out the
2 purposes of this section.

3 **SEC. 613. HOLD HARMLESS FOR LOCAL EDUCATIONAL**
4 **AGENCIES SERVING MAJOR DISASTER AREAS.**

5 In the case of a local educational agency that serves
6 a covered disaster area, the amount made available for
7 such local educational agency under each of sections 1124,
8 1124A, 1125, and 1125A of the Elementary and Sec-
9 ondary Education Act of 1965 (20 U.S.C. 6333, 6334,
10 6335, and 6337) for fiscal year 2018 shall be not less than
11 the amount made available for such local educational
12 agency under each of such sections for fiscal year 2017.

13 **SEC. 614. PARAPROFESSIONAL RECIPROcity; DELAY.**

14 (a) **AFFECTED PARAPROFESSIONAL.**—In this sub-
15 section, the term “affected paraprofessional” means a
16 paraprofessional who—

17 (1) is displaced due to Hurricane Irma and re-
18 locates to a State that is different from the State in
19 which such paraprofessional resided on September 5,
20 2017; or

21 (2) is displaced due to Hurricane Maria and re-
22 locates to a State that is different from the State in
23 which such paraprofessional resided on September
24 16, 2017.

1 (b) RECIPROCITY.—A local educational agency may
2 consider an affected paraprofessional hired by such agency
3 who does not meet the professional standards for para-
4 professionals described in section 1111(g)(2)(M) of the El-
5 ementary and Secondary Education Act of 1965 (20
6 U.S.C. 6311(g)(2)(M)) in the State in which such agency
7 is located to satisfy such requirements, for purposes of
8 such section, for the 2017–2018 school year, if such para-
9 professional satisfied such requirements on or before—

10 (1) in the case of an affected paraprofessional
11 displaced by Hurricane Irma, September 5, 2017, in
12 the State in which such paraprofessional resided on
13 such date; or

14 (2) in the case of an affected paraprofessional
15 displaced by Hurricane Maria, September 16, 2017,
16 in the State in which such paraprofessional resided
17 on such date.

18 **SEC. 615. REGULATORY AND FINANCIAL RELIEF.**

19 (a) WAIVER AUTHORITY.—Subject to subsections (b)
20 and (c), in providing any grant or other assistance, di-
21 rectly or indirectly, to an entity in a covered disaster area,
22 the Secretary may, as applicable, waive or modify, in order
23 to ease fiscal burdens, any requirement relating to the fol-
24 lowing:

25 (1) Maintenance of effort.

1 (2) The use of Federal funds to supplement,
2 not supplant, non-Federal funds.

3 (3) Any non-Federal share or capital contribu-
4 tion required to match Federal funds provided under
5 programs administered by the Secretary.

6 (b) DURATION.—A waiver under this section shall be
7 for the fiscal year 2018.

8 (c) LIMITATIONS.—

9 (1) RELATION TO IDEA.—Nothing in this sec-
10 tion shall be construed to waive or modify any provi-
11 sion of the Individuals with Disabilities Education
12 Act (20 U.S.C. 1400 et seq.).

13 (2) MAINTENANCE OF EFFORT.—If the Sec-
14 retary grants a waiver or modification under this
15 section waiving or modifying a requirement relating
16 to maintenance of effort for fiscal year 2018, the
17 level of effort required for fiscal year 2019 shall not
18 be reduced because of the waiver or modification.

19 **SEC. 616. ASSISTANCE FOR HOMELESS CHILDREN AND**
20 **YOUTHS.**

21 (a) IN GENERAL.—The Secretary shall provide as-
22 sistance to local educational agencies serving homeless
23 children and youths displaced by a covered disaster, con-
24 sistent with section 723 of the McKinney-Vento Homeless
25 Assistance Act (42 U.S.C. 11433), including—

- 1 (1) identification and enrollment assistance;
- 2 (2) assessment and school placement assistance;
- 3 (3) transportation;
- 4 (4) coordination of school services;
- 5 (5) referrals for health and mental health; and
- 6 (6) emergency services and supplies necessary
- 7 to enable homeless children and youths to enroll, at-
- 8 tend, and succeed in school.

9 (b) EXCEPTION AND DISTRIBUTION OF FUNDS.—

10 (1) EXCEPTION.—For purposes of providing as-

11 sistance under subsection (a), section 722(c) and

12 subsections (b) and (c) of section 723 of the McKin-

13 ney-Vento Homeless Assistance Act (42 U.S.C.

14 11432(c), 11433(b) and (c)) shall not apply.

15 (2) DISBURSEMENT.—

16 (A) DISBURSEMENT BY SECRETARY.—The

17 Secretary shall disburse funding provided under

18 subsection (a) to State educational agencies

19 based on demonstrated need, as determined by

20 the Secretary, and based on the number of

21 homeless children and youths enrolled as a re-

22 sult of displacement by a covered disaster.

23 (B) DISBURSEMENT BY STATE EDU-

24 CATIONAL AGENCY.—Each State educational

25 agency receiving funding under subparagraph

1 (A) shall distribute funds that are appropriated
2 under section 601 and available to carry out
3 this section to local educational agencies based
4 on demonstrated need and based on the number
5 of homeless children and youths enrolled in the
6 area served by the local educational agency as
7 a result of displacement by a covered disaster,
8 for the purposes of carrying out subtitle B of
9 title VII of the McKinney-Vento Homeless As-
10 sistance Act (42 U.S.C. 11431 et seq.).

11 (c) DEFINITION.—In this section, the term “homeless
12 children and youths” has the meaning given the term in
13 section 725 of the McKinney-Vento Homeless Assistance
14 Act (42 U.S.C. 11434a).

15 **SEC. 617. TEMPORARY EMERGENCY IMPACT AID FOR DIS-**
16 **PLACED STUDENTS.**

17 (a) TEMPORARY EMERGENCY IMPACT AID AUTHOR-
18 IZED.—

19 (1) AID TO STATE EDUCATIONAL AGENCIES.—
20 From amounts appropriated to carry out this sub-
21 title, the Secretary shall provide emergency impact
22 aid to State educational agencies to enable the State
23 educational agencies to make emergency impact aid
24 payments to eligible local educational agencies and
25 eligible BIA-funded schools to enable such eligible

1 local educational agencies and schools to provide for
2 the instruction of students served by such agencies
3 and schools.

4 (2) AID TO LOCAL EDUCATIONAL AGENCIES
5 AND BIA-FUNDED SCHOOLS.—A State educational
6 agency shall make emergency impact aid payments
7 to eligible local educational agencies and eligible
8 BIA-funded schools in accordance with subsection
9 (d).

10 (3) STATE EDUCATIONAL AGENCIES.—The
11 State educational agency for Puerto Rico or the Vir-
12 gin Islands, as the case may be, shall carry out the
13 activities of eligible local educational agencies that
14 are unable to carry out this section, including any
15 eligible local educational agency where the authori-
16 ties normally exercised by local educational agencies
17 are exercised by the government of Puerto Rico or
18 the Virgin Islands.

19 (4) NOTICE OF FUNDS AVAILABILITY.—Not
20 later than 14 calendar days after the date of enact-
21 ment of this Act, the Secretary shall publish in the
22 Federal Register a notice of the availability of funds
23 under this section.

24 (b) DEFINITIONS.—In this section:

1 (1) DISPLACED STUDENT.—The term “dis-
2 placed student” means a student who—

3 (A) enrolled in a public elementary school
4 or secondary school (other than the school that
5 the student was enrolled in, or was eligible to
6 be enrolled in, on September 5, 2017) because
7 such student resides or resided on September 5,
8 2017, in a covered disaster area due to Hurri-
9 cane Irma; or

10 (B) enrolled in a public elementary school
11 or secondary school (other than the school that
12 the student was enrolled in, or was eligible to
13 be enrolled in, on September 16, 2017) because
14 such student resides or resided on September
15 16, 2017, in a covered disaster area due to
16 Hurricane Maria.

17 (2) ELIGIBLE LOCAL EDUCATIONAL AGEN-
18 CIES.—The term “eligible local educational agency”
19 means a local educational agency that serves a pub-
20 lic elementary school or secondary school in which
21 there is enrolled a displaced student.

22 (3) ELIGIBLE BIA-FUNDED SCHOOL.—In this
23 section, the term “eligible BIA-funded school”
24 means a school funded by the Bureau of Indian Af-
25 fairs in which there is enrolled a displaced student.

1 (c) APPLICATION.—

2 (1) STATE EDUCATIONAL AGENCY.—A State
3 educational agency that desires to receive emergency
4 impact aid under this section shall submit an appli-
5 cation to the Secretary, not later than 7 calendar
6 days after the date by which an application under
7 paragraph (2) must be submitted, in such manner,
8 and accompanied by such information as the Sec-
9 retary may reasonably require, including information
10 on the total displaced student child count of the
11 State provided by eligible local educational agencies
12 in the State and eligible BIA-funded schools in the
13 State under paragraph (2).

14 (2) LOCAL EDUCATIONAL AGENCIES AND BIA-
15 FUNDED SCHOOLS.—An eligible local educational
16 agency or eligible BIA-funded school that desires an
17 emergency impact aid payment under this section
18 shall submit an application to the State educational
19 agency, not later than 14 calendar days after the
20 date of the publication of the notice described in
21 subsection (a)(4), in such manner, and accompanied
22 by such information as the State educational agency
23 may reasonably require, including documentation
24 submitted quarterly for the 2017–2018 school year
25 that indicates the following:

1 (A) In the case of an eligible local edu-
2 cational agency, the number of displaced stu-
3 dents enrolled in the public elementary schools
4 and secondary schools (including the number of
5 displaced students who are children with dis-
6 abilities) served by such agency for such quar-
7 ter.

8 (B) In the case of an eligible BIA-funded
9 school, the number of displaced students, in-
10 cluding the number of displaced students who
11 are children with disabilities, enrolled in such
12 school for such quarter.

13 (3) DETERMINATION OF NUMBER OF DIS-
14 PLACED STUDENTS.—In determining the number of
15 displaced students for a quarter under paragraph
16 (2), an eligible local educational agency or eligible
17 BIA-funded school shall include the number of dis-
18 placed students served—

19 (A) in the case of a determination for the
20 first quarterly installment, during the quarter
21 prior to the date of enactment of this Act; and

22 (B) in the case of a determination for each
23 subsequent quarterly installment, during the
24 quarter immediately preceding the quarter for
25 which the installment is provided.

1 (d) AMOUNT OF EMERGENCY IMPACT AID.—

2 (1) AID TO STATE EDUCATIONAL AGENCIES.—

3 (A) IN GENERAL.—The amount of emer-
4 gency impact aid received by a State edu-
5 cational agency for the 2017–2018 school year
6 shall equal the sum of—

7 (i) the product of the number of dis-
8 placed students (who are not children with
9 disabilities), as determined by the eligible
10 local educational agencies and eligible BIA-
11 funded schools in the State under sub-
12 section (c)(2), times \$6,000; and

13 (ii) the product of the number of dis-
14 placed students who are children with dis-
15 abilities, as determined by the eligible local
16 educational agencies and eligible BIA-fund-
17 ed schools in the State under subsection
18 (c)(2), times \$7,500.

19 (B) INSUFFICIENT FUNDS.—If the amount
20 available under this section to provide emer-
21 gency impact aid under this subsection is insuf-
22 ficient to pay the full amount that a State edu-
23 cational agency is eligible to receive under this
24 section, the Secretary shall ratably reduce the
25 amount of such emergency impact aid.

1 (C) RETENTION OF STATE SHARE.—In the
2 case of a State educational agency that has
3 made a payment prior to the date of enactment
4 of this Act to a local educational agency for the
5 purpose of covering additional costs incurred as
6 a result of enrolling a displaced student in a
7 school served by the local educational agency,
8 the State educational agency may retain a por-
9 tion of the payment described in paragraph
10 (2)(B) that bears the same relation to the total
11 amount of the payment under such paragraph
12 as the sum of such prior payments bears to the
13 total cost of attendance for all students in that
14 local educational agency for whom the State
15 educational agency made such prior payments.

16 (2) AID TO ELIGIBLE LOCAL EDUCATIONAL
17 AGENCIES AND ELIGIBLE BIA-FUNDED SCHOOLS.—

18 (A) QUARTERLY INSTALLMENTS.—A State
19 educational agency shall provide emergency im-
20 pact aid payments under this section on a quar-
21 terly basis for the 2017-2018 school year by
22 such dates as determined by the Secretary.
23 Such quarterly installment payments shall be
24 based on the number of displaced students re-

1 ported under subsection (c)(2) and in the
2 amount determined under subparagraph (B).

3 (B) PAYMENT AMOUNT.—Each quarterly
4 installment payment under subparagraph (A)
5 shall equal 25 percent of the sum of—

6 (i) the number of displaced students
7 (who are not children with disabilities) re-
8 ported by the eligible local educational
9 agency or eligible BIA-funded school for
10 such quarter (as determined under sub-
11 section (c)(2)) times \$6,000; and

12 (ii) the number of displaced students
13 who are children with disabilities reported
14 by the eligible local educational agency or
15 eligible BIA-funded school for such quarter
16 (as determined under subsection (c)(2))
17 times \$7,500.

18 (C) TIMELINE.—The Secretary shall estab-
19 lish a timeline for quarterly reporting on the
20 number of displaced students in order to make
21 the appropriate disbursements in a timely man-
22 ner.

23 (D) INSUFFICIENT FUNDS.—If, for any
24 quarter, the amount available under this section
25 to make payments under this subsection is in-

1 sufficient to pay the full amount that an eligible
2 local educational agency or eligible BIA-funded
3 school is eligible to receive under this section,
4 the State educational agency shall ratably re-
5 duce the amount of such payments.

6 (3) DISPLACED STUDENTS.—Subject to the
7 succeeding sentence, an eligible local educational
8 agency or eligible BIA-funded school receiving emer-
9 gency impact aid payments under this section shall
10 use the payments to provide services and assistance
11 to public elementary schools and secondary schools
12 served by such agency, or to such BIA-funded
13 school, that enrolled a displaced student.

14 (e) USE OF FUNDS.—

15 (1) AUTHORIZED USES.—The authorized uses
16 of funds are the following:

17 (A) Paying the compensation of personnel,
18 including teacher aides, in schools enrolling dis-
19 placed students.

20 (B) Identifying and acquiring curricular
21 material, including the costs of providing addi-
22 tional classroom supplies, and mobile edu-
23 cational units and leasing sites or spaces.

1 (C) Basic instructional services for such
2 students, including tutoring, mentoring, or aca-
3 demic counseling.

4 (D) Reasonable transportation costs.

5 (E) Health and counseling services.

6 (F) Education and support services.

7 (2) PROVISION OF SPECIAL EDUCATION AND
8 RELATED SERVICES AND EARLY INTERVENTION
9 SERVICES.—In the case of a displaced student who
10 is a child with a disability or an infant or toddler
11 with a disability, any payment made on behalf of
12 such student to an eligible local educational agency
13 shall be used to pay for special education and re-
14 lated services (as such terms are defined in section
15 602 of the Individuals with Disabilities Education
16 Act (20 U.S.C. 1401) or early intervention services
17 for infants and toddlers with disabilities and their
18 families described in part C of such Act 20 U.S.C.
19 1431 et seq.), as applicable, consistent with such
20 Act.

21 (f) RETURN OF AID.—

22 (1) ELIGIBLE LOCAL EDUCATIONAL AGENCY OR
23 ELIGIBLE BIA-FUNDED SCHOOL.—An eligible local
24 educational agency or eligible BIA-funded school
25 that receives an emergency impact aid payment

1 under this section shall return to the State edu-
2 cational agency any payment provided to the eligible
3 local educational agency or school under this section
4 that the eligible local educational agency or school
5 has not obligated by the end of the 2017–2018
6 school year in accordance with this section.

7 (2) STATE EDUCATIONAL AGENCY.—A State
8 educational agency that receives emergency impact
9 aid under this section, shall return to the Sec-
10 retary—

11 (A) any aid provided to the agency under
12 this section that the agency has not obligated
13 by the end of the 2017–2018 school year in ac-
14 cordance with this section; and

15 (B) any payment funds returned to the
16 State educational agency under paragraph (1).

17 (g) LIMITATION ON USE OF AID AND PAYMENTS.—
18 Aid and payments provided under this section shall only
19 be used for expenses incurred during the 2017–2018
20 school year.

21 (h) ADMINISTRATIVE EXPENSES.—A State edu-
22 cational agency that receives emergency impact aid under
23 this section may use not more than 1 percent of such aid
24 for administrative expenses. An eligible local educational
25 agency or eligible BIA-funded school that receives emer-

1 agency impact aid payments under this section may use not
2 more than 2 percent of such payments for administrative
3 expenses.

4 (i) SPECIAL FUNDING RULE.—In calculating funding
5 under section 8003 of the Elementary and Secondary
6 Education Act of 1965 (20 U.S.C. 7703) for an eligible
7 local educational agency that receives an emergency im-
8 pact aid payment under this section, the Secretary shall
9 not count displaced students served by such agency for
10 whom an emergency impact aid payment is received under
11 this section, nor shall such students be counted for the
12 purpose of calculating the total number of children in av-
13 erage daily attendance at the schools served by such agen-
14 cy as provided in section 8003(b)(3)(B)(i) of such Act (20
15 U.S.C. 7703(b)(3)(B)(i)).

16 (j) TREATMENT OF STATE AID.—A State shall not
17 take into consideration emergency impact aid payments
18 received under this section by a local educational agency
19 in the State in determining the eligibility of such local edu-
20 cational agency for State aid, or the amount of State aid,
21 with respect to free public education of children.

22 **SEC. 618. SEVERABILITY.**

23 If any provision of this subtitle, an amendment made
24 by this subtitle, or the application of such provision or
25 amendment to any person or circumstance is held to be

1 unconstitutional, the remainder of this subtitle, the
2 amendments made by this subtitle, and the application of
3 the provisions of such to any person or circumstance shall
4 not be affected thereby.

5 **SEC. 619. ANTI-PRIVATIZATION REQUIREMENT.**

6 Notwithstanding any provision of this title or any
7 other law, Puerto Rico or the Virgin Islands shall, in order
8 to be eligible for any funds made available under para-
9 graph (1) or (2) of section 601(a), provide the Secretary
10 with an assurance that there will not be any changes in
11 the governmental structure of the public elementary
12 schools and secondary schools of any local educational
13 agency that receives funds under this title for each fiscal
14 year that the local educational agency receives funds under
15 this title, and for the 3-year period following such fiscal
16 year.

17 **SEC. 620. AUTHORIZATION OF FUNDS.**

18 There are authorized to be appropriated such sums
19 as may be necessary to carry out sections 612, 616, and
20 617.

21 **SEC. 621. SUNSET PROVISION.**

22 Except as provided in section 615, the provisions of
23 this subtitle shall be effective for the period beginning on
24 the date of enactment of this Act and ending on August
25 1, 2018.

1 **Subtitle C—Higher Education**
2 **Disaster Relief**

3 **SEC. 631. DEFINITIONS.**

4 In this subtitle:

5 (1) **AFFECTED INDIVIDUAL.**—The term “af-
6 fected individual” means an individual who has ap-
7 plied for or received student financial assistance
8 under title IV of the Higher Education Act of 1965
9 (20 U.S.C. 1070 et seq.), and—

10 (A) who is an affected student; or

11 (B) whose primary place of employment or
12 residency was—

13 (i) as of September 5, 2017, in cov-
14 ered disaster area due to Hurricane Irma;
15 or

16 (ii) as of September 16, 2017, in a
17 covered disaster area due to Hurricane
18 Maria.

19 (2) **AFFECTED INSTITUTION.**—

20 (A) **IN GENERAL.**—The term “affected in-
21 stitution” means an institution of higher edu-
22 cation that—

23 (i) is located in an area affected by a
24 covered disaster; and

1 (ii) has temporarily ceased operations
2 as a consequence of a covered disaster, as
3 determined by the Secretary.

4 (B) LENGTH OF TIME.—In determining
5 eligibility for assistance under this subtitle, the
6 Secretary, using consistent, objective criteria,
7 shall determine the time period for which an in-
8 stitution of higher education is an affected in-
9 stitution.

10 (C) SPECIAL RULE.—An organizational
11 unit of an affected institution that is not im-
12 pacted by a covered disaster shall not be consid-
13 ered as part of such affected institution for pur-
14 poses of receiving assistance under this subtitle.

15 (3) AFFECTED STUDENT.—The term “affected
16 student” means an individual who was enrolled or
17 accepted for enrollment on—

18 (A) September 5, 2017, at an affected in-
19 stitution that closed due to Hurricane Irma; or

20 (B) September 16, 2017, at an affected in-
21 stitution that closed due to Hurricane Maria.

22 (4) CANCELLED ENROLLMENT PERIOD.—The
23 term “cancelled enrollment period” means any pe-
24 riod of enrollment at an affected institution during

1 the academic year 2017–2018, during which stu-
2 dents were unable to attend such institution.

3 (5) INSTITUTION OF HIGHER EDUCATION.—The
4 term “institution of higher education” means—

5 (A) an institution covered by the definition
6 of such term in section 101 of the Higher Edu-
7 cation Act of 1965 (20 U.S.C. 1001); and

8 (B) an institution described in subpara-
9 graph (A) or (B) of section 102(a)(1) of such
10 Act (20 U.S.C. 1002(a)(1)(A), (B)).

11 (6) SECRETARY.—The term “Secretary” means
12 the Secretary of Education.

13 **SEC. 632. GENERAL WAIVERS AND MODIFICATIONS.**

14 (a) AUTHORITY.—Notwithstanding any other provi-
15 sion of law, unless enacted with specific reference to this
16 section, the Secretary is authorized to waive or modify any
17 statutory or regulatory provision described in section
18 2(a)(2) of the Higher Education Relief Opportunities for
19 Students Act of 2003 (20 U.S.C. 1098bb(a)(2)) to ensure
20 that—

21 (1) administrative requirements placed on af-
22 fected students, affected individuals, affected institu-
23 tions, lenders, guaranty agencies, and grantees are
24 minimized to the extent possible without impairing
25 the integrity of the higher education programs under

1 the Higher Education Act of 1965, to ease the bur-
2 den on such participants; or

3 (2) institutions of higher education, lenders,
4 guaranty agencies, and other entities participating in
5 the student financial assistance programs under title
6 IV of the Higher Education Act of 1965, that serve
7 a covered disaster area may be granted temporary
8 relief from requirements that are rendered infeasible
9 or unreasonable due to the effects of a covered dis-
10 aster, including due diligence requirements and re-
11 porting deadlines.

12 (b) **AUTHORITY TO EXTEND OR WAIVE REPORTING**
13 **REQUIREMENTS UNDER SECTION 131(A).**—The Secretary
14 is authorized to extend reporting deadlines or waive re-
15 porting requirements under section 131(a) of the Higher
16 Education Act of 1965 (20 U.S.C. 1015(a)) for an af-
17 fected institution.

18 (c) **CONSTRUCTION.**—Nothing in this subtitle shall be
19 construed—

20 (1) to allow the Secretary to waive or modify
21 any applicable statutory or regulatory requirements
22 prohibiting discrimination in a program or activity,
23 or in employment or contracting, under existing law
24 (in existence on the date of the Secretary's action);
25 or

1 (2) to authorize any refunding of any repay-
2 ment of a loan.

3 **SEC. 633. MODIFICATION OF PART A OF TITLE II GRANTS**
4 **AUTHORIZED.**

5 The Secretary is authorized to approve modifications
6 to the requirements for Teacher Quality Enhancement
7 Grants for States and Partnerships under part A of title
8 II of the Higher Education Act of 1965 (20 U.S.C. 1022
9 et seq.), at the request of the grantee—

10 (1) to assist States and local educational agen-
11 cies to recruit and retain highly qualified teachers in
12 a school district located in a covered disaster area;
13 and

14 (2) to assist institutions of higher education, lo-
15 cated in such area to recruit and retain faculty nec-
16 essary to prepare teachers and provide professional
17 development.

18 **SEC. 634. AUTHORIZED USES OF TRIO, GEAR-UP, PART A OR**
19 **B OF TITLE III, TITLE V, AND OTHER GRANTS.**

20 The Secretary is authorized to modify the required
21 and allowable uses of funds under chapters 1 and 2 of
22 subpart 2 of part A of title IV of the Higher Education
23 Act of 1965 (20 U.S.C. 1070a–11 et seq., 1070a–21 et
24 seq.), under part A or B of title III of such Act (20 U.S.C.
25 1057 et seq., 1060 et seq.), under title V of such Act (20

1 U.S.C. 1101 et seq.), and under any other competitive
2 grant program, at the request of an affected institution
3 or other grantee, with respect to affected institutions and
4 other grantees located in a covered disaster area. The Sec-
5 retary may, under the authority of this section, authorize
6 new construction, renovation, or improvement of class-
7 rooms, libraries, laboratories, or other instructional facili-
8 ties that is not authorized under the institution's grant
9 award, as in effect on the date of enactment of this Act,
10 under part A or B of title III, or title V, of the Higher
11 Education Act of 1965.

12 **SEC. 635. PROFESSIONAL JUDGMENT.**

13 (a) IN GENERAL.—A financial aid administrator
14 shall be considered to be making an adjustment in accord-
15 ance with section 479A(a) of the Higher Education Act
16 of 1965 (20 U.S.C. 1087tt(a)) if the financial aid adminis-
17 trator makes the adjustment with respect to the calcula-
18 tion of the expected student or parent contribution (or
19 both) for an affected student, or for a student or a parent
20 who resides or resided, or was employed—

21 (1) in a covered disaster area due to Hurricane
22 Irma, on September 5, 2017;

23 (2) in a covered disaster area due to Hurricane
24 Maria, on September 16, 2017.

1 (b) DOCUMENTATION.—The financial aid adminis-
2 trator shall adequately document the need for the adjust-
3 ment.

4 **SEC. 636. EXPANDING INFORMATION DISSEMINATION RE-**
5 **GARDING ELIGIBILITY FOR FEDERAL PELL**
6 **GRANTS.**

7 (a) IN GENERAL.—The Secretary shall make special
8 efforts, in conjunction with State efforts, to notify affected
9 students and if applicable, their parents, who qualify for
10 means-tested Federal benefit programs, of their potential
11 eligibility for a maximum Federal Pell Grant under section
12 401 of the Higher Education Act of 1965 (20 U.S.C.
13 1070a), and shall disseminate such informational mate-
14 rials as the Secretary deems appropriate.

15 (b) MEANS-TESTED FEDERAL BENEFIT PROGRAM.—
16 For the purpose of this section, the term “means-tested
17 Federal benefit program” means a mandatory spending
18 program of the Federal Government, other than a pro-
19 gram under the Higher Education Act of 1965 (20 U.S.C.
20 1001 et seq.), in which eligibility for the program’s bene-
21 fits, or the amount of such benefits, or both, are deter-
22 mined on the basis of income or resources of the individual
23 or family seeking the benefit, and may include such pro-
24 grams as the supplemental security income program under
25 title XVI of the Social Security Act, the food stamp pro-

1 gram under the Food Stamp Act of 1977, the free and
2 reduced price school lunch program established under the
3 Richard B. Russell National School Lunch Act, the tem-
4 porary assistance to needy families program established
5 under part A of title IV of the Social Security Act, and
6 the women, infants, and children program established
7 under section 17 of the Child Nutrition Act of 1966, and
8 other programs identified by the Secretary.

9 **SEC. 637. PROCEDURES.**

10 (a) REGULATORY REQUIREMENTS INAPPLICABLE.—
11 Sections 482(c) and 492 of the Higher Education Act of
12 1965 (20 U.S.C. 1089(c), 1098a) and section 553 of title
13 5, United States Code, shall not apply to this subtitle.

14 (b) NOTICE OF WAIVERS, MODIFICATIONS, OR EX-
15 TENSIONS.—Notwithstanding section 437 of the General
16 Education Provisions Act (20 U.S.C. 1232) and section
17 553 of title 5, United States Code, the Secretary shall
18 make publicly available, by notice in the Federal Register,
19 the waivers, modifications, or extensions granted under
20 this subtitle.

21 (c) CASE-BY-CASE BASIS.—The Secretary is not re-
22 quired to exercise any waiver or modification authority
23 under this subtitle on a case-by-case basis.

1 **SEC. 638. TEMPORARY DEFERRAL FOR AFFECTED FED-**
2 **ERAL STUDENT LOAN BORROWERS.**

3 (a) **IN GENERAL.**—Notwithstanding any other provi-
4 sion of law, an affected borrower of a covered Federal stu-
5 dent loan shall be eligible for deferment, in the same man-
6 ner and subject to the same conditions as deferments are
7 provided for covered Federal student loans under section
8 428(b)(1)(M) or 455(f)(1) of the Higher Education Act
9 of 1965 (20 U.S.C. 1078(b)(1)(M); 1087e(f)(1)), for the
10 1-year period beginning on the date of enactment of this
11 Act.

12 (b) **EXTENSION.**—The Secretary may extend a
13 deferment provided under subsection (a) for not more than
14 2 1-year periods, if the Secretary determines that condi-
15 tions warrant such an extension.

16 (c) **APPLICABILITY TO OTHER LAW.**—Any deferment
17 provided to an affected borrower under this section shall
18 not impact the affected borrower’s eligibility for any other
19 deferment under section 428(b)(1)(M) or 455(f)(2) of the
20 Higher Education Act of 1965 (20 U.S.C. 1078(b)(1)(M),
21 1087e(f)(2)).

22 (d) **DEFINITIONS.**—In this section:

23 (1) **AFFECTED BORROWER.**—In this section,
24 the term “affected borrower” means an individual—

25 (A) who is a borrower of a covered Federal
26 student loan; and

1 (B) whose primary place of residency was,
2 as of September 5, 2017, in Puerto Rico or the
3 Virgin Islands.

4 (2) COVERED FEDERAL STUDENT LOAN.—The
5 term “covered Federal student loan” means a loan
6 made, insured, or guaranteed under part B or D of
7 title IV of the Higher Education Act of 1965 (20
8 U.S.C. 1071 et seq.; 1078a et seq.).

9 **SEC. 639. TERMINATION OF AUTHORITY.**

10 The authority of the Secretary to issue waivers or
11 modifications under this subtitle (except for section 638)
12 shall expire at the conclusion of the 2017–2018 academic
13 year.

14 **Subtitle D—Disaster Relief for**
15 **Other Education and Related**
16 **Programs**

17 **SEC. 651. DEFINITIONS.**

18 (a) IN GENERAL.—Unless otherwise specified in this
19 subtitle, the terms used in this subtitle have the meanings
20 given the terms in section 8101 of the Elementary and
21 Secondary Education Act of 1965 (20 U.S.C. 7801).

22 (b) ADDITIONAL DEFINITIONS.—For the purposes of
23 this subtitle:

24 (1) AFFECTED HEAD START AGENCY.—The
25 term “affected Head Start agency” means a Head

1 Start agency, including an early Head Start agency,
2 receiving a significant number of children from a
3 covered disaster area.

4 (2) CHILD WITH A DISABILITY.—The term
5 “child with a disability” has the meaning given such
6 term in section 602 of the Individuals with Disabil-
7 ities Education Act (20 U.S.C. 1401).

8 (3) ELIGIBLE ENTITY.—The term “eligible enti-
9 ty” means—

10 (A) a local educational agency (as defined
11 in section 602 of the Individuals with Disabil-
12 ities Education Act (20 U.S.C. 1401)) if such
13 agency is located in a covered disaster area;

14 (B) a State educational agency (as defined
15 in section 602 of such Act) of Puerto Rico or
16 the Virgin Islands; or

17 (C) a State interagency coordinating coun-
18 cil established under section 641 of such Act
19 (20 U.S.C. 1441) if such council is located in
20 a covered disaster area.

21 (4) INDIVIDUAL ADVERSELY AFFECTED BY A
22 COVERED DISASTER.—The term “individual ad-
23 versely affected by a covered disaster” means an in-
24 dividual who was living, working, or attending
25 school—

1 (A) on September 5, 2017, in a covered
2 disaster area due to Hurricane Irma; or

3 (B) on September 16, 2017, in a covered
4 disaster area due to Hurricane Maria.

5 (5) INFANT OR TODDLER WITH A DIS-
6 ABILITY.—The term “infant or toddler with a dis-
7 ability” has the meaning given such term in section
8 632 of the Individuals with Disabilities Education
9 Act (20 U.S.C. 1432).

10 (6) SECRETARY.—The term “Secretary” means
11 the Secretary of Education.

12 **SEC. 652. AGREEMENTS TO EXTEND CERTAIN DEADLINES**
13 **OF THE INDIVIDUALS WITH DISABILITIES**
14 **EDUCATION ACT TO FACILITATE THE PROVI-**
15 **SION OF EDUCATIONAL SERVICES TO CHIL-**
16 **DREN WITH DISABILITIES.**

17 (a) AUTHORITY.—The Secretary may enter into an
18 agreement described in subsection (b) with an eligible enti-
19 ty to extend certain deadlines under the Individuals with
20 Disabilities Education Act (20 U.S.C. 1400 et seq.) re-
21 lated to providing special education and related services,
22 including early intervention services, to individuals ad-
23 versely affected by a covered disaster.

24 (b) TERMS OF AGREEMENTS.—An agreement re-
25 ferred to in subsection (a) is an agreement with an eligible

1 entity made in accordance with subsection (e) that may
2 extend the applicable deadlines under one or more of the
3 following sections:

4 (1) Section 612(a)(15)(C) of the Individuals
5 with Disabilities Education Act (20 U.S.C.
6 1412(a)(15)(C)), by extending up to an additional
7 30 days the deadline for submission of the annual
8 report to the Secretary and the public regarding the
9 progress of the State and of children with disabilities
10 in the State.

11 (2) Section 616(b)(1)(A) of such Act (20
12 U.S.C. 1416(b)(1)(A)), by extending up to an addi-
13 tional 30 days the deadline for finalization of the
14 State performance plan.

15 (3) Section 641(e)(1)(D) of such Act (20
16 U.S.C. 1441(e)(1)(D)), by extending up to an addi-
17 tional 30 days the deadline for submission to the
18 Governor of a State and the Secretary of the report
19 on the status of early intervention programs for in-
20 fants and toddlers with disabilities and their families
21 operated within the State.

22 (c) RULE OF CONSTRUCTION.—Nothing in this sec-
23 tion shall be construed—

24 (1) as permitting the waiver of—

25 (A) any applicable Federal civil rights law;

1 (B) any student or family privacy protec-
2 tions, including provisions requiring parental
3 consent for evaluations and services;

4 (C) any procedural safeguards required
5 under section 615 or 639 of the Individuals
6 with Disabilities Education Act (20 U.S.C.
7 1415, 1439); or

8 (D) any requirements not specified in sub-
9 section (b); or

10 (2) as removing the obligation of the eligible en-
11 tity to provide a child with a disability or an infant
12 or toddler with a disability and their families—

13 (A) a free appropriate public education
14 under part B of the Individuals with Disabil-
15 ities Education Act (20 U.S.C. 1411 et seq.); or

16 (B) early intervention services under part
17 C of such Act (20 U.S.C. 1431 et seq.).

18 (d) DURATION OF AGREEMENT.—An agreement
19 under this section shall terminate at the conclusion of the
20 2017–2018 academic year.

21 (e) REQUEST TO ENTER INTO AGREEMENT.—To
22 enter into an agreement under this section, an eligible en-
23 tity shall submit a request to the Secretary at such time,
24 in such manner, and containing such information as the
25 Secretary may require.

1 **SEC. 653. HEAD START AND CHILD CARE AND DEVELOP-**
2 **MENT BLOCK GRANTS.**

3 (a) HEAD START.—

4 (1) TECHNICAL ASSISTANCE, GUIDANCE, AND
5 RESOURCES.—From the amount made available for
6 Head Start in this Act, the Secretary of Health and
7 Human Services shall provide training and technical
8 assistance, guidance, and resources through the Re-
9 gion 2 offices of the Administration for Children and
10 Families (and may provide training and technical as-
11 sistance, guidance, and resources through other re-
12 gional offices of the Administration, at the request
13 of such offices that administer affected Head Start
14 agencies) to Head Start agencies in a covered dis-
15 aster area, and to affected Head Start agencies, to
16 assist the agencies and entities involved to address
17 the health and counseling needs of infants, toddlers,
18 and young children affected by a covered disaster.
19 Such training and technical assistance may be pro-
20 vided by contract or cooperative agreement with
21 qualified national, regional, or local providers.

22 (2) WAIVER.—For such period up to September
23 30, 2018, and to such extent as the Secretary of
24 Health and Human Services considers appropriate,
25 the Secretary of Health and Human Services—

1 (A) may waive section 640(b) of the Head
2 Start Act (42 U.S.C. 9835(b)) for Head Start
3 agencies located in a covered disaster area and
4 other affected Head Start agencies; and

5 (B) shall waive requirements of docu-
6 mentation for individuals adversely affected by
7 a covered hurricane disaster who participate in
8 a Head Start program or an Early Head Start
9 program funded under the Head Start Act.

10 (b) CHILD CARE AND DEVELOPMENT BLOCK
11 GRANT.—

12 (1) CHILD CARE AND DEVELOPMENT BLOCK
13 GRANT ACT OF 1990.—For such period up to Sep-
14 tember 30, 2018, and to such extent as the Sec-
15 retary of Health and Human Services considers to
16 be appropriate, the Secretary of Health and Human
17 Services may waive, for Puerto Rico, the Virgin Is-
18 lands, and any State serving significant numbers of
19 individuals adversely affected by a covered disaster,
20 provisions of the Child Care and Development Block
21 Grant Act of 1990 (42 U.S.C. 9858 et seq.)—

22 (A) relating to Federal income limitations
23 on eligibility to receive child care services for
24 which assistance is provided under such Act;

1 (B) relating to work requirements applica-
2 ble to eligibility to receive child care services for
3 which assistance is provided under such Act;

4 (C) relating to limitations on the use of
5 funds under section 658G of the Child Care
6 and Development Block Grant Act of 1990 (42
7 U.S.C. 9858e);

8 (D) preventing children designated as evac-
9 uees from receiving priority for child care serv-
10 ices provided under such Act, except that chil-
11 dren residing in a State and currently receiving
12 services should not lose such services to accom-
13 modate evacuee children; and

14 (E) relating to any non-Federal or capital
15 contribution required (including copayment or
16 other cost sharing by parents receiving child
17 care assistance) to match Federal funds pro-
18 vided under programs administered by the Sec-
19 retary of Health and Human Services.

20 (2) TECHNICAL ASSISTANCE AND GUIDANCE.—

21 The Secretary of Health and Human Services may
22 provide assistance to States for the purpose of pro-
23 viding training, technical assistance, and guidance to
24 eligible child care providers (as defined in section
25 658P of the Child Care and Development Block

1 Grant Act of 1990 (42 U.S.C. 9858n)) who are li-
2 censed and regulated, as applicable, by the States, to
3 enable such providers to provide child care services
4 for children and families described in paragraph (1).
5 Such training and technical assistance may be pro-
6 vided through intermediary organizations, including
7 those with demonstrated experience in providing
8 training and technical assistance to programs serv-
9 ing school-age children up to age 13, involved in re-
10 instituting child care services on a broad scale in a
11 covered disaster area.

12 **TITLE VII—ECONOMIC DEVELOP-**
13 **MENT ASSISTANCE AND**
14 **WORKER PROTECTIONS**

15 **SEC. 701. TRAINING AND EMPLOYMENT SERVICES.**

16 (a) IN GENERAL.—Out of funds of the Treasury not
17 otherwise appropriated, there is appropriated for the fiscal
18 year ending September 30, 2018: For an additional
19 amount for “Training and Employment Services”,
20 \$25,000,000, for the dislocated workers national reserve
21 to provide assistance under subparagraph (B) or (as ap-
22 propriate) subparagraph (C) of section 170(b)(1) of the
23 Workforce Innovation and Opportunity Act (29 U.S.C.
24 3225(b)(1)) for necessary expenses in Puerto Rico and the

1 Virgin Islands directly related to Hurricanes Irma and
2 Maria, to remain available until expended.

3 (b) TRANSFERS.—The Secretary of Labor may trans-
4 fer up to \$3,500,000 of the amount described in sub-
5 section (a) to any other Department of Labor account for
6 other reconstruction and recovery needs, including worker
7 protection activities, in Puerto Rico and the Virgin Islands
8 related to Hurricanes Irma and Maria.

9 **SEC. 702. EQUITABLE TREATMENT FOR RESIDENTS OF**
10 **PUERTO RICO AND THE VIRGIN ISLANDS**
11 **WITH RESPECT TO THE EARNED INCOME TAX**
12 **CREDIT AND THE CHILD TAX CREDIT.**

13 (a) PUERTO RICO RESIDENTS ELIGIBLE FOR
14 EARNED INCOME TAX CREDIT.—

15 (1) IN GENERAL.—Section 32 of the Internal
16 Revenue Code of 1986 is amended by adding at the
17 end the following new subsection:

18 “(n) RESIDENTS OF PUERTO RICO.—

19 “(1) IN GENERAL.—In the case of residents of
20 Puerto Rico—

21 “(A) the United States shall be treated as
22 including Puerto Rico for purposes of sub-
23 sections (c)(1)(A)(ii)(I) and (c)(3)(C),

1 “(B) subsection (c)(1)(D) shall not apply
2 to nonresident alien individuals who are resi-
3 dents of Puerto Rico, and

4 “(C) adjusted gross income and gross in-
5 come shall be computed without regard to sec-
6 tion 933 for purposes of subsections (a)(2)(B)
7 and (c)(2)(A)(i).

8 “(2) LIMITATION.—The credit allowed under
9 this section by reason of this subsection for any tax-
10 able year shall not exceed the amount, determined
11 under regulations or other guidance promulgated by
12 the Secretary, that a similarly situated taxpayer
13 would receive if residing in a State.”.

14 (2) CHILD TAX CREDIT NOT REDUCED.—Sub-
15 clause (II) of section 24(d)(1)(B)(ii) of such Code is
16 amended by inserting before the period “(determined
17 without regard to section 32(n) in the case of resi-
18 dents of Puerto Rico)”.

19 (3) EFFECTIVE DATE.—The amendments made
20 this subsection shall apply to taxable years begin-
21 ning after December 31, 2016.

22 (b) EQUITABLE TREATMENT FOR RESIDENTS OF
23 PUERTO RICO WITH RESPECT TO THE REFUNDABLE
24 PORTION OF THE CHILD TAX CREDIT.—

1 (1) IN GENERAL.—Section 24(d)(1) of the In-
2 ternal Revenue Code of 1986 is amended by insert-
3 ing “or section 933” after “section 112”.

4 (2) EFFECTIVE DATE.—The amendment made
5 by paragraph (1) shall apply to taxable years begin-
6 ning after December 31, 2016.

7 (c) TREATMENT OF RESIDENTS OF THE VIRGIN IS-
8 LANDS.—

9 (1) IN GENERAL.—The Secretary of the Treas-
10 ury shall pay to the government of the Virgin Is-
11 lands amounts equal to the loss to that possession
12 by reason of the application of—

13 (A) section 32 of the Internal Revenue
14 Code of 1986 (determined as if subsection (n)
15 of such section, as added by subsection (a), ap-
16 plied to bona fide residents of that possession),
17 and

18 (B) section 24(d) of such Code (deter-
19 mined as if the amendment made by subsection
20 (b) applied to bona fide residents of that pos-
21 session),

22 with respect to taxable years beginning after Decem-
23 ber 31, 2016. Such amounts shall be determined by
24 the Secretary of the Treasury based on information
25 provided by the government of the Virgin Islands.

1 (2) TREATMENT OF PAYMENTS.—For purposes
2 of section 1324(b)(2) of title 31, United States
3 Code, the payments under this subsection shall be
4 treated in the same manner as a refund due from
5 the credit allowed under section 32 or 24 (by reason
6 of subsection (d) thereof), whichever is applicable, of
7 the Internal Revenue Code of 1986.

8 **SEC. 703. REQUIREMENT TO USE LOCAL LABOR.**

9 In carrying out relief and recovery efforts relating to
10 a covered disaster in Puerto Rico and the Virgin Islands,
11 the Administrator of the Federal Emergency Management
12 Agency shall ensure that—

13 (1) to the greatest extent practicable, individ-
14 uals who carry out such efforts are individuals who
15 reside in a covered disaster area;

16 (2) workers are protected by project labor
17 agreements; and

18 (3) local, family-sustaining union jobs are pro-
19 tected.

20 **SEC. 704. MINIMUM WAGE FOR YOUNG EMPLOYEES IN**
21 **PUERTO RICO.**

22 Section 6(g) of the Fair Labor Standards Act of
23 1938 (29 U.S.C. 206(g)) is amended—

1 (1) by striking paragraph (2) and redesignating
2 paragraphs (3) through (5) as paragraphs (2)
3 through (4), respectively;

4 (2) in paragraph (2), as so redesignated, by
5 striking “or (2)”; and

6 (3) in paragraph (4), as so redesignated, by
7 striking “20 years, except” and all that follows
8 through the period and inserting “20 years.”.

9 **SEC. 705. OVERTIME HOURS PROTECTIONS FOR WORKERS**

10 **IN PUERTO RICO.**

11 Section 404 of the Puerto Rico Oversight, Manage-
12 ment, and Economic Stability Act (48 U.S.C. 2193) is re-
13 pealed.

14 **SEC. 706. UNEMPLOYMENT ASSISTANCE FOR PUERTO RICO**

15 **AND THE VIRGIN ISLANDS.**

16 (a) **EXTENSION OF DISASTER UNEMPLOYMENT BEN-**
17 **EFIT PERIOD.—**

18 (1) **IN GENERAL.—**Notwithstanding section
19 410(a) of the Robert T. Stafford Disaster Relief and
20 Emergency Assistance Act (42 U.S.C. 5177(a)) or
21 any regulations implementing that section—

22 (A) in the case of an individual who is ap-
23 plying for unemployment assistance under that
24 section 410(a) as a result of a covered dis-
25 aster—

1 (i) the individual shall file the applica-
2 tion for unemployment assistance not later
3 than July 11, 2018; and

4 (ii) the individual shall submit all docu-
5 mentation required to be submitted in
6 support of an application described in
7 clause (i) not later than 90 days after the
8 date on which the application was filed;
9 and

10 (B) in the case of an individual who is eli-
11 gible to receive unemployment assistance under
12 that section 410(a) as a result of a covered dis-
13 aster, the President shall make such assistance
14 available for 52 weeks after the date on which
15 the President declared the covered disaster.

16 (2) REGULATIONS.—The Secretary of Labor
17 may prescribe any operating instructions or regula-
18 tions necessary to carry out this subsection.

19 (b) OTHER UNEMPLOYMENT ASSISTANCE.—Section
20 903 of the Social Security Act (42 U.S.C. 1103) is amend-
21 ed by adding at the end the following new subsection:

22 “Special Transfer in Fiscal Year 2018

23 “(h) Not later than 10 days after the date of the en-
24 actment of this subsection, the Secretary of the Treasury

1 shall transfer from the Federal unemployment account, to
2 remain available until expended—

3 “(1) \$325,000,000 to the account of the Com-
4 monwealth of Puerto Rico in the Unemployment
5 Trust Fund; and

6 “(2) \$25,000,000 to the account of the United
7 States Virgin Islands in the Unemployment Trust
8 Fund.”.

9 **SEC. 707. ECONOMIC DEVELOPMENT ASSISTANCE PRO-**
10 **GRAMS.**

11 Out of funds of the Treasury not otherwise appro-
12 priated, there is appropriated, pursuant to section 703 of
13 the Public Works and Economic Development Act (42
14 U.S.C. 3233), an additional amount for “Economic Devel-
15 opment Assistance Programs”, for necessary expenses re-
16 lated to disaster relief, long-term recovery, and restoration
17 of infrastructure in areas covered by the declaration of a
18 major disaster under title IV of the Robert T. Stafford
19 Disaster Relief and Emergency Assistance Act (42 U.S.C.
20 5121 et seq.) as a result of Hurricanes Irma and Maria,
21 \$235,612,500 for fiscal year 2018, to remain available
22 until expended, of which—

23 (1) \$228,750,000 shall be made available for
24 Puerto Rico; and

1 (2) \$6,862,500 shall be made available for the
2 Virgin Islands

3 **SEC. 708. APPROPRIATION TO CDFI FUND FOR DISASTER**
4 **RELIEF IN PUERTO RICO AND THE VIRGIN IS-**
5 **LANDS.**

6 (a) DEFINITIONS.—In this section—

7 (1) the term “community development financial
8 institution” has the meaning given the term in sec-
9 tion 103 of the Community Development Banking
10 and Financial Institutions Act of 1994 (12 U.S.C.
11 4702); and

12 (2) the term “Fund” means the Community
13 Development Financial Institutions Fund established
14 under section 104(a) of the Community Develop-
15 ment Banking and Financial Institutions Act of
16 1994 (12 U.S.C. 4703(a)).

17 (b) APPROPRIATION.—Out of funds of the Treasury
18 not otherwise appropriated, there is appropriated to the
19 Fund \$250,000,000, which shall—

20 (1) be used for financial and technical assist-
21 ance to community development financial institu-
22 tions for costs relating to disaster relief and long-
23 term recovery in covered disaster areas; and

24 (2) remain available during the 5-year period
25 beginning on the date of enactment of this Act.

1 (c) SUSPENSION OF MATCHING REQUIREMENT.—
2 Notwithstanding any other provision of law, during the 5-
3 year period beginning on the date of enactment of this
4 Act, there shall be no requirement to match any assistance
5 provided by the Fund to community development financial
6 institutions for costs relating to disaster relief and long-
7 term recovery in covered disaster areas with funds from
8 sources other than the Federal Government.

9 **SEC. 709. COMMUNITY DEVELOPMENT FUND.**

10 Out of funds of the Treasury not otherwise appro-
11 priated, there is appropriated to the Community Develop-
12 ment Fund of the Department of Housing and Urban De-
13 velopment \$48,000,000,000 for fiscal year 2018, to re-
14 main available until expended, for necessary expenses for
15 activities authorized under title I of the Housing and Com-
16 munity Development Act of 1974 (42 U.S.C. 5301 et seq.)
17 related to disaster relief, long-term recovery, restoration
18 of infrastructure and housing, and economic revitalization
19 in the most impacted and distressed areas that are covered
20 disaster areas, of which \$46,000,000,000 shall be for such
21 areas in Puerto Rico and \$2,000,000,000 shall be for such
22 areas in the Virgin Islands: *Provided*, That funds shall be
23 awarded directly to the State or unit of general local gov-
24 ernment at the discretion of the Secretary of Housing and
25 Urban Development (referred to in this section as the

1 “Secretary”): *Provided further*, That as a condition of
2 making any grant, the Secretary shall certify in advance
3 that such grantee has in place proficient financial controls
4 and procurement processes and has established adequate
5 procedures to prevent any duplication of benefits as de-
6 fined in section 312 of the Robert T. Stafford Disaster
7 Relief and Emergency Assistance Act (42 U.S.C. 5155),
8 to ensure timely expenditure of funds, to maintain com-
9 prehensive websites regarding all disaster recovery activi-
10 ties assisted with these funds, and to detect and prevent
11 waste, fraud, and abuse of funds: *Provided further*, That
12 prior to the obligation of funds a grantee shall submit a
13 plan to the Secretary for approval detailing the proposed
14 use of all funds, including criteria for eligibility and how
15 the use of these funds will address long-term recovery and
16 restoration of infrastructure and housing and economic re-
17 vitalization in the most impacted and distressed areas:
18 *Provided further*, That such funds may not be used for
19 activities reimbursable by, or for which funds are made
20 available by, the Federal Emergency Management Agency
21 or the Army Corps of Engineers: *Provided further*, That
22 funds allocated under this section shall not be considered
23 relevant to the non-disaster formula allocations made
24 under section 106 of the Housing and Community Devel-
25 opment Act of 1974 (42 U.S.C. 5306): *Provided further*,

1 That a State, subdivision thereof, or unit of general local
2 government may use not more than 5 percent of its alloca-
3 tion for administrative costs: *Provided further*, That in ad-
4 ministering the funds under this section, the Secretary
5 may waive, or specify alternative requirements for, any
6 provision of any statute or regulation that the Secretary
7 administers in connection with the obligation by the Sec-
8 retary or the use by the recipient of these funds (except
9 for requirements related to fair housing, nondiscrimina-
10 tion, labor standards, and the environment), if the Sec-
11 retary finds that good cause exists for the waiver or alter-
12 native requirement and such waiver or alternative require-
13 ment would not be inconsistent with the overall purpose
14 of title I of the Housing and Community Development Act
15 of 1974: *Provided further*, That, notwithstanding the pre-
16 ceding proviso, recipients of funds provided under this sec-
17 tion that use such funds to supplement Federal assistance
18 provided under section 402, 403, 404, 406, 407, or 502
19 of the Robert T. Stafford Disaster Relief and Emergency
20 Assistance Act (42 U.S.C. 5121 et seq.) may adopt, with-
21 out review or public comment, any environmental review,
22 approval, or permit performed by a Federal agency, and
23 such adoption shall satisfy the responsibilities of the re-
24 cipient with respect to such environmental review, ap-
25 proval, or permit: *Provided further*, That, notwithstanding

1 section 104(g)(2) of the Housing and Community Devel-
2 opment Act of 1974 (42 U.S.C. 5304(g)(2)), the Secretary
3 may, upon receipt of a request for release of funds and
4 certification, immediately approve the release of funds for
5 an activity or project assisted under this section if the re-
6 cipient has adopted an environmental review, approval, or
7 permit under the preceding proviso or the activity or
8 project is categorically excluded from review under the Na-
9 tional Environmental Policy Act of 1969 (42 U.S.C. 4321
10 et seq.): *Provided further*, That the Secretary shall publish
11 via notice in the Federal Register any waiver, or alter-
12 native requirement, to any statute or regulation that the
13 Secretary administers under title I of the Housing and
14 Community Development Act of 1974 not later than 5
15 days before the effective date of the waiver or alternative
16 requirement: *Provided further*, That of the amounts made
17 available under this section, not more than \$10,000,000
18 may be transferred, in aggregate, to “Department of
19 Housing and Urban Development—Program Office Sala-
20 ries and Expenses—Community Planning and Develop-
21 ment” for necessary costs, including information tech-
22 nology costs, of administering and overseeing the obliga-
23 tion and expenditure of amounts under this section.

1 **SEC. 710. SMALL BUSINESS ADMINISTRATION DISASTER**
2 **LOANS.**

3 Out of funds of the Treasury not otherwise appro-
4 priated, there is appropriated to the Disaster Loans Pro-
5 gram Account of the Small Business Administration
6 \$2,730,729,378 for fiscal year 2018, to remain available
7 until expended, to carry out the loan program authorized
8 under section 7(b) of the Small Business Act (15 U.S.C.
9 636(b)) in Puerto Rico and the Virgin Islands.

10 **TITLE VIII—ENVIRONMENTAL**
11 **REMEDICATION**

12 **SEC. 801. NATIONAL PARK SERVICE HISTORIC PRESERVA-**
13 **TION FUND.**

14 (a) **FUNDING.**—Out of funds of the Treasury not oth-
15 erwise appropriated, there is appropriated to the Historic
16 Preservation Fund of the National Park Service
17 \$2,130,000 for fiscal year 2018, to remain available until
18 expended, for necessary expenses relating to the con-
19 sequences of Hurricane Irma and Hurricane Maria, of
20 which—

21 (1) \$1,300,000 is for necessary expenses in
22 Puerto Rico; and

23 (2) \$830,000 is for necessary expenses in the
24 Virgin Islands.

25 (b) **WAIVER OF NON-FEDERAL SHARE.**—Notwith-
26 standing any other provision of law, the non-Federal share

1 of the cost of any program or activity carried out using
2 funds provided under this section shall be zero.

3 **SEC. 802. ENVIRONMENTAL PROTECTION AGENCY ENVI-
4 ENVIRONMENTAL PROGRAMS AND MANAGEMENT.**

5 Out of funds of the Treasury not otherwise appro-
6 priated, there is appropriated to the Environmental Pro-
7 grams and Management Account of the Environmental
8 Protection Agency \$1,100,000 for fiscal year 2018, to re-
9 main available until expended, for necessary expenses re-
10 lating to the consequences of Hurricane Irma and Hurri-
11 cane Maria, of which—

12 (1) \$700,000 is for necessary expenses in Puer-
13 to Rico; and

14 (2) \$400,000 is for necessary expenses in the
15 Virgin Islands.

16 **SEC. 803. HAZARDOUS SUBSTANCE SUPERFUND.**

17 Out of funds of the Treasury not otherwise appro-
18 priated, there is appropriated to the Hazardous Substance
19 Superfund established by section 9507(a) of the Internal
20 Revenue Code of 1986 \$2,000,000 for fiscal year 2018,
21 to remain available until expended, for necessary expenses
22 in Puerto Rico and the Virgin Islands relating to the con-
23 sequences of Hurricane Irma and Hurricane Maria.

1 **SEC. 804. LEAKING UNDERGROUND STORAGE TANK FUND.**

2 Out of funds of the Treasury not otherwise appro-
3 priated, there is appropriated to the Leaking Underground
4 Storage Tank Trust Fund established by section 9508(a)
5 of the Internal Revenue Code of 1986 \$2,760,000 for fis-
6 cal year 2018, to remain available until expended, for nec-
7 essary expenses relating to the consequences of Hurricane
8 Irma and Hurricane Maria, of which—

9 (1) \$2,600,000 is for necessary expenses in
10 Puerto Rico; and

11 (2) \$160,000 is for necessary expenses in the
12 Virgin Islands.

13 **SEC. 805. DEPARTMENT OF THE INTERIOR GRANTS.**

14 (a) FUNDING.—Out of funds of the Treasury not oth-
15 erwise appropriated, there is appropriated to the Secretary
16 of the Interior \$7,054,000 for fiscal year 2018, to remain
17 available until expended, of which—

18 (1) \$6,800,000 is for grants—

19 (A) to restore and rebuild units of the Na-
20 tional Park System, units of the National Wild-
21 life Refuge System, and other Federal public
22 assets in Puerto Rico; and

23 (B) to increase the resiliency and capacity
24 of coastal habitat and infrastructure in Puerto
25 Rico to withstand storms and reduce the dam-
26 age caused by storms; and

1 (2) \$254,000 is for grants—

2 (A) to restore and rebuild units of the Na-
3 tional Park System, units of the National Wild-
4 life Refuge System, and other Federal public
5 assets in the Virgin Islands; and

6 (B) to increase the resiliency and capacity
7 of coastal habitat and infrastructure in the Vir-
8 gin Islands to withstand storms and reduce the
9 damage caused by storms.

10 (b) WAIVER OF NON-FEDERAL SHARE.—Notwith-
11 standing any other provision of law, the non-Federal share
12 of the cost of any program or activity carried out using
13 funds provided under this section shall be zero.

14 **SEC. 806. DEPARTMENT OF DEFENSE ENVIRONMENTAL**
15 **RESTORATION.**

16 (a) PUERTO RICO.—

17 (1) ENVIRONMENTAL RESTORATION, ARMY.—
18 Out of funds of the Treasury not otherwise appro-
19 priated, there is appropriated to the Environmental
20 Restoration, Army account of the Department of
21 Defense \$6,335,000 for fiscal year 2018, to remain
22 available until expended, to carry out environmental
23 restoration activities at Army locations in Puerto
24 Rico.

1 (2) ENVIRONMENTAL RESTORATION, NAVY.—
2 Out of funds of the Treasury not otherwise appro-
3 priated, there is appropriated to the Environmental
4 Restoration, Navy account of the Department of De-
5 fense \$333,677,000 for fiscal year 2018, to remain
6 available until expended, to carry out environmental
7 restoration activities at Navy locations in Puerto
8 Rico.

9 (3) ENVIRONMENTAL RESTORATION, AIR
10 FORCE.—Out of funds of the Treasury not otherwise
11 appropriated, there is appropriated to the Environ-
12 mental Restoration, Air Force account of the De-
13 partment of Defense \$1,408,000 for fiscal year
14 2018, to remain available until expended, to carry
15 out environmental restoration activities at Air Force
16 locations in Puerto Rico.

17 (4) ENVIRONMENTAL RESTORATION, FORMERLY
18 USED DEFENSE SITES.—Out of funds of the Treas-
19 ury not otherwise appropriated, there is appro-
20 priated to the Environmental Restoration, Formerly
21 Used Defense Sites account of the Department of
22 Defense \$161,028,000 for fiscal year 2018, to re-
23 main available until expended, to carry out environ-
24 mental restoration activities at sites formerly used
25 by the Department of Defense in Puerto Rico.

1 consisting of such amounts as are appropriated to the
2 Fund under subsection (b).

3 (b) FUNDING.—Out of funds of the Treasury not oth-
4 erwise appropriated, there is appropriated to the Fund
5 \$5,000,000 for fiscal year 2018, to remain available until
6 expended.

7 (c) AVAILABILITY OF FUNDS.—Amounts in the Fund
8 shall be available without further appropriation to the Ad-
9 ministrator of the Environmental Protection Agency, the
10 Secretary of Energy, the Secretary of Defense, and the
11 Secretary of the Interior to carry out projects authorized
12 under this title in Puerto Rico and the Virgin Islands that
13 are not eligible for assistance under the public assistance
14 grant program.

15 **SEC. 808. UNITED STATES FISH AND WILDLIFE SERVICE**
16 **CONSTRUCTION.**

17 Out of any funds in the Treasury not otherwise ap-
18 propriated, there is appropriated for an additional amount
19 for the Construction Account of the United States Fish
20 and Wildlife Service \$1,500,000 for fiscal year 2018, to
21 remain available until expended, for necessary expenses re-
22 lated to the consequences of Hurricanes Irma and Maria
23 in Puerto Rico and the Virgin Islands.

1 **SEC. 809. ACTIVITIES CARRIED OUT BY THE CHIEF OF EN-**
2 **GINEERS IN PUERTO RICO AND THE VIRGIN**
3 **ISLANDS.**

4 In carrying out activities under this title in Puerto
5 Rico and the Virgin Islands, the Chief of Engineers—

6 (1) shall prioritize recycling and composting;

7 and

8 (2) may not use air curtain incinerators in
9 cleaning up debris.

10 **SEC. 810. PROHIBITION ON PRIVATIZATION.**

11 No service provided or structure, facility, or means
12 of transportation built, repaired, restored, improved, ex-
13 panded, or carried out using amounts made available
14 under this title may be transferred to the ownership and
15 control of a private individual or entity.

16 **TITLE IX—LONG-TERM RESIL-**
17 **IENT EMERGENCY DISASTER**
18 **RELIEF PLAN**

19 **SEC. 901. LONG-TERM DISASTER RELIEF PLAN FOR PUER-**
20 **TO RICO AND THE VIRGIN ISLANDS.**

21 (a) IN GENERAL.—Not later than 8 months after the
22 date of enactment of this Act, the Administrator of the
23 Federal Emergency Management Agency, in coordination
24 with the Secretary of Homeland Security, the Adminis-
25 trator of the Environmental Protection Agency, the Sec-
26 retary of Housing and Urban Development, the Secretary

1 of the Interior, the Secretary of Health and Human Serv-
2 ices, the Secretary of Transportation, and the Secretary
3 of Commerce, shall submit to Congress a plan for Federal
4 disaster relief response in the case of Puerto Rico or the
5 Virgin Islands experiencing a category 4 or higher hurri-
6 cane event.

7 (b) REQUIREMENTS.—The plan required to be estab-
8 lished under subsection (a) shall—

9 (1) include a strategy for providing disaster re-
10 lief to Puerto Rico or the Virgin Islands after expe-
11 riencing 2 or more consecutive category 4 or higher
12 hurricane events; and

13 (2) be developed in consultation with the may-
14 ors and other elected officials of each unit of local
15 government affected by Hurricanes Irma or Maria.

16 **TITLE X—FEMA PROVISIONS**

17 **SEC. 1001. WAIVER OF NON-FEDERAL SHARE REQUIRE-** 18 **MENTS.**

19 (a) PUBLIC ASSISTANCE GRANT PROGRAM.—Not-
20 withstanding any other provision of law, any amounts
21 awarded for a covered disaster area relating to a covered
22 disaster under the public assistance grant program shall
23 not be subject to a non-Federal share requirement.

24 (b) HAZARD MITIGATION GRANT PROGRAM.—The
25 President shall contribute 100 percent of the cost of eligi-

1 ble hazard mitigation measures in a covered disaster area
2 under section 404 of Robert T. Stafford Disaster Relief
3 and Emergency Assistance Act (42 U.S.C. 5170c).

4 (c) FINANCIAL ASSISTANCE TO ADDRESS OTHER
5 NEEDS UNDER INDIVIDUALS AND HOUSEHOLDS PRO-
6 GRAM.—Notwithstanding section 408(g)(2)(A) of the Rob-
7 ert T. Stafford Disaster Relief and Emergency Assistance
8 Act (42 U.S.C. 5174(g)(2)(A)), or any other provision of
9 law, for purposes of financial assistance provided under
10 subsection (c) of such section to an individual or household
11 located in a covered disaster area, the Federal share shall
12 be 100 percent.

13 **SEC. 1002. HAZARD MITIGATION.**

14 (a) PERCENTAGE FOR HMGP CONTRIBUTIONS.—
15 Notwithstanding sections 322 and 404 of the Robert T.
16 Stafford Disaster Relief and Emergency Assistance Act
17 (42 U.S.C. 5165 and 5170c), the total contributions under
18 such section 404 shall not exceed 20 percent of the esti-
19 mated aggregate amount of grants to be made (less any
20 associated administrative costs) under such Act.

21 (b) ADVANCE ASSISTANCE PERCENTAGE.—For haz-
22 ard mitigation measures to be carried out in a covered
23 disaster area relating to a covered disaster, section 404(e)
24 of the Robert T. Stafford Disaster Relief and Emergency
25 Assistance Act (42 U.S.C. 5170c(e)) shall be applied by

1 substituting “shall provide 25 percent” for “may provide
2 not more than 25 percent”.

3 (c) MINIMUM AMOUNT FOR HAZARD MITIGATION
4 BASED ON 6-MONTH ESTIMATE.—For a covered disaster,
5 the estimated aggregate amount of grants to be made in
6 a covered disaster area for purposes of section 404 of the
7 Robert T. Stafford Disaster Relief and Emergency Assist-
8 ance Act (42 U.S.C. 5170c) shall not be less than the esti-
9 mate of such aggregate amount of grants in the projection
10 described in section 207.5(b)(2) of title 44, Code of Fed-
11 eral Regulations.

12 **SEC. 1003. REPAIR, RESTORATION, AND REPLACEMENT OF**
13 **DAMAGED FACILITIES.**

14 (a) COST-EFFECTIVENESS OF MITIGATION MEAS-
15 URES.—For purposes of contributions for mitigation
16 measures for a facility in a covered disaster area under
17 section 406 of the Robert T. Stafford Disaster Relief and
18 Emergency Assistance Act (42 U.S.C. 5172) a mitigation
19 measure shall be considered to be cost-effective if the cost
20 of the measures does not exceed 25 percent of the total
21 eligible repair cost of the facility.

22 (b) BENEFIT-COST METHODOLOGY.—If a benefit-
23 cost analysis methodology is used to determine the cost-
24 effectiveness of a mitigation measure that exceeds 25 per-
25 cent of the total eligible repair cost of the facility, as de-

1 scribed in subsection (a), under section 406 of Robert T.
2 Stafford Disaster Relief and Emergency Assistance Act
3 (42 U.S.C. 5172), the benefit-cost analysis methodology
4 shall take into consideration—

5 (1) hazard mitigation benefits;

6 (2) expected economic benefits, including job
7 creation; and

8 (3) expected environmental benefits.

9 **SEC. 1004. COMMUNITY DISASTER LOANS.**

10 (a) TREATMENT AS STATE AND LOCAL GOVERN-
11 MENTS.—Notwithstanding section 102 of the Robert T.
12 Stafford Disaster Relief and Emergency Assistance Act
13 (42 U.S.C. 5122), for purposes of assistance under section
14 417 of the Robert T. Stafford Disaster Relief and Emer-
15 gency Assistance Act (42 U.S.C. 5184), with respect to
16 a covered disaster—

17 (1) Puerto Rico and the Virgin Islands shall be
18 deemed to be local governments; and

19 (2) an instrumentality or local government of
20 Puerto Rico or the Virgin Islands shall be deemed
21 to be a local government.

22 (b) REPAYMENT CANCELLATION.—Repayment of a
23 loan made to a local government in a covered disaster area
24 under section 417 of the Robert T. Stafford Disaster Re-

1 lief and Emergency Assistance Act (42 U.S.C. 5184), in-
2 cluding any interest on such loan, shall not be required.

3 (c) ELIGIBLE USE OF LOAN.—Any loan made to a
4 local government in a covered disaster area under section
5 417 of the Robert T. Stafford Disaster Relief and Emer-
6 gency Assistance Act (42 U.S.C. 5184) may be used at
7 the discretion of the loan recipient to pay the upfront costs
8 of any project relating to the covered disaster for which
9 amounts are awarded under the public assistance grant
10 program.

11 (d) LIMITATION ON USE OF LOAN.—Any loan made
12 under section 417 of Robert T. Stafford Disaster Relief
13 and Emergency Assistance Act (42 U.S.C. 5184) in a cov-
14 ered disaster area may not be used to pay principal or
15 interest due on a bond or other debt that was issued or
16 incurred before the date of the covered disaster.

17 **SEC. 1005. WAIVER OF LIMIT ON MANAGEMENT COSTS.**

18 For a covered disaster, the \$20,000,000 limit on
19 management costs described in section 207.5(c) of title 44,
20 Code of Federal Regulations, or any successor thereto,
21 shall not apply.

22 **SEC. 1006. MAXIMUM AMOUNT OF ASSISTANCE FOR INDI-**
23 **VIDUALS AND HOUSEHOLDS PROGRAM.**

24 For purposes of financial assistance provided under
25 section 408 of the Robert T. Stafford Disaster Relief and

1 Emergency Assistance Act (42 U.S.C. 5174) to an indi-
2 vidual or household located in a covered disaster area, sub-
3 section (h)(1) of such section shall be applied by sub-
4 stituting “\$67,000” for “\$25,000”.

5 **SEC. 1007. AVAILABILITY OF TRANSLATORS.**

6 (a) FEMA AND CORPS OF ENGINEERS.—Until the
7 end of the period for providing assistance relating to a
8 covered disaster, the Administrator of the Federal Emer-
9 gency Management Agency and the Chief of Engineers
10 shall ensure that the Federal Emergency Management
11 Agency and the Corps of Engineers, respectively, have
12 each assigned not less than 2 translators who are fluent
13 in English and Spanish to each of the following regions:

14 (1) The region surrounding San Juan, Puerto
15 Rico.

16 (2) The region surrounding Arecibo, Puerto
17 Rico.

18 (3) The region surrounding Mayagüez, Puerto
19 Rico.

20 (4) The region surrounding Ponce, Puerto Rico.

21 (b) OTHER AGENCIES.—Until the end of the period
22 for providing assistance relating to a covered disaster, the
23 head of each other agency providing assistance in Puerto
24 Rico relating to a covered disaster shall ensure that the

1 agency has assigned not less than 1 translator who is flu-
2 ent in English and Spanish to Puerto Rico.

3 **TITLE XI—EMERGENCY**

4 **FUNDING**

5 **Subtitle A—General Provisions**

6 **SEC. 1101. EXTENSION OF CLAIM FILING DEADLINE.**

7 Notwithstanding any other provision of law, any re-
8 quest for assistance under the Robert T. Stafford Disaster
9 Relief and Emergency Assistance Act (42 U.S.C. 5121 et
10 seq.) in relation to a covered disaster shall be submitted
11 not later than 240 days after the date of the covered dis-
12 aster.

13 **SEC. 1102. EMERGENCY DESIGNATION.**

14 Each amount appropriated under this Act 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 (2 U.S.C. 901(b)(2)(A)(i)).

19 **Subtitle B—Puerto Rico and Virgin**
20 **Islands Hurricane Damage Res-**
21 **toration Account**

22 **SEC. 1111. DEFINITIONS.**

23 In this subtitle:

1 (1) CERTIFIED REQUISITION.—The term “cer-
2 tified requisition” means a requisition made under
3 section 1113.

4 (2) COVERED TERRITORY.—The term “covered
5 territory” means the Commonwealth of Puerto Rico
6 and the Virgin Islands.

7 (3) EMERGENCY AND RECOVERY PERIOD.—The
8 term “emergency and recovery period” means the 4-
9 year period beginning on the date of enactment of
10 this Act.

11 (4) FUND.—The term “Fund” means the Puer-
12 to Rico and United States Virgin Islands Hurricane
13 Damage Restoration Account established under sec-
14 tion 1112.

15 (5) SECRETARY.—The term “Secretary” means
16 the Secretary of Treasury.

17 **SEC. 1112. PUERTO RICO AND UNITED STATES VIRGIN IS-**
18 **LANDS HURRICANE DAMAGE RESTORATION**
19 **ACCOUNT.**

20 (a) ESTABLISHMENT.—There is established on the
21 books of the Treasury of the United States an account
22 to be known as the Puerto Rico and United States Virgin
23 Islands Hurricane Damage Restoration Account.

24 (b) DISTRIBUTION OF FUNDS.—The Secretary shall
25 deposit funds granted under section 1113 to the Fund for

1 distribution to the covered territories and instrumental-
2 ities of the covered territories pursuant to the terms of
3 this Act.

4 **SEC. 1113. ESTABLISHMENT AND OPERATION OF THE**
5 **PUERTO RICO AND VIRGIN ISLANDS EMER-**
6 **GENCY CREDIT FACILITY.**

7 (a) EMERGENCY GRANT FUNDING.—There are here-
8 by appropriated, out of any funds in the Treasury not oth-
9 erwise appropriated, to the Fund such sums as may be
10 necessary to carry out this subtitle, for the exclusive pur-
11 pose of assisting the covered territories and the instrumen-
12 talities of covered territories to meet any cash-flow short-
13 falls that result from damage to the covered territories
14 caused by Hurricanes Irma or Maria.

15 (b) DISBURSEMENTS.—Disbursements made from
16 the Fund are subject to the certified requisition under
17 subsection (d) and other conditions established by this
18 Act.

19 (c) GRANTS.—The Secretary shall make a grant, not
20 later than 10 days after the date on which the Secretary
21 receives a certified requisition, of funds from time to time
22 during the emergency and recovery period, out of any
23 money in the Treasury not otherwise appropriated, to
24 meet any cash-flow shortfalls that result from damage to

1 a covered territory or any instrumentality of a covered ter-
2 ritory caused by Hurricanes Irma or Maria if—

3 (1) the Governor of the covered territory deter-
4 mines that disbursements provided under subsection
5 (b) and any supplemental amounts that may be
6 made available under subsection (a) through future
7 appropriations are inadequate to address any cash-
8 flow shortfalls that result from the damage to the
9 covered territory caused by Hurricanes Irma or
10 Maria; and

11 (2) the conditions described in subsection (d)
12 are satisfied.

13 (d) CONDITIONS.—The Secretary shall make a grant
14 under this section if—

15 (1) the Governor of a covered territory, with re-
16 spect to Puerto Rico, or an authorized representative
17 of an instrumentality of the covered territory, in
18 consultation with appropriate authorities according
19 to the law of the covered territory, delivers to the
20 Secretary a certified requisition for a grant under
21 this section; and

22 (2) the Governor and appropriate authorities as
23 subject to the law of the covered territory certify
24 that the grant is necessary—

1 (A) to support the liquidity needs of the
2 covered territory or an instrumentality of the
3 territory, as applicable; and

4 (B) to meet ongoing recovery needs from
5 Hurricanes Maria and Irma.

6 (e) PROCEDURES.—Certified requisitions shall be
7 submitted on a quarterly basis.

8 (f) LIMITATION.—The total amount of grants made
9 under this subtitle shall not exceed—

10 (1) \$57,206,000,000 with respect to Puerto
11 Rico; and

12 (2) \$5,000,000,000 with respect to the Virgin
13 Islands.