

115TH CONGRESS  
1ST SESSION

# S. 2165

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

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## IN THE SENATE OF THE UNITED STATES

NOVEMBER 28, 2017

Mr. SANDERS (for himself, Ms. WARREN, Ms. HARRIS, Mrs. GILLIBRAND, Mr. MARKEY, Mr. BLUMENTHAL, and Mr. BOOKER) introduced the following bill; which was read twice and referred to the Committee on Finance

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## 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.

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.

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.

- Sec. 416. Distribution of funds made available for equipment assistance grants under the National School Lunch Act to Puerto Rico and the 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.

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****SEC. 201. ASSISTANCE FOR REBUILDING OF ELECTRIC  
GRID.**

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

**(b) REQUIREMENTS.—**

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

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

(B) establishing a transparent process to 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) onshore and offshore wind,  
2 both 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 Martín 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 one or more county-equivalent sub-  
19 divisions in Puerto Rico and the Virgin Islands the aver-  
20 age 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  
16 any funds in the Treasury not otherwise appropriated,  
17 there 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 igned 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 one 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 one 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           may not exceed \$625,000 for the period of  
2           the 2017 through 2022 crop years.

3           “(ii) LIVESTOCK FORAGE DISASTER  
4           PROGRAM.—Payments to a person or legal  
5           entity (excluding a joint venture or general  
6           partnership) in a disaster county under  
7           subsection (c) shall be subject to subpara-  
8           graph (A).”.

9           (b) NONINSURED CROP ASSISTANCE PROGRAM.—  
10          Section 196(i) of the Federal Agriculture Improvement  
11          and Reform Act of 1996 (7 U.S.C. 7333(i)) is amended—

12                 (1) in paragraph (1)—

13                         (A) by striking “subsection, the” and in-  
14                         serting the following “subsection:

15                                 “(A) DISASTER COUNTY.—The term ‘dis-  
16                                 aster county’ means a county included in the  
17                                 geographical area covered by a qualifying nat-  
18                                 ural disaster declaration for calendar year 2017  
19                                 for which the request for that declaration was  
20                                 submitted during the period beginning on Janu-  
21                                 ary 1, 2017, and ending on the date of enact-  
22                                 ment of the Puerto Rico and Virgin Islands Eq-  
23                                 uitable Rebuild Act of 2017.

24                                 “(B) LEGAL ENTITY; PERSON.—The”; and

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

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 THE 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 a 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; or

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 PRO-  
16 GRAM.—For the purpose of this section, the term “means-  
17 tested Federal benefit program” means a mandatory  
18 spending program of the Federal Government, other than  
19 a program under the Higher Education Act of 1965 (20  
20 U.S.C. 1001 et seq.), in which eligibility for the program’s  
21 benefits, or the amount of such benefits, or both, are de-  
22 termined on the basis of income or resources of the indi-  
23 vidual or family seeking the benefit, and may include such  
24 programs as the supplemental security income program  
25 under title XVI of the Social Security Act, the food stamp

1 program 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 two 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 **REMEDIATION**

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 (5) DEPARTMENT OF DEFENSE BASE CLOSURE  
2 ACCOUNT.—Out of funds of the Treasury not other-  
3 wise appropriated, there is appropriated to the De-  
4 partment of Defense Base Closure Account estab-  
5 lished by section 2906(a) of the Defense Base Clo-  
6 sure and Realignment Act of 1990 (part A of title  
7 XXIX of Public Law 101–510; 10 U.S.C. 2687  
8 note) \$46,896,000 for fiscal year 2018, to remain  
9 available until expended, to carry out environmental  
10 restoration activities at properties in Puerto Rico  
11 disposed of pursuant to a base closure law.

12 (b) VIRGIN ISLANDS.—Out of funds of the Treasury  
13 not otherwise appropriated, there is appropriated to the  
14 Environmental Restoration, Formerly Used Defense Sites  
15 account of the Department of Defense \$6,406,000 for fis-  
16 cal year 2018, to remain available until expended, to carry  
17 out environmental restoration activities at sites formerly  
18 used by the Department of Defense in the Virgin Islands.

19 **SEC. 807. ADDITIONAL RECOVERY ASSISTANCE FOR PUER-**  
20 **TO RICO AND THE VIRGIN ISLANDS FUND.**

21 (a) ESTABLISHMENT OF FUND.—There is estab-  
22 lished in the Treasury a fund, to be known as the “Addi-  
23 tional Recovery Assistance for Puerto Rico and the Virgin  
24 Islands Fund” (referred to in this section as the “Fund”),

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 Hurricane 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 the Robert T. Stafford Disaster Re-  
3 lief 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 the Robert  
2 T. 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 the Robert T. Stafford Disaster Re-  
13 lief and Emergency Assistance Act (42 U.S.C. 5184) in  
14 a covered disaster area may not be used to pay principal  
15 or interest due on a bond or other debt that was issued  
16 or 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 the 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 Hurricane 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 Hurricane 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 Hurricane 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.

○