

115TH CONGRESS
2D SESSION

H. R. 4782

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

IN THE HOUSE OF REPRESENTATIVES

JANUARY 11, 2018

Ms. PLASKETT (for herself, Ms. VELÁZQUEZ, Mr. CROWLEY, and Mr. SOTO) introduced the following bill; which was referred to the Committee on Transportation and Infrastructure, and in addition to the Committees on Energy and Commerce, Financial Services, Agriculture, Ways and Means, Natural Resources, Education and the Workforce, the Budget, and Science, Space, and Technology, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

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 2018”.

- 1 (b) TABLE OF CONTENTS.—The table of contents for
 2 this Act is as follows:

- Sec. 1. Short title; table of contents.
 Sec. 2. Purposes.
 Sec. 3. Definitions.

TITLE I—INFRASTRUCTURE

Subtitle A—Energy

- Sec. 101. Assistance for rebuilding of electric grid.
 Sec. 102. Clean energy grants.

Subtitle B—Energy Infrastructure Incentives

- Sec. 111. Grant program to promote access to renewable energy and energy efficiency for Puerto Rico and the Virgin Islands.
 Sec. 112. Incentives for energy efficient commercial buildings.
 Sec. 113. Incentives for new energy efficient homes.
 Sec. 114. Incentives for alternative motor vehicles and qualified plug-in electric drive motor vehicles.

Subtitle C—Transportation, Housing, and Agriculture Incentives

- Sec. 121. General provisions.
 Sec. 122. Highway program.
 Sec. 123. Federal-aid highway emergency relief program.
 Sec. 124. Public Transportation Emergency Relief Program.
 Sec. 125. TIGER discretionary grants.
 Sec. 126. Passenger and freight rail improvements.
 Sec. 127. Airport improvement program.
 Sec. 128. Airport Facilities and Equipment.
 Sec. 129. Clean and safe water revolving funds.
 Sec. 130. Construction of ferry boats and ferry terminal facilities.
 Sec. 131. Corps of Engineers funds.
 Sec. 132. Predisaster hazard mitigation and resiliency.
 Sec. 133. Broadband programs.
 Sec. 134. Housing and community development.
 Sec. 135. Oversight.

TITLE II—MEDICAID AND MEDICARE PARITY

Subtitle A—Medicaid

- Sec. 201. Elimination of general Medicaid funding limitations (“cap”) for territories.
 Sec. 202. 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. 203. Application of Medicaid waiver authority to all of the territories.
 Sec. 204. Permitting Medicaid DSH allotments for territories.

Subtitle B—Medicare

PART I—PART A

- Sec. 211. Calculation of Medicare DSH payments for IPPS hospitals in Puerto Rico.
- Sec. 212. Rebasing target amount for hospitals in territories.
- Sec. 213. Medicare DSH target adjustment for hospitals in territories.

PART II—PART B

- Sec. 221. 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. 231. Adjustment in benchmark for low-base payment counties in Puerto Rico.

PART IV—PART D

- Sec. 241. Improved use of allocated prescription drug funds by territories.
- Sec. 242. Report on treatment of territories under Medicare part D.

Subtitle C—Miscellaneous

- Sec. 251. Modified treatment of territories with respect to application of ACA annual health insurance provider fees.
- Sec. 252. Medicaid and CHIP territory transparency and information.
- Sec. 253. Report on exclusion of territories from Exchanges.
- Sec. 254. Access to coverage for individuals in certain areas without any available Exchange plans.
- Sec. 255. Extension of family-to-family health information centers program to territories.
- Sec. 256. Temporary increase in Social Services Block Grant allotments for Puerto Rico and the Virgin Islands.

TITLE III—AGRICULTURE

- Sec. 301. Rural Utilities Service programs.
- Sec. 302. Rural Energy for America Program.
- Sec. 303. Rural community facilities program.
- Sec. 304. Rural housing.
- Sec. 305. Watershed and flood prevention operations.
- Sec. 306. Community facilities grants.
- Sec. 307. Waiver of noninsured crop disaster assistance program service fee.
- Sec. 308. Assistance for Community Food Projects.
- Sec. 309. Participation of Puerto Rico, American Samoa, and the Northern Mariana Islands in supplemental nutrition assistance program.
- Sec. 310. Payment limitations for certain producers in disaster areas.
- Sec. 311. Treatment of certain producers as socially disadvantaged farmers and ranchers.
- Sec. 312. Emergency watershed protection program.
- Sec. 313. Emergency forest restoration program.
- Sec. 314. Treatment of certain producers as limited resource producers.
- Sec. 315. Retroactive availability of catastrophic level of protection under non-insured crop assistance program.
- Sec. 316. Distribution of funds made available for equipment assistance grants under the National School Lunch Act to Puerto Rico and the Virgin Islands.

- Sec. 317. Special supplemental nutrition program for women, infants, and children.
- Sec. 318. Deadline for application submission.

TITLE IV—VETERANS AFFAIRS

- Sec. 401. Appropriation of amounts for Department of Veterans Affairs to address consequences of Hurricane Irma and Hurricane Maria in Puerto Rico and the Virgin Islands.

TITLE V—EDUCATION RECOVERY

Subtitle A—Educational Assistance Funds

- Sec. 501. Education and Head Start funding.

Subtitle B—Elementary and Secondary Education Disaster Relief

- Sec. 511. Definitions.
- Sec. 512. Immediate aid to restart school operations.
- Sec. 513. Allocations to local educational agencies for the long-term improvement of public school facilities.
- Sec. 514. Hold harmless for local educational agencies serving major disaster areas.
- Sec. 515. Paraprofessional reciprocity; delay.
- Sec. 516. Regulatory and financial relief.
- Sec. 517. Assistance for homeless children and youths.
- Sec. 518. Temporary emergency impact aid for displaced students.
- Sec. 519. Severability.
- Sec. 520. Authorization of funds.
- Sec. 521. Sunset provision.

Subtitle C—Higher Education Disaster Relief

- Sec. 531. Definitions.
- Sec. 532. General waivers and modifications.
- Sec. 533. Modification of part A of title II grants authorized.
- Sec. 534. Authorized uses of Trio, Gear-Up, part A or B of title III, title V, and other grants.
- Sec. 535. Professional judgment.
- Sec. 536. Expanding information dissemination regarding eligibility for Federal Pell Grants.
- Sec. 537. Procedures.
- Sec. 538. Temporary deferral for affected Federal student loan borrowers.
- Sec. 539. Termination of authority.
- Sec. 540. Virgin Islands and Puerto Rico college access.

Subtitle D—Disaster Relief for Other Education and Related Programs

- Sec. 551. Definitions.
- Sec. 552. Agreements to extend certain deadlines of the individuals with disabilities education act to facilitate the provision of educational services to children with disabilities.
- Sec. 553. Head Start and child care and development block grants.

TITLE VI—ECONOMIC DEVELOPMENT ASSISTANCE AND WORKER PROTECTIONS

- Sec. 601. Training and employment services.
- Sec. 602. Equitable treatment for possessions of the United States with respect to the earned income tax credit and the child tax credit.
- Sec. 603. Requirement to use local labor.
- Sec. 604. Minimum wage for young employees in Puerto Rico.
- Sec. 605. Overtime hours protections for workers in Puerto Rico.
- Sec. 606. Unemployment assistance for Puerto Rico and the Virgin Islands.
- Sec. 607. Extension of the supplemental security income program to territories.
- Sec. 608. Economic Development Assistance Programs.
- Sec. 609. Appropriation to CDFI Fund for disaster relief in Puerto Rico and the Virgin Islands.
- Sec. 610. Community Development Fund.
- Sec. 611. Small Business Administration disaster loans.
- Sec. 612. Temporary increase in new markets tax credit for investments in community development entities serving covered disaster areas.
- Sec. 613. Full run cover over.
- Sec. 614. Temporary modification to tax home and closer connection test.
- Sec. 615. Income allocable to fixed place of business.
- Sec. 616. Federal permitting.

TITLE VII—ENVIRONMENTAL REMEDIATION

- Sec. 701. National Park Service Historic Preservation Fund.
- Sec. 702. Environmental Protection Agency Environmental Programs and Management.
- Sec. 703. Hazardous Substance Superfund.
- Sec. 704. Leaking Underground Storage Tank Fund.
- Sec. 705. Department of the Interior grants.
- Sec. 706. Department of Defense environmental restoration.
- Sec. 707. Additional Recovery Assistance for Puerto Rico and the Virgin Islands Fund.
- Sec. 708. United States Fish and Wildlife Service construction.
- Sec. 709. Activities carried out by the Chief of Engineers in Puerto Rico.
- Sec. 710. Land and water conservation fund parity.

TITLE VIII—LONG-TERM RESILIENT EMERGENCY DISASTER RELIEF PLAN

- Sec. 801. Long-term disaster relief plan for Puerto Rico and the Virgin Islands.

TITLE IX—FEMA PROVISIONS

- Sec. 901. Waiver of non-Federal share requirements.
- Sec. 902. Hazard mitigation.
- Sec. 903. Repair, restoration, and replacement of damaged facilities.
- Sec. 904. Community disaster loans.
- Sec. 905. Waiver of limit on management costs.
- Sec. 906. Maximum amount of assistance for individuals and households program.
- Sec. 907. Restoration of telecommunications infrastructure.
- Sec. 908. Availability of translators.

TITLE X—EMERGENCY FUNDING

Subtitle A—General Provisions

- Sec. 1001. Extension of claim filing deadline.

Sec. 1002. Emergency designation.

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

Sec. 1011. Definitions.

Sec. 1012. Puerto Rico and United States Virgin Islands Hurricane Damage Restoration Account.

Sec. 1013. 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

1 weather events caused by anthropogenic climate
2 change; and

3 (7) during the recovery efforts, prioritize, where
4 possible—

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

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

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

20 **SEC. 3. DEFINITIONS.**

21 In this Act:

22 (1) COVERED DISASTER.—The term “covered
23 disaster” means a major disaster declared by the
24 President under section 401 of the Robert T. Staf-
25 ford Disaster Relief and Emergency Assistance Act

(42 U.S.C. 5170) with respect to Hurricane Irma or Hurricane Maria.

(2) COVERED DISASTER AREA.—The term “covered disaster area” means an area—

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

(B) for which the President declared a covered disaster.

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

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

(5) VIRGIN ISLANDS.—The term “Virgin Islands” means the Virgin Islands of the United States.

TITLE I—INFRASTRUCTURE

Subtitle A—Energy

SEC. 101. ASSISTANCE FOR REBUILDING OF ELECTRIC GRID.

(a) DEFINITIONS.—In this section:

1 (1) EFFICIENT.—The term “efficient” means,
2 with respect to a technology, product, material,
3 equipment, or practice, the use of the technology,
4 product, material, equipment, or practice in a man-
5 ner that results in reduced energy consumption or
6 energy costs for the same level of service or a higher
7 level of service.

8 (2) RESILIENT.—The term “resilient” means,
9 with respect to a system or a component of a sys-
10 tem, the ability of the system or component to adapt
11 to a changing condition and withstand and rapidly
12 recover from a disruption.

13 (b) USE OF RESILIENT ENERGY SYSTEMS TO RE-
14 BUILD FOLLOWING DISASTERS.—

15 (1) IN GENERAL.—Notwithstanding any other
16 provision of law, assistance provided under sections
17 403, 404, 406, 408, and 428 of the Robert T. Staf-
18 ford Disaster Relief and Emergency Assistance Act
19 (42 U.S.C. 5170b, 5170c, 5172, 5174, 5189f) may
20 be used to build, repair, restore, reconstruct, or re-
21 place an energy system or building in a covered dis-
22 aster area as a result of a covered disaster in a man-
23 ner that—

24 (A) is more resilient;

25 (B) is more efficient;

1 (C) provides continuous flow of power to
2 facilities critical to public health, safety, and
3 welfare;

4 (D) maximizes the use of clean energy re-
5 sources and energy storage technologies; and

6 (E) promotes lower energy bills to the ex-
7 tent feasible.

8 (2) RULE OF CONSTRUCTION.—Nothing in
9 paragraph (1) creates eligibility for assistance for
10 any energy provider that is not otherwise eligible for
11 assistance under the Robert T. Stafford Disaster
12 Relief and Emergency Assistance Act (42 U.S.C.
13 5121 et seq.).

14 (3) COORDINATION WITH PRIVATE ENTITIES.—

15 (A) IN GENERAL.—The Administrator of
16 the Federal Emergency Management Agency
17 shall designate a representative of the Agency
18 to coordinate with one or more private entities
19 that are interested in donating energy system
20 technologies and services to rebuild in accord-
21 ance with paragraph (1).

22 (B) COORDINATION AMONG AGENCIES.—In
23 carrying out subparagraph (A), the Adminis-
24 trator of the Federal Emergency Management
25 Agency is encouraged to coordinate with the

1 Secretary of Energy and the Secretary of
2 Homeland Security.

3 (4) TECHNICAL ASSISTANCE.—

4 (A) IN GENERAL.—Not later than 90 days
5 after the date of enactment of this Act, each
6 National Laboratory (as defined in section 2 of
7 the Energy Policy Act of 2005 (42 U.S.C.
8 15801)), in coordination with the programs of
9 the Department of Energy that provide assist-
10 ance to States and industry, shall make tech-
11 nical assistance available to Federal, State, and
12 local agencies and private entities that are in-
13 terested in—

14 (i) developing plans or providing guid-
15 ance on the design of a resilient and effi-
16 cient energy system or building; and

17 (ii) building, repairing, restoring, re-
18 constructing, or replacing an energy sys-
19 tem or building in accordance with para-
20 graph (1).

21 (B) CONSULTATION AMONG AGENCIES.—

22 The Administrator of the Federal Emergency
23 Management Agency is encouraged to consult
24 with the Secretary of Defense regarding the ex-

1 perience of the Department of Defense in build-
2 ing resilient power systems.

3 (c) APPROPRIATION OF FUNDS.—Out of funds of the
4 Treasury not otherwise appropriated, there is appro-
5 priated to the Administrator of the Federal Emergency
6 Management Agency \$13,000,000,000 for fiscal year
7 2018, to remain available until expended, for carrying out
8 the activities authorized under this section (including tech-
9 nical assistance and related activities), and other related
10 activities, including conservation and renewable resources
11 programs as authorized. Nothing in this section shall be
12 construed to limit any authority to provide emergency as-
13 sistance otherwise provided by law.

14 **SEC. 102. CLEAN ENERGY GRANTS.**

15 (a) ENERGY EFFICIENCY AND RENEWABLE EN-
16 ERGY.—

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

1 ble allocation formula, to provide grants under the
2 programs described in that paragraph.

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

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

19 (B) not less than \$1,700,000 shall be
20 made available to Puerto Rico and not less than
21 \$390,000 shall be made available to the Virgin
22 Islands, to remain available until expended, for
23 grants under the Weatherization Assistance
24 Program for Low-Income Persons established
25 under part A of title IV of the Energy Con-

1 servation and Production Act (42 U.S.C. 6861
2 et seq.); and

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

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

19 (1) \$30,400,000 shall be made available to
20 Puerto Rico; and

21 (2) \$1,200,000 shall be made available to the
22 Virgin Islands.

23 (c) ELECTRICITY DELIVERY AND ENERGY RELI-
24 ABILITY.—Out of funds of the Treasury not otherwise ap-
25 propriated, there is appropriated to the Electricity Deliv-

1 ery and Energy Reliability Account of the Department of
2 Energy \$6,500,000 for fiscal year 2018, to remain avail-
3 able until expended—

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

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

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

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

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

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

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

3 **SEC. 111. 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 6, 2017, and

22 (2) in the case of any other specified energy
23 property, such property is placed in service after
24 September 6, 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 “the United States”. In
12 applying such rules, if the property is disposed of, or oth-
13 erwise ceases to be specified energy property, the Sec-
14 retary of the Treasury shall provide for the recapture of
15 the appropriate percentage of the grant amount in such
16 manner as the Secretary of the Treasury determines ap-
17 propriate.

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

20 (1) for providing grants for specified energy
21 property placed in service in Puerto Rico,
22 \$270,000,000, and

23 (2) for providing grants for specified energy
24 property placed in service in the Virgin Islands,
25 \$20,000,000,

1 to remain available until expended.

2 **SEC. 112. INCENTIVES FOR ENERGY EFFICIENT COMMER-**
3 **CIAL BUILDINGS.**

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 energy efficient
10 commercial building property to reimburse such per-
11 son for a portion of the expense of such property as
12 provided in paragraph (2). No grant shall be made
13 under this subsection with respect to any property
14 unless such property is placed in service after Sep-
15 tember 6, 2017.

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

20 (A) 35 percent, and

21 (B) the excess of—

22 (i) the product of—

23 (I) \$1.80, and

24 (II) the square footage of the
25 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. 113. 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 6, 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 6, 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. 114. 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 6, 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. 121. 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. 122. 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. 123. FEDERAL-AID HIGHWAY EMERGENCY RELIEF**
 21 **PROGRAM.**

22 (a) IN GENERAL.—Section 125(d) of title 23, United
 23 States Code, is amended—

24 (1) by striking paragraph (4); and

25 (2) by redesignating paragraph (5) as para-
 26 graph (4).

1 (b) FUNDING.—Out of funds of the Treasury not oth-
2 erwise appropriated, there is appropriated to the emer-
3 gency fund established under section 125 of title 23,
4 United States Code, \$2,122,000,000 for fiscal year 2018,
5 to remain available until expended, for the repair or recon-
6 struction of highways, roads, and trails in Puerto Rico and
7 the Virgin Islands.

8 **SEC. 124. PUBLIC TRANSPORTATION EMERGENCY RELIEF**
9 **PROGRAM.**

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

1 **SEC. 125. TIGER DISCRETIONARY GRANTS.**

2 (a) DEFINITION OF TIGER DISCRETIONARY
3 GRANT.—In this section, the term “TIGER discretionary
4 grant” means a grant awarded and administered by the
5 Secretary of Transportation using funds made available
6 for national infrastructure investments under title I of di-
7 vision L of the Consolidated Appropriations Act, 2016
8 (Public Law 114–113; 129 Stat. 2835).

9 (b) REQUIREMENT.—Out of funds of the Treasury
10 not otherwise appropriated, there is appropriated to the
11 Secretary of Transportation \$250,000,000 for fiscal year
12 2018, to remain available until expended, to award
13 TIGER discretionary grants for eligible programs and ac-
14 tivities in Puerto Rico and the Virgin Islands.

15 **SEC. 126. PASSENGER AND FREIGHT RAIL IMPROVEMENTS.**

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

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

25 (1) not more than 15 percent may be used for
26 temporary operating assistance for such rail and

1 transit projects as the Secretary of Transportation
2 determines to be eligible; and

3 (2) not more than 50 percent may be allocated
4 to another transportation capital investment account
5 funded under this Act, on approval of the Secretary
6 of Transportation.

7 **SEC. 127. AIRPORT IMPROVEMENT PROGRAM.**

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

15 **SEC. 128. AIRPORT FACILITIES AND EQUIPMENT.**

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

1 **SEC. 129. CLEAN AND SAFE WATER REVOLVING FUNDS.**

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

5 (1) \$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 water pollution control re-
9 volving funds under title VI of the Federal Water
10 Pollution Control Act (33 U.S.C. 1381 et seq.); and

11 (2) \$125,000,000, to remain available until ex-
12 pended, to make capitalization grants to Puerto Rico
13 and the Virgin Islands for the purpose of estab-
14 lishing and maintaining drinking water treatment
15 revolving loan funds under section 1452(a) of the
16 Safe Drinking Water Act (42 U.S.C. 300j–12(a)).

17 **SEC. 130. CONSTRUCTION OF FERRY BOATS AND FERRY**
18 **TERMINAL FACILITIES.**

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

1 **SEC. 131. CORPS OF ENGINEERS FUNDS.**

2 (a) CONSTRUCTION ACCOUNT.—Out of funds of the
3 Treasury not otherwise appropriated, there is appro-
4 priated to the Construction Account of the Corps of Engi-
5 neers \$3,255,000,000 for fiscal year 2018, to remain
6 available until expended, for authorized navigation, coastal
7 storm and riverine flood damage reduction, ecosystem res-
8 toration, and environmental infrastructure assistance ac-
9 tivities, of which—

10 (1) \$1,830,000,000 is for such activities in
11 Puerto Rico, with priority given to dredging the
12 Caño Martín Peña; and

13 (2) \$1,425,000,000 is for such activities in the
14 Virgin Islands.

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

1 **SEC. 132. PREDISASTER HAZARD MITIGATION AND RESIL-**
2 **IENCY.**

3 Out of funds of the Treasury not otherwise appro-
4 priated, there is appropriated to the Director of the Fed-
5 eral Emergency Management Agency \$250,000,000 for
6 fiscal year 2018, to remain available until expended, to
7 carry out in Puerto Rico and the Virgin Islands minor lo-
8 calized flood reduction projects and major flood risk re-
9 duction projects under the predisaster hazard mitigation
10 program under section 203 of the Robert T. Stafford Dis-
11 aster Relief and Emergency Assistance Act (42 U.S.C.
12 5133).

13 **SEC. 133. BROADBAND PROGRAMS.**

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

23 (1) public or cooperatively owned telecommuni-
24 cations systems; or

1 (2) telecommunications systems that provide
2 telehealth, distance learning, and public safety bene-
3 fits.

4 (b) BROADBANDUSA PROGRAM.—Out of funds of
5 the Treasury not otherwise appropriated, there is appro-
6 priated \$150,000,000 for fiscal year 2018, to remain
7 available until expended, to the National Telecommuni-
8 cations and Information Administration to carry out the
9 BroadbandUSA program in Puerto Rico and the Virgin
10 Islands, with preference given to—

11 (1) public or cooperatively owned telecommuni-
12 cations systems; or

13 (2) telecommunications systems that provide
14 telehealth, distance learning, and public safety bene-
15 fits.

16 **SEC. 134. HOUSING AND COMMUNITY DEVELOPMENT.**

17 (a) HOME INVESTMENT PARTNERSHIPS PRO-
18 GRAM.—

19 (1) ALL PARTICIPATING JURISDICTIONS.—Out
20 of funds of the Treasury not otherwise appropriated,
21 there is appropriated \$85,000,000 for fiscal year
22 2018, to remain available until expended, for the
23 HOME Investment Partnerships program authorized
24 under title II of the Cranston-Gonzalez National Af-
25 fordable Housing Act (42 U.S.C. 12721 et seq.)—

1 (A) to be allocated between Puerto Rico
2 and the Virgin Islands in the same proportion
3 as for the most recent fiscal year; and

4 (B) of which the amount allocated to Puer-
5 to Rico under subparagraph (A) shall be allo-
6 cated proportionately among participating juris-
7 dictions in Puerto Rico in accordance with the
8 allocation among such jurisdictions for the most
9 recent fiscal year.

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

1 relocating homes from the banks of the channel to
2 other locations in the community.

3 (b) COMMUNITY DEVELOPMENT BLOCK GRANT PRO-
4 GRAM.—

5 (1) ALL JURISDICTIONS.—Out of funds of the
6 Treasury not otherwise appropriated, there is appro-
7 priated \$300,000,000 for fiscal year 2018, to remain
8 available until expended, for the community develop-
9 ment block grant program under title I of the Hous-
10 ing and Community Development Act of 1974 (42
11 U.S.C. 5301 et seq.)—

12 (A) to be allocated between Puerto Rico
13 and the Virgin Islands in the same proportion
14 as for the most recent fiscal year; and

15 (B) of which the amount allocated to Puer-
16 to Rico under subparagraph (A) shall be allo-
17 cated proportionately among entitlement com-
18 munities and nonentitlement communities in
19 Puerto Rico in accordance with the allocation
20 among such communities for the most recent
21 fiscal year.

22 (2) CAÑO MARTÍN PEÑA COMMUNITIES.—Out of
23 funds of the Treasury not otherwise appropriated, in
24 addition to the amount appropriated under para-
25 graph (1), there is appropriated \$25,000,000 for fis-

1 cal year 2018, to remain available until expended,
2 for the community development block grant program
3 under title I of the Housing and Community Devel-
4 opment Act of 1974 (42 U.S.C. 5301 et seq.) to be
5 allocated to the Municipality of San Juan for use by
6 the Martín Peña Canal ENLACE Project Corpora-
7 tion (also known as “La Corporación del Proyecto
8 ENLACE del Caño Martín Peña”) for housing,
9 community, and economic development in the 8
10 Caño Martín Peña communities.

11 (c) LOW-INCOME HOUSING OPERATING SUBSIDY.—
12 Out of funds of the Treasury not otherwise appropriated,
13 there is appropriated \$41,200,000 for fiscal year 2018,
14 to remain available until expended, for payments to public
15 housing agencies for the operation and management of
16 public housing, as authorized under section 9(e) of the
17 United States Housing Act of 1937 (42 U.S.C. 1437g(e)),
18 of which—

19 (1) \$40,000,000 is for such payments to public
20 housing agencies in Puerto Rico; and

21 (2) \$1,200,000 is for such payments to public
22 housing agencies in the Virgin Islands.

23 (d) CHOICE NEIGHBORHOODS PROGRAM.—Out of
24 funds of the Treasury not otherwise appropriated, there
25 is appropriated \$172,000,000 for fiscal year 2018, to re-

1 main available until expended, for competitive grants
2 under the Choice Neighborhoods Initiative of the Depart-
3 ment of Housing and Urban Development for trans-
4 formation, rehabilitation, and replacement housing needs
5 of both public housing and Department of Housing and
6 Urban Development-assisted housing and to transform
7 neighborhoods of poverty into functioning, sustainable
8 mixed income neighborhoods with appropriate services,
9 schools, public assets, transportation, and access to jobs,
10 of which—

11 (1) \$167,000,000 is for grants for such pur-
12 poses in Puerto Rico; and

13 (2) \$5,000,000 is for grants for such purposes
14 in the Virgin Islands.

15 (e) SECTION 8 ADMINISTRATIVE FEES.—Out of
16 funds of the Treasury not otherwise appropriated, there
17 is appropriated \$47,600,000 for fiscal year 2018, to re-
18 main available until expended, for administrative and
19 other expenses of public housing agencies in administering
20 the tenant-based rental assistance program under section
21 8 of the United States Housing Act of 1947 (42 U.S.C.
22 1437f) in Puerto Rico and the Virgin Islands, of which—

23 (1) \$46,200,000 is for such expenses in Puerto
24 Rico; and

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

3 (f) PUBLIC HOUSING CAPITAL FUND.—Out of funds
4 of the Treasury not otherwise appropriated, there is ap-
5 propriated \$687,000,000 for fiscal year 2018, to remain
6 available until expended, for the Public Housing Capital
7 Fund Program of the Department of Housing and Urban
8 Development to carry out capital and management activi-
9 ties for public housing agencies, as authorized under sec-
10 tion 9 of the United States Housing Act of 1937 (42
11 U.S.C. 1437g), of which—

12 (1) \$667,000,000 is for such activities in Puer-
13 to Rico; and

14 (2) \$20,000,000 is for such activities in the
15 Virgin Islands.

16 (g) EMERGENCY SOLUTIONS GRANTS.—Out of funds
17 of the Treasury not otherwise appropriated, there is ap-
18 propriated \$102,000,000 for fiscal year 2018, to remain
19 available until expended, for assistance to Puerto Rico and
20 the Virgin Islands under the Emergency Solutions Grant
21 Program under subtitle B of title IV of the McKinney-
22 Vento Homeless Assistance Act (42 U.S.C. 11371 et seq.),
23 of which—

24 (1) \$99,000,000 is for assistance to Puerto
25 Rico; and

1 (2) \$3,000,000 is for assistance to the Virgin
2 Islands.

3 **SEC. 135. OVERSIGHT.**

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

11 (b) REQUIREMENTS.—The planning process required
12 under subsection (a) shall—

13 (1) contain an assessment of the current water
14 needs of the customer classes and future, moderniza-
15 tion and resiliency needs of a rebuilt drinking and
16 waste water system;

17 (2) describe a transparent and participatory
18 process to evaluate and determine the potential op-
19 tions for meeting the above needs; and

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

**TITLE II—MEDICAID AND
MEDICARE PARITY
Subtitle A—Medicaid**

**SEC. 201. ELIMINATION OF GENERAL MEDICAID FUNDING
LIMITATIONS (“CAP”) FOR TERRITORIES.**

(a) IN GENERAL.—Section 1108 of the Social Security Act (42 U.S.C. 1308) is amended—

(1) in subsection (f), in the matter preceding paragraph (1), by striking “subsection (g)” and inserting “subsections (g) and (h)”;

(2) in subsection (g)(2), in the matter preceding subparagraph (A), by inserting “subsection (h)” after “subject to”; and

(3) by adding at the end the following new subsection:

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

(b) CONFORMING AMENDMENTS.—

1 (1) Section 1902(j) of the Social Security Act
 2 (42 U.S.C. 1396a(j)) is amended by striking “, the
 3 limitation in section 1108(f),”.

4 (2) Section 1903(u) of the Social Security Act
 5 (42 U.S.C. 1396b(u)) is amended by striking para-
 6 graph (4).

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

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

12 **SEC. 202. ELIMINATION OF SPECIFIC FEDERAL MEDICAL**
 13 **ASSISTANCE PERCENTAGE (FMAP) LIMITA-**
 14 **TION FOR TERRITORIES; TEMPORARILY IN-**
 15 **CREASING THE FMAP FOR PUERTO RICO AND**
 16 **THE VIRGIN ISLANDS TO 100 PERCENT.**

17 Section 1905(b) of the Social Security Act (42 U.S.C.
 18 1396d(b)) is amended—

19 (1) in clause (2), by inserting “for fiscal years
 20 before fiscal year 2019” after “American Samoa”;
 21 and

22 (2) by adding at the end the following new sen-
 23 tence: “Notwithstanding the first sentence of this
 24 subsection, for each of fiscal years 2018 and 2019,

1 the Federal medical assistance percentage for Puerto
2 Rico and the Virgin Islands shall be 100 percent.”.

3 **SEC. 203. APPLICATION OF MEDICAID WAIVER AUTHORITY**
4 **TO ALL OF THE TERRITORIES.**

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

7 (1) by striking “American Samoa and the
8 Northern Mariana Islands” and inserting “Puerto
9 Rico, the Virgin Islands of the United States, Guam,
10 the Northern Mariana Islands, and American
11 Samoa”;

12 (2) by striking “American Samoa or the North-
13 ern Mariana Islands” and inserting “Puerto Rico,
14 the Virgin Islands of the United States, Guam, the
15 Northern Mariana Islands, or American Samoa”;

16 (3) by inserting “(1)” before “Notwith-
17 standing”;

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

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

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

1 “(A) the requirement of subsection
2 (a)(10)(A)(i)(IX) (relating to coverage of adults for-
3 merly under foster care);

4 “(B) the requirement to provide medical assist-
5 ance for early and periodic screening, diagnostic,
6 and treatment services (as defined in section
7 1905(r)) for individuals who are eligible for assist-
8 ance under the program and who under the age of
9 21; or

10 “(C) the requirement to provide for payment
11 for services described in section 1905(a)(2)(C) fur-
12 nished by a Federally-qualified health center and
13 services described in section 1905(a)(2)(B) furnished
14 by a rural health clinic in accordance with the provi-
15 sions of subsection (bb).”.

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

18 **SEC. 204. PERMITTING MEDICAID DSH ALLOTMENTS FOR**
19 **TERRITORIES.**

20 Section 1923(f) of the Social Security Act (42 U.S.C.
21 1396) is amended—

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

24 “(C) TERRITORIES.—

1 “(i) FISCAL YEAR 2019.—For fiscal
2 year 2019, the DSH allotment for Puerto
3 Rico, the Virgin Islands of the United
4 States, Guam, the Northern Mariana Is-
5 lands, and American Samoa shall bear the
6 same ratio to \$150,000,000 as the ratio of
7 the number of individuals who are low-in-
8 come or uninsured and residing in such re-
9 spective territory (as estimated from time
10 to time by the Secretary) bears to the
11 sums of the number of such individuals re-
12 siding in all of the territories.

13 “(ii) SUBSEQUENT FISCAL YEAR.—
14 For each subsequent fiscal year, the DSH
15 allotment for each such territory is subject
16 to an increase in accordance with para-
17 graph (2).”; and

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

Subtitle B—Medicare

PART I—PART A

SEC. 211. CALCULATION OF MEDICARE DSH PAYMENTS FOR IPPS HOSPITALS IN PUERTO RICO.

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

“(iii) Subparagraph (F) (relating to disproportionate share payments), including application of subsection (r), except that for this purpose—

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

“(II) for discharges occurring on or after October 1, 2017, subclause (I) of paragraph (5)(F)(vi) shall be applied by substituting for the numerator described in such subclause the number of subsection (d) Puerto Rico hospital’s patient days for the cost reporting period involved which were made up of patients who (for such days) were entitled to benefits under part A of this title and were—

“(aa) entitled to supplementary security income benefits (excluding any State

1 supplementation) under title XVI of this
2 Act;

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

5 “(cc) receiving aid or assistance under
6 any plan of the State approved under title
7 I, X, XIV, or XVI.”.

8 **SEC. 212. REBASING TARGET AMOUNT FOR HOSPITALS IN**
9 **TERRITORIES.**

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

13 “(M)(i) For each cost reporting period be-
14 ginning on or after October 1, 2017, in the case
15 of a hospital located in a territory of the United
16 States, there shall be substituted for the target
17 amount otherwise determined under subpara-
18 graph (A) the rebased target amount (as de-
19 fined in clause (ii)), if such substitution results
20 in an amount of payment under this section to
21 the hospital for such period that is greater than
22 the amount of payment that would be made
23 under this section to the hospital for such pe-
24 riod if this subparagraph were not to apply.

1 “(ii) For purposes of this subparagraph,
 2 the term ‘rebased target amount’ has the mean-
 3 ing given the term ‘target amount’ in subpara-
 4 graph (A), except that—

5 “(I) there shall be substituted for the
 6 base cost reporting period the 12-month
 7 cost reporting period beginning during fis-
 8 cal year 2015;

9 “(II) any reference in subparagraph
 10 (A)(i) to the ‘first such cost reporting pe-
 11 riod’ is deemed a reference to the first cost
 12 reporting period beginning on or after Oc-
 13 tober 1, 2017; and

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

18 “(iii) Nothing in this subparagraph shall
 19 affect any rebasing request by a hospital for
 20 any cost reporting period beginning during a
 21 fiscal year before fiscal year 2015.”.

22 **SEC. 213. MEDICARE DSH TARGET ADJUSTMENT FOR HOS-**
 23 **PITALS IN TERRITORIES.**

24 Section 1886(b)(3) of the Social Security Act (42
 25 U.S.C. 1395ww(b)(3)), as amended by section 212, is

1 amended by adding at the end the following new subpara-
2 graph:

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

10 “(I) in the case that such hospital has
11 a disproportionate patient percentage of
12 not less than 15 percent and not greater
13 than 40 percent, 10 percent; and

14 “(II) in the case that such hospital
15 has a disproportionate patient percentage
16 of greater than 40 percent, 10 percent plus
17 60 percent of the number of percentage
18 points by which such hospital’s dispropor-
19 tionate patient percentage exceeds 40 per-
20 cent.

21 “(ii) For purposes of this subparagraph,
22 the term ‘disproportionate patient percentage’
23 has the meaning given such term in subsection
24 (d)(5)(F)(vi), except that in applying such
25 meaning any reference under such subsection to

1 individuals entitled to supplementary security
 2 income under title XVI shall be deemed for pur-
 3 poses of this subparagraph to include individ-
 4 uals—

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

7 “(II) receiving aid or assistance under
 8 any plan of the territory approved under
 9 title I, X, XIV, or XVI.”.

10 **PART II—PART B**

11 **SEC. 221. APPLICATION OF PART B DEEMED ENROLLMENT**

12 **PROCESS TO RESIDENTS OF PUERTO RICO;**

13 **SPECIAL ENROLLMENT PERIOD AND LIMIT**

14 **ON LATE ENROLLMENT PENALTIES.**

15 (a) APPLICATION OF PART B DEEMED ENROLLMENT
 16 PROCESS TO RESIDENTS OF PUERTO RICO.—Section
 17 1837(f)(3) of the Social Security Act (42 U.S.C.
 18 1395p(f)(3)) is amended by striking “, exclusive of Puerto
 19 Rico”.

20 (b) EFFECTIVE DATE.—The amendment made by
 21 subsection (a) shall apply to individuals whose initial en-
 22 rollment period under section 1837(d) of the Social Secu-
 23 rity Act begins on or after the first day of the effective
 24 month, specified by the Secretary of Health and Human

1 Services under section 1839(j)(1)(C) of such Act, as added
 2 by subsection (c)(2).

3 (c) TRANSITION PROVIDING SPECIAL ENROLLMENT
 4 PERIOD AND LIMIT ON LATE ENROLLMENT PENALTIES
 5 FOR CERTAIN MEDICARE BENEFICIARIES.—Section 1839
 6 of the Social Security Act (42 U.S.C. 1395r) is amend-
 7 ed—

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

11 (2) by adding at the end the following new sub-
 12 section:

13 “(j) SPECIAL RULES FOR CERTAIN RESIDENTS OF
 14 PUERTO RICO.—

15 “(1) SPECIAL ENROLLMENT PERIOD, COVERAGE
 16 PERIOD FOR RESIDENTS WHO ARE ELIGIBLE BUT
 17 NOT ENROLLED.—

18 “(A) IN GENERAL.—In the case of a tran-
 19 sition individual (as defined in paragraph (3))
 20 who is not enrolled under this part as of the
 21 day before the first day of the effective month
 22 (as defined in subparagraph (C)), the Secretary
 23 shall provide for a special enrollment period
 24 under section 1837 of 7 months beginning with

1 such effective month during which the indi-
2 vidual may be enrolled under this part.

3 “(B) COVERAGE PERIOD.—In the case of
4 such an individual who enrolls during such spe-
5 cial enrollment period, the coverage period
6 under section 1838 shall begin on the first day
7 of the second month after the month in which
8 the individual enrolls.

9 “(C) EFFECTIVE MONTH DEFINED.—In
10 this section, the term ‘effective month’ means a
11 month, not earlier than October 2018 and not
12 later than January 2019, specified by the Sec-
13 retary.

14 “(2) REDUCTION IN LATE ENROLLMENT PEN-
15 ALTIES FOR CURRENT ENROLLEES AND INDIVID-
16 UALS ENROLLING DURING TRANSITION.—

17 “(A) IN GENERAL.—In the case of a tran-
18 sition individual who is enrolled under this part
19 as of the day before the first day of the effec-
20 tive month or who enrolls under this part on or
21 after the date of the enactment of this sub-
22 section but before the end of the special enroll-
23 ment period under paragraph (1)(A), the
24 amount of the late enrollment penalty imposed
25 under section 1839(b) shall be recalculated by

1 reducing the penalty to 15 percent of the pen-
2 alty otherwise established.

3 “(B) APPLICATION.—Subparagraph (A)
4 shall be applied in the case of a transition indi-
5 vidual who—

6 “(i) is enrolled under this part as of
7 the month before the effective month, for
8 premiums for months beginning with such
9 effective month; or

10 “(ii) enrolls under this part on or
11 after the date of the enactment of this Act
12 and before the end of the special enroll-
13 ment period under paragraph (1)(A), for
14 premiums for months during the coverage
15 period under this part which occur during
16 or after the effective month.

17 “(C) LOSS OF REDUCTION IF INDIVIDUAL
18 TERMINATES ENROLLMENT.—Subparagraph
19 (A) shall not apply to a transition individual if
20 the individual terminates enrollment under this
21 part after the end of the special enrollment pe-
22 riod under paragraph (1).

23 “(3) TRANSITION INDIVIDUAL DEFINED.—In
24 this section, the term ‘transition individual’ means
25 an individual who resides in Puerto Rico and who

1 would have been deemed enrolled under this part
 2 pursuant to section 1837(f) before the first day of
 3 the effective month but for the fact that the indi-
 4 vidual was a resident of Puerto Rico, regardless of
 5 whether the individual is enrolled under this part as
 6 of such first day.”.

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

8 **SEC. 231. ADJUSTMENT IN BENCHMARK FOR LOW-BASE**
 9 **PAYMENT COUNTIES IN PUERTO RICO.**

10 Section 1853(n) of the Social Security Act (42 U.S.C.
 11 1395w–103(n)) is amended—

12 (1) in paragraph (1), by striking “and (5)” and
 13 inserting “, (5), and (6)”;

14 (2) in paragraph (4), by striking “In no case”
 15 and inserting “Subject to paragraph (6), in no
 16 case”; and

17 (3) by adding at the end the following new
 18 paragraph:

19 “(6) SPECIAL RULES FOR BLENDED BENCH-
 20 MARK AMOUNT FOR TERRITORIES.—

21 “(A) IN GENERAL.—Subject to paragraph
 22 (2), the blended benchmark amount for an area
 23 in a territory for a year (beginning with 2018)
 24 shall not be less than 80 percent of the national
 25 average of the base payment amounts specified

in paragraph (2)(E) for such year for areas within the 50 States and the District of Columbia.

“(B) LIMITATION.—In no case shall the blended benchmark amount for an area in a territory for a year under subparagraph (A) exceed the lowest blended benchmark amount for any area within the 50 States and the District of Columbia for such year.”.

PART IV—PART D

SEC. 241. IMPROVED USE OF ALLOCATED PRESCRIPTION

DRUG FUNDS BY TERRITORIES.

Section 1935(e) of the Social Security Act (42 U.S.C. 1396u–5(e)) is amended by adding at the end the following new paragraph:

“(5) IMPROVED USE OF FUNDS FOR LOW-INCOME PART D ELIGIBLE INDIVIDUALS.—This subsection shall be applied beginning with fiscal year 2018 as follows, notwithstanding any other provision of this title:

“(A) CLARIFYING STATE FLEXIBILITY TO COVER NON-DUAL-ELIGIBLE INDIVIDUALS.—In this title, the term ‘medical assistance’ includes financial assistance furnished by a State under this subsection to part D eligible individuals

1 who, if they were residing in one of the 50
 2 States or the District of Columbia, would qual-
 3 ify as subsidy eligible individuals under section
 4 1860D–14(a)(3), and without regard to wheth-
 5 er such individuals otherwise qualify for medical
 6 assistance under this title.

7 “(B) 100 PERCENT FMAP TO REFLECT NO
 8 STATE MATCHING REQUIRED FOR PART D LOW-
 9 INCOME SUBSIDIES.—The Federal medical as-
 10 sistance percentage applicable to the assistance
 11 furnished under this subsection is 100 percent.

12 “(C) LIMITED FUNDING FOR SPECIAL
 13 RULES.—Subparagraphs (A) and (B), and the
 14 provision of medical assistance for covered part
 15 D drugs to low-income part D eligible individ-
 16 uals for a State and period under this sub-
 17 section, is limited to the amount specified in
 18 paragraph (3) for such State and period, with-
 19 out regard to the application of subsection (f)
 20 or (g) of section 1108.”.

21 **SEC. 242. REPORT ON TREATMENT OF TERRITORIES**
 22 **UNDER MEDICARE PART D.**

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

1 “(4) REPORT ON APPLICATION OF SUB-
2 SECTION.—

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

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

10 “(i) program guidance issued by the
11 Secretary to implement this subsection;

12 “(ii) for each territory, information on
13 the increased amount under paragraph (3)
14 and how the territory has applied such
15 amount, including the territory’s program
16 design, expenditures, and number of indi-
17 viduals (and dual-eligible individuals) as-
18 sisted; and

19 “(iii) a description of differences be-
20 tween how such territories are treated
21 under part D of title XVIII and under this
22 title compared with the treatment of the
23 50 States and the District of Columbia
24 under such part and this title for different

1 fiscal years within the period covered
2 under the report.

3 “(C) RECOMMENDATIONS.—Such report
4 shall include recommendations for improving
5 prescription drug coverage for low-income indi-
6 viduals in each territory, including rec-
7 ommendations regarding each of the following
8 alternative approaches:

9 “(i) Adjusting the aggregate amount
10 specified in paragraph (3)(B).

11 “(ii) Allowing residents of the terri-
12 tories to be subsidy eligible individuals
13 under section 1860D–14, notwithstanding
14 subsection (a)(3)(F) of such section, or
15 providing substantially equivalent low-in-
16 come prescription drug subsidies to such
17 residents.”.

18 **Subtitle C—Miscellaneous**

19 **SEC. 251. MODIFIED TREATMENT OF TERRITORIES WITH** 20 **RESPECT TO APPLICATION OF ACA ANNUAL** 21 **HEALTH INSURANCE PROVIDER FEES.**

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

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

4 (2) by striking subsection (j) and inserting the
5 following:

6 “(j) SPECIAL RULES FOR TREATMENT OF TERRI-
7 TORIES.—

8 “(1) IN GENERAL.—In applying this section
9 with respect to United States health risks located
10 outside of the 50 States or the District of Columbia
11 for years beginning with 2018—

12 “(A) the amount of the fee under sub-
13 section (b) shall be 50 percent of the amount
14 of the fee otherwise determined;

15 “(B) the Secretary shall deposit the
16 amount of such fees collected for each territory
17 into a separate account; and

18 “(C) amounts in such an account for a ter-
19 ritory for a year are appropriated and shall be
20 available to the territory in accordance with
21 paragraph (2).

22 “(2) AVAILABILITY OF FUNDS.—Amounts made
23 available to a territory under paragraph (1)(C) with
24 respect to a territory for a year shall be made avail-
25 able to the territory, upon application of the terri-

1 tory to the Secretary of Health and Human Serv-
2 ices, only for the following purposes, as elected by
3 the territory in such application:

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

12 “(B) SATISFYING STATE MEDICAID
13 MATCHING REQUIREMENT.—For purposes of
14 the territory meeting non-Federal matching re-
15 quirements imposed with respect to obtaining
16 Federal financial participation under title XIX
17 of the Social Security Act.”.

18 **SEC. 252. MEDICAID AND CHIP TERRITORY TRANSPARENCY**
19 **AND INFORMATION.**

20 (a) PUBLICATION OF INFORMATION ON FEDERAL
21 EXPENDITURES UNDER MEDICAID AND CHIP IN THE
22 TERRITORIES.—Not later than 180 days after the date
23 of the enactment of this Act, the Secretary of Health and
24 Human Services shall publish, and periodically update, on
25 the Internet site of the Centers for Medicare & Medicaid

1 Services information on Medicaid and CHIP carried out
2 in the territories of the United States. Such information
3 shall include, with respect to each such territory—

4 (1) the income levels established by the terri-
5 tory for purposes of eligibility of an individual to re-
6 ceive medical assistance under Medicaid or child
7 health assistance under CHIP;

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

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

12 (4) any waiver of the requirements of title XIX
13 or title XXI issued by the Secretary to carry out
14 Medicaid or CHIP in the territory, including a waiv-
15 er under section 1115 of the Social Security Act (42
16 U.S.C. 1315), any application for such a waiver, and
17 any documentation related to such application (in-
18 cluding correspondence);

19 (5) the amount of the Federal and non-Federal
20 share of expenditures under Medicaid and CHIP in
21 such territory;

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

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

1 (8) other information regarding the carrying
2 out of Medicaid and CHIP in the territory that is
3 published on such Internet site with respect to car-
4 rying out Medicaid and CHIP in each State and the
5 District of Columbia.

6 (b) DEFINITIONS.—In this section:

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

10 (2) MEDICAID.—The term “Medicaid” means
11 the Medicaid program under title XIX of the Social
12 Security Act.

13 (3) TERRITORY.—The term “territory of the
14 United States” includes Puerto Rico, the Virgin Is-
15 lands, Guam, the Northern Mariana Islands, and
16 American Samoa.

17 **SEC. 253. REPORT ON EXCLUSION OF TERRITORIES FROM**
18 **EXCHANGES.**

19 (a) IN GENERAL.—Not later than February 1, 2020,
20 the Secretary of Health and Human Services shall submit
21 to Congress a report that details the adverse impacts in
22 each territory from the practical exclusion of the terri-
23 tories from the provisions of part II of subtitle D of title
24 I of the Patient Protection and Affordable Care Act inso-
25 far as such provisions provide for the establishment of an

1 American Health Benefit Exchange or the administration
2 of a federally facilitated Exchange in each State and in
3 the District of Columbia for the purpose of making health
4 insurance more affordable and accessible for individuals
5 and small businesses.

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

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

11 (2) A description of the number of health insur-
12 ance issuers in each territory and the health insur-
13 ance plans these issuers offer.

14 (3) An estimate of the number of individuals re-
15 siding in each territory who are denied premium and
16 cost-sharing assistance that would otherwise be
17 available to them for obtaining health insurance cov-
18 erage through an Exchange if they resided in one of
19 the 50 States or in the District of Columbia.

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

23 (5) An estimate of the number of small employ-
24 ers in each territory that would be eligible to pur-
25 chase health insurance coverage through a Small

1 Business Health Options Program (SHOP) Market-
 2 place that would operate as part of an Exchange if
 3 the employers were in one of the 50 States or in the
 4 District of Columbia.

5 **SEC. 254. ACCESS TO COVERAGE FOR INDIVIDUALS IN CER-**
 6 **TAIN AREAS WITHOUT ANY AVAILABLE EX-**
 7 **CHANGE PLANS.**

8 Part 2 of subtitle D of title I of the Patient Protec-
 9 tion and Affordable Care Act (42 U.S.C. 18031 et seq.)
 10 is amended by adding at the end the following:

11 **“SEC. 1314. ACCESS TO COVERAGE FOR INDIVIDUALS IN**
 12 **CERTAIN AREAS WITHOUT ANY AVAILABLE**
 13 **EXCHANGE PLANS.**

14 “(a) IN GENERAL.—

15 “(1) COVERAGE THROUGH DC SHOP EX-
 16 CHANGE.—Not later than 3 months after the date of
 17 enactment of this section, the Secretary, in consulta-
 18 tion with the Secretary of the Treasury and the Di-
 19 rector of the Office of Personnel Management, shall
 20 establish a mechanism to ensure that, for any plan
 21 year beginning on or after the date described in sub-
 22 section (d), any individual described in paragraph
 23 (2) may enroll in health insurance coverage in the
 24 small group market through the Exchange operating
 25 in the District of Columbia, including the health in-

1 surance coverage that is available to Members of
2 Congress and congressional staff (as defined in sec-
3 tion 1312(d)(3)(D)).

4 “(2) INDIVIDUAL DESCRIBED.—An individual
5 described in this paragraph is any individual who—

6 “(A) is not eligible to enroll in an em-
7 ployer-sponsored health plan; and

8 “(B) resides in a possession of the United
9 States in which the Secretary certifies that no
10 qualified health plan is offered through an Ex-
11 change established under this title.

12 “(3) POSSESSION OF THE UNITED STATES.—
13 For purposes of this section, the term ‘possession of
14 the United States’ shall include such possessions as
15 are specified in section 937(a)(1) of the Internal
16 Revenue Code of 1986.

17 “(b) PREMIUM ASSISTANCE TAX CREDITS AND
18 COST-SHARING.—Any individual described in paragraph
19 (a)(2) who enrolls in health insurance coverage through
20 the Exchange operating in the District of Columbia pursu-
21 ant to subsection (a)(1) shall be eligible for any premium
22 tax credit under section 36B of the Internal Revenue Code
23 of 1986, or reduced cost-sharing under section 1402, that
24 the individual would otherwise be eligible for if enrolling
25 as a resident of the District of Columbia in health insur-

1 ance coverage in the individual market through the Ex-
2 change operating in the District of Columbia.

3 “(c) TREATMENT OF POSSESSIONS.—

4 “(1) PAYMENTS TO POSSESSIONS.—

5 “(A) MIRROR CODE POSSESSION.—The
6 Secretary of the Treasury shall periodically (but
7 not less frequently than annually) pay to each
8 possession of the United States with a mirror
9 code tax system amounts equal to the loss to
10 that possession by reason of the application of
11 this section (determined without regard to para-
12 graph (2)) with respect to taxable years begin-
13 ning after the date described in subsection (d).
14 Such amounts shall be determined by the Sec-
15 retary of the Treasury based on information
16 provided by the government of the respective
17 possession.

18 “(B) OTHER POSSESSIONS.—The Sec-
19 retary of the Treasury shall periodically (but
20 not less frequently than annually) pay to each
21 possession of the United States which does not
22 have a mirror code tax system amounts esti-
23 mated by the Secretary of the Treasury as
24 being equal to the aggregate benefits that would
25 have been provided to residents of such posses-

1 sion by reason of the application of this section
 2 for any taxable years beginning after the date
 3 described in subsection (d) if a mirror code tax
 4 system had been in effect in such possession.
 5 The preceding sentence shall not apply with re-
 6 spect to any possession of the United States un-
 7 less such possession has a plan, which has been
 8 approved by the Secretary of the Treasury,
 9 under which such possession will promptly dis-
 10 tribute such payments to the residents of such
 11 possession.

12 “(2) COORDINATION WITH CREDIT ALLOWED
 13 AGAINST UNITED STATES INCOME TAXES.—No cred-
 14 it shall be allowed against United States income
 15 taxes for any taxable year under section 36B of the
 16 Internal Revenue Code of 1986 to any person—

17 “(A) to whom a credit is allowed against
 18 taxes imposed by the possession by reason of
 19 this section (determined without regard to this
 20 paragraph) for such taxable year, or

21 “(B) who is eligible for a payment under
 22 a plan described in paragraph (1)(B) with re-
 23 spect to such taxable year.

24 “(3) MIRROR CODE TAX SYSTEM.—For pur-
 25 poses of this subsection, the term ‘mirror code tax

1 system’ means, with respect to any possession of the
 2 United States, the income tax system of such posses-
 3 sion if the income tax liability of the residents of
 4 such possession under such system is determined by
 5 reference to the income tax laws of the United
 6 States as if such possession were the United States.

7 “(4) TREATMENT OF PAYMENTS.—For pur-
 8 poses of section 1324(b)(2) of title 31, United
 9 States Code, or any similar rule of law, the pay-
 10 ments under this subsection shall be treated in the
 11 same manner as a refund due from the credit al-
 12 lowed under section 36B of the Internal Revenue
 13 Code of 1986.

14 “(d) DATE DESCRIBED.—The date described in this
 15 subsection is the date on which the Secretary establishes
 16 the mechanism described in subsection (a)(1).”.

17 **SEC. 255. EXTENSION OF FAMILY-TO-FAMILY HEALTH IN-**
 18 **FORMATION CENTERS PROGRAM TO TERRI-**
 19 **TORIES.**

20 Section 501(c) of the Social Security Act (42 U.S.C.
 21 701(c)) is amended—

22 (1) in paragraph (3)—

23 (A) in subparagraph (C), by striking “and
 24 each fiscal year thereafter, such centers shall be
 25 developed in all States” and inserting “and

1 each fiscal year thereafter through fiscal year
 2 2017, such centers shall be developed in each of
 3 the 50 States and the District of Columbia”;
 4 and

5 (B) by adding at the end the following new
 6 subparagraph:

7 “(D) With respect to fiscal year 2018 and
 8 each fiscal year thereafter, such centers shall be
 9 developed in each State (as defined for purposes
 10 of this title).”; and

11 (2) by striking paragraph (5).

12 **SEC. 256. TEMPORARY INCREASE IN SOCIAL SERVICES**
 13 **BLOCK GRANT ALLOTMENTS FOR PUERTO**
 14 **RICO AND THE VIRGIN ISLANDS.**

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

20 (b) ALLOTMENTS.—

21 (1) IN GENERAL.—From the amount appro-
 22 priated under subsection (a), the Secretary of
 23 Health and Human Services shall increase the
 24 amount of the allotments for Puerto Rico and the
 25 Virgin Islands for fiscal year 2018 under section

1 2003 of the Social Security Act (42 U.S.C.
2 1397b)—

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

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

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

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

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

19 (c) SPECIAL RULES.—

20 (1) Notwithstanding section 2002(c) of the So-
21 cial Security Act (42 U.S.C. 1397a(c)), the increase
22 in the allotments for Puerto Rico and the Virgin Is-
23 lands for fiscal year 2018 shall remain available
24 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 III—AGRICULTURE**

7 **SEC. 301. 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)).

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

9 **SEC. 302. RURAL ENERGY FOR AMERICA PROGRAM.**

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

18 **SEC. 303. RURAL COMMUNITY FACILITIES PROGRAM.**

19 Of the amounts made available for each of fiscal
20 years 2018 through 2027 for the “Rural Housing Service,
21 Rural Community Facilities Program Account”, the
22 “Rural Business—Cooperative Service, Rural Business
23 Program Account”, and the “Rural Utilities Service,
24 Rural Water and Waste Disposal Program Account”, the
25 Secretary of Agriculture shall allocate not less than 1 per-

1 cent for assistance in one or more county-equivalent sub-
2 divisions in Puerto Rico and the Virgin Islands the aver-
3 age percentage of the population of which living in poverty
4 during the 30-year period ending on the date of enactment
5 of this Act is not less than 20 percent, as measured by
6 the 1990, 2000, and 2010 decennial censuses.

7 **SEC. 304. RURAL HOUSING.**

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

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

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

24 (b) MUTUAL AND SELF-HELP HOUSING.—Out of
25 any funds in the Treasury not otherwise appropriated,

1 there is appropriated to the Secretary of Agriculture
2 \$5,150,000, to remain available until expended, for the
3 cost of grants and contracts under section 523(b)(1)(A)
4 of the Housing Act of 1949 (42 U.S.C. 1490c(b)(1)(A)),
5 which shall be used to support grants made under sub-
6 section (a)(1).

7 **SEC. 305. WATERSHED AND FLOOD PREVENTION OPER-**
8 **ATIONS.**

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

17 (b) REQUIREMENT.—Funds appropriated under sub-
18 section (a) shall be allocated to projects that can be fully
19 funded and completed with the funds appropriated by this
20 Act and to activities that can commence promptly after
21 the date of enactment of this Act.

22 **SEC. 306. COMMUNITY FACILITIES GRANTS.**

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

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

8 “(A) to rebuild essential community facili-
 9 ties in the Commonwealth of Puerto Rico or the
 10 United States Virgin Islands that were dam-
 11 aged or destroyed due to a hurricane or severe
 12 wind; or

13 “(B) to construct essential community fa-
 14 cilities in the Commonwealth of Puerto Rico or
 15 the United States Virgin Islands to improve
 16 food security and food independence in an area
 17 that was damaged by a hurricane or severe
 18 wind.”.

19 **SEC. 307. WAIVER OF NONINSURED CROP DISASTER AS-**
 20 **SISTANCE PROGRAM SERVICE FEE.**

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

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

3 “(i) the Commonwealth of Puerto
4 Rico; or

5 “(ii) the United States Virgin Islands;
6 and

7 “(B) in the case of”.

8 **SEC. 308. ASSISTANCE FOR COMMUNITY FOOD PROJECTS.**

9 Section 25 of the Food and Nutrition Act of 2008
10 (7 U.S.C. 2034) is amended—

11 (1) in subsection (b), by adding at the end the
12 following:

13 “(3) CERTAIN HURRICANE RECOVERY
14 PROJECTS.—For each of fiscal years 2018 through
15 2027, not less than 10 percent of the amount of
16 grants under this section shall be made available for
17 grants for community food projects described in sub-
18 section (d)(6).”;

19 (2) in subsection (d)—

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

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

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

1 “(6) for each of fiscal years 2018 through
 2 2027, assist communities affected by hurricanes and
 3 severe wind.”; and

4 (3) in subsection (e)—

5 (A) in paragraph (1), by striking “The
 6 Federal” and inserting “Except as provided in
 7 paragraph (4), the Federal”; and

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

9 “(4) CERTAIN HURRICANE RECOVERY
 10 PROJECTS.—For each of fiscal years 2018 through
 11 2027, in the case of a community food project de-
 12 scribed in subsection (d)(6), the Federal share de-
 13 scribed in paragraph (1) shall be 100 percent.”.

14 **SEC. 309. PARTICIPATION OF PUERTO RICO, AMERICAN**
 15 **SAMOA, AND THE NORTHERN MARIANA IS-**
 16 **LANDS IN SUPPLEMENTAL NUTRITION AS-**
 17 **SISTANCE PROGRAM.**

18 (a) IN GENERAL.—

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

22 (A) in subsection (r), by inserting “the
 23 Commonwealth of Puerto Rico, American
 24 Samoa, the Commonwealth of the Northern
 25 Mariana Islands,” after “Guam,”; and

1 (B) in subsection (u)(3), by inserting “the
 2 Commonwealth of Puerto Rico, American
 3 Samoa, the Commonwealth of the Northern
 4 Mariana Islands,” after “Guam,”.

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

8 (A) in subsection (b), in the first sentence,
 9 by inserting “the Commonwealth of Puerto
 10 Rico, American Samoa, the Commonwealth of
 11 the Northern Mariana Islands,” after “Guam,”;

12 (B) in subsection (c)(1), by striking “and
 13 Guam,” and inserting “Guam, the Common-
 14 wealth of Puerto Rico, American Samoa, and
 15 the Commonwealth of the Northern Mariana Is-
 16 lands,”; and

17 (C) in subsection (e)—

18 (i) in paragraph (1)(A), by inserting
 19 “the Commonwealth of Puerto Rico, Amer-
 20 ican Samoa, the Commonwealth of the
 21 Northern Mariana Islands,” after “Ha-
 22 waii,” each place it appears; and

23 (ii) in paragraph (6)(B), by inserting
 24 “the Commonwealth of Puerto Rico, Amer-
 25 ican Samoa, the Commonwealth of the

1 Northern Mariana Islands,” after
2 “Guam,”.

3 (3) EFFECTIVE DATE.—

4 (A) IN GENERAL.—The amendments made
5 by this subsection shall be effective with respect
6 to Puerto Rico, American Samoa, or the Com-
7 monwealth of the Northern Mariana Islands, as
8 applicable, on the date described in subpara-
9 graph (B) if the Secretary of Agriculture sub-
10 mits to Congress a certification under sub-
11 section (f)(3) of section 19 of the Food and Nu-
12 trition Act of 2008 (7 U.S.C. 2028).

13 (B) DATE DESCRIBED.—The date referred
14 to in subparagraph (A) is, with respect to Puer-
15 to Rico, American Samoa, or the Common-
16 wealth of the Northern Mariana Islands, the
17 date established by Puerto Rico, American
18 Samoa, or the Commonwealth of the Northern
19 Mariana Islands, respectively, in the applicable
20 plan of operation submitted to the Secretary of
21 Agriculture under subsection (f)(1)(A) of sec-
22 tion 19 of the Food and Nutrition Act of 2008
23 (7 U.S.C. 2028).

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

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

7 “(1) SUBMISSION OF PLAN BY PUERTO RICO,
8 AMERICAN SAMOA, AND THE NORTHERN MARIANA
9 ISLANDS.—

10 “(A) SUBMISSION AND REVIEW OF PLAN
11 OF OPERATION.—If a State agency is des-
12 ignated by a governmental entity and submits
13 to the Secretary a request to participate in the
14 supplemental nutrition assistance program and
15 a plan of operation under section 11 (including
16 a date on which the governmental entity will
17 begin to participate in the supplemental nutri-
18 tion assistance program), the Secretary shall
19 determine whether that governmental entity
20 and State agency satisfy the requirements that
21 would apply under this Act for approval of that
22 plan if the governmental entity were one of the
23 several States.

24 “(B) DETERMINATION BY SECRETARY.—

1 “(i) APPROVAL.—The Secretary shall
2 approve a plan of operation under subpara-
3 graph (A) if the governmental entity and
4 State agency satisfy the requirements de-
5 scribed in that subparagraph.

6 “(ii) DISAPPROVAL.—If the Secretary
7 does not approve a plan of operation under
8 subparagraph (A), the Secretary shall pro-
9 vide to the governmental entity a state-
10 ment that describes each requirement that
11 is not satisfied by the plan.

12 “(2) APPROVAL OF RETAIL FOOD STORES.—If
13 the Secretary approves a plan of operation under
14 paragraph (1)(B)(i), the Secretary shall accept from
15 retail food stores located in the applicable govern-
16 mental entity applications under section 9 for ap-
17 proval to participate in the supplemental nutrition
18 assistance program.

19 “(3) SUBMISSION OF CERTIFICATION TO CON-
20 GRESS.—The Secretary shall submit to Congress a
21 certification that a governmental entity qualifies to
22 participate in the supplemental nutrition assistance
23 program as if the governmental entity were a State
24 if the Secretary—

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

3 “(B) approves the applications under para-
4 graph (2) of a number of retail food stores lo-
5 cated in the governmental entity requesting to
6 participate in the supplemental nutrition assist-
7 ance program that would be sufficient to satisfy
8 the requirements of this Act if the govern-
9 mental entity were one of the several States.

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

16 “(5) FAMILY MARKET PROGRAM IN PUERTO
17 RICO.—As part of a plan of operation submitted
18 under paragraph (1)(A), notwithstanding subsection
19 (g), the Secretary shall allow the Commonwealth of
20 Puerto Rico to continue to carry out, under the sup-
21 plemental nutrition assistance program, the Family
22 Market Program established under this section.

23 “(6) AUTHORIZATION OF APPROPRIATIONS.—
24 There are authorized to be appropriated to the Sec-
25 retary to carry out this subsection and the amend-

1 ments made by section 308(a) of the Puerto Rico
2 and Virgin Islands Equitable Rebuild Act of 2018
3 such sums as are necessary for fiscal year 2018, to
4 remain available until expended.

5 “(g) TERMINATION OF EFFECTIVENESS.—

6 “(1) IN GENERAL.—Subsections (a) through (e)
7 shall cease to be effective with respect to the Com-
8 monwealth of Puerto Rico, American Samoa, or the
9 Commonwealth of the Northern Mariana Islands, as
10 applicable, on the date described in paragraph (2) if
11 the Secretary submits to Congress a certification
12 under subsection (f)(3).

13 “(2) DATE DESCRIBED.—The date referred to
14 in paragraph (1) is, with respect to the Common-
15 wealth of Puerto Rico, American Samoa, the Com-
16 monwealth of the Northern Mariana Islands, the
17 date established by the Commonwealth of Puerto
18 Rico, American Samoa, or the Commonwealth of the
19 Northern Mariana Islands, respectively, in the appli-
20 cable plan of operation submitted to the Secretary
21 under subsection (f)(1)(A).”.

1 **SEC. 310. PAYMENT LIMITATIONS FOR CERTAIN PRO-**
2 **DUCERS IN DISASTER AREAS.**

3 (a) SUPPLEMENTAL AGRICULTURAL DISASTER AS-
4 SISTANCE.—Section 1501 of the Agricultural Act of 2014
5 (7 U.S.C. 9081) is amended—

6 (1) in subsection (a)—

7 (A) by redesignating paragraphs (1), (2),
8 (3), and (4) as paragraphs (2), (3), (4), and
9 (6), respectively;

10 (B) by inserting before paragraph (2) (as
11 so redesignated) the following:

12 “(1) DISASTER COUNTY.—The term ‘disaster
13 county’ means a county included in the geographical
14 area covered by a qualifying natural disaster dec-
15 laration for calendar year 2017 for which the re-
16 quest for that declaration was submitted during the
17 period beginning on January 1, 2017, and ending on
18 the date of enactment of the Puerto Rico and Virgin
19 Islands Equitable Rebuild Act of 2018.”; and

20 (C) by inserting after paragraph (4) (as so
21 redesignated) the following:

22 “(5) QUALIFYING NATURAL DISASTER DEC-
23 LARATION.—The term ‘qualifying natural disaster
24 declaration’ means—

25 “(A) a natural disaster declared by the
26 Secretary under section 321(a) of the Consoli-

1 dated Farm and Rural Development Act (7
2 U.S.C. 1961(a)); or

3 “(B) a major disaster or emergency des-
4 ignated by the President under the Robert T.
5 Stafford Disaster Relief and Emergency Assist-
6 ance Act (42 U.S.C. 5121 et seq.).”;

7 (2) in subsection (e)(4)(B)—

8 (A) by striking “The total” and inserting
9 the following:

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

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

13 “(ii) CERTAIN PRODUCERS IN DIS-
14 ASTER COUNTIES.—The total amount of
15 payments received, directly or indirectly,
16 by a person or legal entity (excluding a
17 joint venture or general partnership) in a
18 disaster county under this subsection may
19 not exceed \$625,000 for the period of the
20 2017 through 2022 crop years.”;

21 (3) in subsection (f)(2)—

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

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

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

2 “(B) CERTAIN PRODUCERS IN DISASTER
3 COUNTIES.—

4 “(i) LIVESTOCK INDEMNITY PAY-
5 MENTS AND EMERGENCY ASSISTANCE FOR
6 LIVESTOCK, HONEY BEES, AND FARM-
7 RAISED FISH.—The total amount of pay-
8 ments received, directly or indirectly, by a
9 person or legal entity (excluding a joint
10 venture or general partnership) in a dis-
11 aster county under subsections (b) and (d)
12 may not exceed \$625,000 for the period of
13 the 2017 through 2022 crop years.

14 “(ii) LIVESTOCK FORAGE DISASTER
15 PROGRAM.—Payments to a person or legal
16 entity (excluding a joint venture or general
17 partnership) in a disaster county under
18 subsection (c) shall be subject to subpara-
19 graph (A).”.

20 (b) NONINSURED CROP ASSISTANCE PROGRAM.—

21 Section 196(i) of the Federal Agriculture Improvement
22 and Reform Act of 1996 (7 U.S.C. 7333(i)) is amended—

23 (1) in paragraph (1)—

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

1 “(A) DISASTER COUNTY.—The term ‘dis-
2 aster county’ means a county included in the
3 geographical area covered by a qualifying nat-
4 ural disaster declaration for calendar year 2017
5 for which the request for that declaration was
6 submitted during the period beginning on Janu-
7 ary 1, 2017, and ending on the date of enact-
8 ment of the Puerto Rico and Virgin Islands Eq-
9 uitable Rebuild Act of 2018.

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

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

12 “(C) QUALIFYING NATURAL DISASTER
13 DECLARATION.—The term ‘qualifying natural
14 disaster declaration’ means—

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

19 “(ii) a major disaster or emergency
20 designated by the President under the
21 Robert T. Stafford Disaster Relief and
22 Emergency Assistance Act (42 U.S.C.
23 5121 et seq.).”; and

24 (2) in paragraph (2)—

1 (A) by striking “The total” and inserting
 2 the following:

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

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

6 “(B) CERTAIN PRODUCERS IN DISASTER
 7 COUNTIES.—The total amount of payments re-
 8 ceived, directly or indirectly, by a person or
 9 legal entity (excluding a joint venture or gen-
 10 eral partnership) in a disaster county under
 11 this subsection may not exceed \$625,000 for
 12 the period of the 2017 through 2022 crop
 13 years.”.

14 **SEC. 311. TREATMENT OF CERTAIN PRODUCERS AS SO-**
 15 **cially DISADVANTAGED FARMERS AND**
 16 **RANCHERS.**

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

20 “(j) TREATMENT OF CERTAIN PRODUCERS.—For
 21 purposes of administering any grant program and con-
 22 servation program of the Department of Agriculture, the
 23 Secretary shall consider an agricultural producer oper-
 24 ating in the Commonwealth of Puerto Rico, the United

1 States Virgin Islands, or both, to be a socially disadvan-
 2 tagged farmer or rancher.”.

3 **SEC. 312. EMERGENCY WATERSHED PROTECTION PRO-**
 4 **GRAM.**

5 Section 403 of the Agricultural Credit Act of 1978
 6 (16 U.S.C. 2203) is amended by adding at the end the
 7 following:

8 “(c) FEDERAL SHARE.—For each of fiscal years
 9 2018 through 2022, the Federal share of the cost of any
 10 emergency measure under this section or section 7 of the
 11 Act of June 28, 1938 (33 U.S.C. 701b–1), in the Com-
 12 monwealth of Puerto Rico or the United States Virgin Is-
 13 lands shall be 100 percent.”.

14 **SEC. 313. EMERGENCY FOREST RESTORATION PROGRAM.**

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

17 (1) by striking “Payments” and inserting the
 18 following:

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

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

22 “(2) PUERTO RICO AND VIRGIN ISLANDS.—For
 23 each of fiscal years 2018 through 2022, payments
 24 made under subsection (b) shall be 100 percent of
 25 the total cost of the emergency measures carried out

1 by an owner of nonindustrial private forest land in
 2 the Commonwealth of Puerto Rico or the United
 3 States Virgin Islands.”.

4 **SEC. 314. TREATMENT OF CERTAIN PRODUCERS AS LIM-**
 5 **ITED RESOURCE PRODUCERS.**

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

9 **“SEC. 408. TREATMENT OF CERTAIN PRODUCERS AS LIM-**
 10 **ITED RESOURCE PRODUCERS.**

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

16 **SEC. 315. RETROACTIVE AVAILABILITY OF CATASTROPHIC**
 17 **LEVEL OF PROTECTION UNDER NONINSURED**
 18 **CROP ASSISTANCE PROGRAM.**

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

22 **“(m) RETROACTIVE AVAILABILITY FOR CERTAIN**
 23 **PRODUCERS.—**

24 **“(1) IN GENERAL.—**Beginning on the date of
 25 enactment of this subsection, the Secretary shall

1 retroactively make available to producers in disaster
 2 counties (as defined in subsection (i)(1)) in the
 3 Commonwealth of Puerto Rico and the United
 4 States Virgin Islands the catastrophic level of pro-
 5 tection under this section for the 2017 crop year.

6 “(2) APPLICATION.—A producer desiring assist-
 7 ance under paragraph (1) shall submit to the Sec-
 8 retary an application for the assistance not later
 9 than 180 days after the date of enactment of this
 10 subsection.”.

11 **SEC. 316. DISTRIBUTION OF FUNDS MADE AVAILABLE FOR**
 12 **EQUIPMENT ASSISTANCE GRANTS UNDER**
 13 **THE NATIONAL SCHOOL LUNCH ACT TO**
 14 **PUERTO RICO AND THE VIRGIN ISLANDS.**

15 The matter under the heading “CHILD NUTRITION
 16 PROGRAMS” of title IV of division A of the Consolidated
 17 Appropriations Act, 2017 (Public Law 115–31), is amend-
 18 ed by inserting before the period at the end the following:
 19 “*Provided further*, That any amounts made available
 20 under this heading to provide competitive grants to State
 21 agencies for subgrants to local educational agencies and
 22 schools to purchase the equipment needed to serve
 23 healthier meals, improve food safety, or to help support
 24 the establishment, maintenance, or expansion of the school
 25 breakfast program that remain unexpended on the date

1 of enactment of the Puerto Rico and Virgin Islands Equi-
2 table Rebuild Act of 2018 shall be distributed to State
3 agencies in Puerto Rico and the Virgin Islands for those
4 purposes”.

5 **SEC. 317. SPECIAL SUPPLEMENTAL NUTRITION PROGRAM**
6 **FOR WOMEN, INFANTS, AND CHILDREN.**

7 (a) IN GENERAL.—Out of any funds in the Treasury
8 not otherwise appropriated, there is appropriated to the
9 Secretary of Agriculture \$14,000,000 to make grants to
10 States (as defined in section 15 of the Child Nutrition Act
11 of 1966 (42 U.S.C. 1784)) for the purposes described in
12 section 17(h)(10) of that Act (42 U.S.C. 1786(h)(10)) in
13 response to covered disasters.

14 (b) REQUIREMENT.—The amount appropriated
15 under subsection (a)—

16 (1) shall remain available for obligation until
17 September 30, 2019;

18 (2) shall be in addition to amounts otherwise
19 made available to carry out section 17(h)(10) of the
20 Child Nutrition Act of 1966 (42 U.S.C.
21 1786(h)(10)); and

22 (3) is designated by the Congress as being for
23 an emergency requirement pursuant to section
24 251(b)(2)(A)(i) of the Balanced Budget and Emer-

1 gency Deficit Control Act of 1985 (2 U.S.C.
2 901(b)(2)(A)(i)).

3 **SEC. 318. DEADLINE FOR APPLICATION SUBMISSION.**

4 Any applicant desiring a grant or other assistance
5 under this title or an amendment made by this title shall
6 submit an application for the grant or other assistance by
7 not later than 180 days after the date of enactment of
8 this Act.

9 **TITLE IV—VETERANS AFFAIRS**

10 **SEC. 401. 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

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

3 **TITLE V—EDUCATION**
4 **RECOVERY**
5 **Subtitle A—Educational Assistance**
6 **Funds**

7 **SEC. 501. EDUCATION AND HEAD START FUNDING.**

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

15 (1) \$3,157,000,000, to remain available
16 through September 30, 2018, of which—

17 (A) \$930,000,000 shall be available to
18 State educational agencies until expended to
19 carry out section 512;

20 (B) \$5,000,000 shall be available to carry
21 out section 516; and

22 (C) \$1,100,000,000 shall be available to
23 carry out section 517.

24 (2) \$2,000,000, to remain available until ex-
25 pended, shall be available for the Project SERV pro-

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

11 (3) \$310,000,000, to remain available through
12 September 30, 2018, shall be available—

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

23 (i) funds shall be made available to
24 provide assistance under such title IV pro-
25 grams notwithstanding any requirements

1 relating to matching, Federal share, res-
2 ervation of funds, or maintenance of effort
3 that would otherwise be applicable to that
4 assistance; and

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

17 (B) to provide emergency assistance based
18 on demonstrated need to institutions of higher
19 education that are located in an area affected
20 by Hurricane Irma and Hurricane Maria in cal-
21 endar year 2017 and were forced to close, relo-
22 cate or significantly curtail their activities as a
23 result of damage directly sustained by such
24 hurricanes; and

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

13 (b) HEAD START FUNDING.—There are appro-
14 priated, out of any money in the Treasury not otherwise
15 appropriated, \$810,000,000, for an additional amount for
16 the appropriations account appropriated under the head-
17 ing “CHILDREN AND FAMILIES SERVICES PROGRAMS”, for
18 Head Start to serve children displaced by Hurricane Irma
19 or Hurricane Maria in calendar year 2017, notwith-
20 standing subsections (a)(1) and (g)(1) of section 640 of
21 the Head Start Act (42 U.S.C. 9835), and to cover the
22 costs of renovating those Head Start facilities which were
23 affected by these hurricanes, to the extent reimbursements
24 from the Federal Emergency Management Agency and in-
25 surance companies do not fully cover such costs: *Provided,*

1 That of the amount provided under this heading,
2 \$800,000,000 shall be available for Head Start programs
3 in Puerto Rico and \$10,000,000 shall be available for
4 Head Start programs in the Virgin Islands.

5 **Subtitle B—Elementary and Sec-**
6 **ondary Education Disaster Re-**
7 **lief**

8 **SEC. 511. DEFINITIONS.**

9 Unless otherwise specified in this subtitle—

10 (1) the terms used in this subtitle have the
11 meanings given the terms in section 8101 of the Ele-
12 mentary and Secondary Education Act of 1965 (20
13 U.S.C. 7801);

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

19 (3) the term “Secretary” means the Secretary
20 of Education.

21 **SEC. 512. IMMEDIATE AID TO RESTART SCHOOL OPER-**
22 **ATIONS.**

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

24 (1) to provide immediate services or assistance
25 to local educational agencies in Puerto Rico and the

1 Virgin Islands that serve a covered disaster area;
2 and

3 (2) to assist school administrators and per-
4 sonnel of such agencies with expenses related to the
5 restart of operations in, the re-opening of, and the
6 re-enrollment of students in, elementary schools and
7 secondary schools in such areas.

8 (b) PAYMENTS AUTHORIZED.—

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

16 (2) PAYMENT BASIS.—The Secretary shall
17 make payments under paragraph (1) on such basis
18 as the Secretary determines appropriate, taking into
19 consideration the number of students who were en-
20 rolled, during the 2015–2016 school year, in elemen-
21 tary schools and secondary schools that were
22 closed—

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

1 (B) on September 20, 2017, as a result of
2 Hurricane Maria.

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

10 (1) The number of school-aged children served
11 by the local educational agency in the academic year
12 preceding the academic year for which the services
13 or assistance are provided.

14 (2) The severity of the impact of Hurricane
15 Irma or Hurricane Maria on the local educational
16 agency and the extent of the needs in each local edu-
17 cational agency in a covered disaster area.

18 (d) APPLICATIONS.—Each local educational agency
19 desiring services or assistance under this section shall sub-
20 mit an application to the State educational agency at such
21 time, in such manner, and accompanied by such informa-
22 tion as the State educational agency may reasonably re-
23 quire to ensure expedited and timely provision of services
24 or assistance to the local educational agency.

25 (e) USES OF FUNDS.—

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

5 (A) recovery of student and personnel
6 data, and other electronic information;

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

9 (C) financial operations;

10 (D) reasonable transportation costs;

11 (E) rental of mobile educational units and
12 leasing of neutral sites or spaces;

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

15 (G) redeveloping instructional plans, in-
16 cluding curriculum development;

17 (H) initiating and maintaining education
18 and support services; and

19 (I) such other activities related to the pur-
20 pose of this section that are approved by the
21 Secretary.

22 (2) USE WITH OTHER AVAILABLE FUNDS.—A
23 local educational agency receiving services or assist-
24 ance under this section may use such services or as-
25 sistance in coordination with other Federal, State, or

1 local funds available for the activities described in
2 paragraph (1).

3 (f) SUPPLEMENT NOT SUPPLANT.—

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

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

16 (A) such State educational agency or local
17 educational agency has not received such other
18 benefits by the time of application for Federal
19 assistance under this section; and

20 (B) such State educational agency or local
21 educational agency agrees to repay all duplica-
22 tive Federal assistance received to carry out the
23 purposes of this section.

1 **SEC. 513. ALLOCATIONS TO LOCAL EDUCATIONAL AGEN-**
2 **CIES FOR THE LONG-TERM IMPROVEMENT**
3 **OF PUBLIC SCHOOL FACILITIES.**

4 (a) PURPOSE.—Funds made available under this sec-
5 tion shall be for the purpose of supporting the immediate
6 recovery and long-term improvements to public school fa-
7 cilities in covered disaster areas.

8 (b) ALLOCATIONS.—

9 (1) QUALIFIED LOCAL EDUCATIONAL AGENCY
10 ALLOCATIONS.—From the total amount appro-
11 priated to carry out this section for each fiscal year,
12 the Secretary shall allocate to each qualified local
13 educational agency that has a plan approved by the
14 Secretary under subsection (c) for such fiscal year,
15 an amount that bears the same relation to such total
16 amount appropriated as the number of children,
17 aged 5 to 17, inclusive, from families with incomes
18 below the poverty level (weighted for the relative
19 construction costs for the State in which the local
20 educational agency is located) served by the qualified
21 local educational agency for the most recent fiscal
22 year for which data are available bears to all chil-
23 dren, aged 5 to 17, inclusive, from families with in-
24 comes below the poverty level served by all qualified
25 local educational agencies for the most recent fiscal
26 year for which data are available.

1 (2) ADMINISTRATIVE RESERVATION.—A quali-
2 fied local educational agency may reserve not more
3 than 5 percent of the allocation received under para-
4 graph (1) for administrative expenses associated
5 with carrying out this section.

6 (3) DIGITAL LEARNING RESERVATION.—A
7 qualified local educational agency may reserve not
8 more than 10 percent of the allocation received
9 under paragraph (1) to improve or provide digital
10 learning, including to leverage existing public pro-
11 grams or public-private partnerships to expand ac-
12 cess to high-speed broadband sufficient for digital
13 learning.

14 (c) QUALIFIED LOCAL EDUCATIONAL AGENCY
15 PLAN.—

16 (1) IN GENERAL.—To be eligible to receive an
17 allocation under this section, a qualified local edu-
18 cational agency shall submit to the Secretary a plan
19 that—

20 (A) describes how the qualified local edu-
21 cational agency will use the allocation to make
22 long-term improvements to public school facili-
23 ties;

24 (B) identifies the period of time, and at
25 what levels, the qualified local educational agen-

1 cy will maintain fiscal effort for the activities
2 supported by the allocation after the qualified
3 local educational agency no longer receives the
4 allocation; and

5 (C) includes such other information as the
6 Secretary may require.

7 (2) APPROVAL AND DISAPPROVAL.—The Sec-
8 retary shall have the authority to approve or dis-
9 approve a qualified local educational agency plan
10 submitted under paragraph (1).

11 (3) PUBLICATION REQUIRED.—A qualified local
12 educational agency that receives an allocation under
13 this section shall make the plan submitted by such
14 qualified local educational agency under paragraph
15 (1) available to the public, including by posting the
16 information on a publicly accessible website of the
17 State in which such qualified local educational agen-
18 cy is located.

19 (d) CONDITIONS.—As a condition of receiving an allo-
20 cation under this section, a qualified local educational
21 agency shall agree to the following:

22 (1) MAINTENANCE OF EFFORT.—The qualified
23 local educational agency shall provide an assurance
24 to the Secretary that the combined fiscal effort per
25 student or the aggregate expenditures of the quali-

1 fied local educational agency with respect to the ac-
2 tivities supported by the allocation under this section
3 for fiscal years beginning with the fiscal year for
4 which the allocation is received will be not less than
5 90 percent of the combined fiscal effort or aggregate
6 expenditures by the qualified local educational agen-
7 cy for such purposes for the year preceding the fiscal
8 year for which the allocation is received.

9 (2) SUPPLEMENT NOT SUPPLANT.—The quali-
10 fied local educational agency shall use an allocation
11 under this section only to supplement the level of
12 Federal, State, and local public funds that would, in
13 absence of such allocation, be made available for the
14 activities supported by the allocation, and not to
15 supplant such funds.

16 (e) FACILITIES MASTER PLAN.—

17 (1) PLAN REQUIRED.—Not later than 180 days
18 after receiving an allocation under this section, a
19 qualified local educational agency shall submit to the
20 Secretary a comprehensive 10-year facilities master
21 plan.

22 (2) ELEMENTS.—The facilities master plan re-
23 quired under paragraph (1) shall include, with re-
24 spect to all public school facilities of the qualified
25 local educational agency, a description of—

1 (A) the extent to which public school facili-
2 ties meet students' educational needs and sup-
3 port the agency's educational mission and vi-
4 sion;

5 (B) the physical condition of the public
6 school facilities;

7 (C) the current health, safety, and environ-
8 mental conditions of the public school facilities,
9 including—

10 (i) indoor air quality;

11 (ii) the presence of hazardous and
12 toxic substances and chemicals;

13 (iii) the safety of drinking water at
14 the tap and water used for meal prepara-
15 tion, including the level of lead and other
16 contaminants in such water;

17 (iv) energy and water efficiency;

18 (v) excessive classroom noise; and

19 (vi) other health, safety, and environ-
20 mental conditions that would impact the
21 health, safety, and learning ability of stu-
22 dents;

23 (D) how the local educational agency will
24 address any conditions identified under sub-
25 paragraph (C);

1 (E) the impact of current and future stu-
2 dent enrollment levels on the design of current
3 and future public school facilities, as well as the
4 financial implications of such enrollment levels;
5 and

6 (F) the dollar amount and percentage of
7 funds the local educational agency will dedicate
8 to capital construction projects as well as main-
9 tenance and operations related to maintaining
10 public school facilities.

11 (3) CONSULTATION.—In developing the facili-
12 ties master plan required under paragraph (1), the
13 qualified local educational agency shall consult with
14 teachers, principals and other school leaders, custo-
15 dial and maintenance staff, emergency first respond-
16 ers, school facilities directors, students and families,
17 community residents, and Indian Tribes and Tribal
18 organizations (as applicable).

19 (f) USE OF FUNDS.—

20 (1) AUTHORIZED USE.—A qualified local edu-
21 cational agency that receives covered funds may use
22 such funds to—

23 (A) develop the facilities master plan re-
24 quired under subsection (e);

1 (B) construct, modernize, renovate, or ret-
2 rofit public school facilities, which may include
3 seismic retrofitting for schools vulnerable to
4 natural disasters;

5 (C) carry out major repairs of public
6 school facilities;

7 (D) install furniture or fixtures with at
8 least a 10-year life in public school facilities;

9 (E) construct new public school facilities;

10 (F) acquire and prepare sites on which
11 new public school facilities will be constructed;

12 (G) extend the life of basic systems and
13 components of public school facilities;

14 (H) reduce current or anticipated over-
15 crowding in public school facilities;

16 (I) ensure the building envelopes of public
17 school facilities are structurally sound, secure,
18 and protects occupants and interiors from the
19 elements;

20 (J) improve energy and water efficiency to
21 lower the costs of energy and water consump-
22 tion in public school facilities;

23 (K) improve indoor air quality in public
24 school facilities;

25 (L) reduce or eliminate the presence of—

- 1 (i) toxins and chemicals, including
2 mercury, radon, PCBs, lead, and asbestos;
3 (ii) mold and mildew; or
4 (iii) rodents and pests;
- 5 (M) ensure the safety of drinking water at
6 the tap and water used for meal preparation in
7 public school facilities, which may include test-
8 ing of the potability of water at the tap for the
9 presence of lead and other contaminants;
- 10 (N) bring public school facilities into com-
11 pliance with applicable fire, health, and safety
12 codes;
- 13 (O) make public school facilities accessible
14 to people with disabilities through compliance
15 with the Americans with Disabilities Act of
16 1990 (42 U.S.C. 12101 et seq.) and section
17 504 of the Rehabilitation Act of 1973 (29
18 U.S.C. 794);
- 19 (P) provide instructional program space
20 improvements for programs relating to early
21 learning (including early learning programs op-
22 erated by partners of the agency), special edu-
23 cation, science, technology, career and technical
24 education, physical education, or the arts;

1 (Q) increase the use of public school facili-
2 ties for the purpose of community-based part-
3 nerships that provide students with academic,
4 health, and social services;

5 (R) ensure the health of students and staff
6 during the construction or modernization of
7 public school facilities; or

8 (S) reduce or eliminate excessive classroom
9 noise.

10 (2) PROHIBITED USES.—A qualified local edu-
11 cational agency that receives covered funds may not
12 use such funds for—

13 (A) payment of routine and predictable
14 maintenance costs and minor repairs;

15 (B) any facility that is primarily used for
16 athletic contests or exhibitions or other events
17 for which admission is charged to the general
18 public;

19 (C) vehicles; or

20 (D) central offices, operation centers, or
21 other facilities that are not primarily used to
22 educate students.

23 (g) ANNUAL REPORT ON PROGRAM.—

24 (1) IN GENERAL.—Not later than September
25 30 of each fiscal year beginning after the date of the

1 enactment of this section, the Secretary shall submit
2 to the appropriate congressional committees a report
3 on the projects carried out with funds made avail-
4 able under this section.

5 (2) ELEMENTS.—The report under paragraph
6 (1) shall include, with respect to the fiscal year pre-
7 ceding the year in which the report is submitted, the
8 following:

9 (A) An identification of each qualified local
10 educational agency that received an allocation
11 under this section.

12 (B) With respect to each such agency, a
13 description of—

14 (i) the demographic composition of
15 the student population served by the agen-
16 cy, disaggregated by—

17 (I) race;

18 (II) the number and percentage
19 of students counted under section
20 1124(c) of the Elementary and Sec-
21 ondary Education Act of 1965 (20
22 U.S.C. 6333(c)); and

23 (III) the number and percentage
24 of students who are eligible for a free
25 or reduced price lunch under the

1 Richard B. Russell National School
2 Lunch Act (42 U.S.C. 1751 et seq.);

3 (ii) the population density of the geo-
4 graphic area served by the agency;

5 (iii) the projects for which the agency
6 used the allocation received under this sec-
7 tion;

8 (iv) the demonstrable or expected ben-
9 efits of the projects; and

10 (v) the estimated number of jobs cre-
11 ated by the projects.

12 (C) The total dollar amount of all alloca-
13 tions received by local educational agencies
14 under this section.

15 (h) DEFINITIONS.—In this section:

16 (1) APPROPRIATE CONGRESSIONAL COMMIT-
17 TEES.—The term “appropriate congressional com-
18 mittees” means the Committee on Education and
19 the Workforce of the House of Representatives and
20 the Committee on Health, Education, Labor, and
21 Pensions of the Senate.

22 (2) COVERED FUNDS.—The term “covered
23 funds” means funds received under this section.

24 (3) LOCAL EDUCATIONAL AGENCY.—The term
25 “local educational agency”—

1 (A) has the meaning given the term in sec-
2 tion 8101 of the Elementary and Secondary
3 Education Act of 1965 (20 U.S.C. 7801); and

4 (B) includes a public board of education or
5 other public authority legally constituted within
6 an outlying area for either administrative con-
7 trol or direction of, or to perform a service
8 function for, public elementary schools or sec-
9 ondary schools in such outlying area.

10 (4) PUBLIC SCHOOL FACILITIES.—The term
11 “public school facilities” means the facilities of a
12 public elementary school or a public secondary
13 school.

14 (5) QUALIFIED LOCAL EDUCATIONAL AGEN-
15 CY.—The term “qualified local educational agency”
16 means a local educational agency that—

17 (A) receives funds under part A of title I
18 of the Elementary and Secondary Education
19 Act of 1965 (20 U.S.C. 6311 et seq.); and

20 (B) is located in a covered disaster area.

21 (i) AUTHORIZATION OF APPROPRIATIONS.—

22 (1) IN GENERAL.—There are authorized to be
23 appropriated \$1,500,000,000 for each of fiscal years
24 2018 through 2020 to carry out this section.

1 (2) AVAILABILITY.—Funds appropriated under
2 paragraph (1) shall remain available until expended.

3 **SEC. 514. 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. 515. 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. 516. 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. 517. 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. 518. 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-

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

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

(i) the number of displaced students (who are not children with disabilities) reported by the eligible local educational agency or eligible BIA-funded school for such quarter (as determined under subsection (c)(2)) times \$6,000; and

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

(C) TIMELINE.—The Secretary shall establish a timeline for quarterly reporting on the number of displaced students in order to make the appropriate disbursements in a timely manner.

(D) INSUFFICIENT FUNDS.—If, for any quarter, the amount available under this section 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. 519. 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. 520. AUTHORIZATION OF FUNDS.**

6 There are authorized to be appropriated such sums
 7 as may be necessary to carry out sections 512, 517, and
 8 518.

9 **SEC. 521. SUNSET PROVISION.**

10 Except as provided in sections 513 and 516, the pro-
 11 visions of this subtitle shall be effective for the period be-
 12 ginning on the date of enactment of this Act and ending
 13 on August 1, 2018.

14 **Subtitle C—Higher Education**
 15 **Disaster Relief**

16 **SEC. 531. DEFINITIONS.**

17 In this subtitle:

18 (1) **AFFECTED INDIVIDUAL.**—The term “af-
 19 fected individual” means an individual who has ap-
 20 plied for or received student financial assistance
 21 under title IV of the Higher Education Act of 1965
 22 (20 U.S.C. 1070 et seq.) and—

23 (A) who is an affected student; or

24 (B) whose primary place of employment or
 25 residency was—

1 (i) as of September 5, 2017, in a cov-
2 ered disaster area due to Hurricane Irma;
3 or

4 (ii) as of September 16, 2017, in a
5 covered disaster area due to Hurricane
6 Maria.

7 (2) AFFECTED INSTITUTION.—

8 (A) IN GENERAL.—The term “affected in-
9 stitution” means an institution of higher edu-
10 cation that—

11 (i) is located in an area affected by a
12 covered disaster; and

13 (ii) has temporarily ceased operations
14 as a consequence of a covered disaster, as
15 determined by the Secretary.

16 (B) LENGTH OF TIME.—In determining
17 eligibility for assistance under this subtitle, the
18 Secretary, using consistent, objective criteria,
19 shall determine the time period for which an in-
20 stitution of higher education is an affected in-
21 stitution.

22 (C) SPECIAL RULE.—An organizational
23 unit of an affected institution that is not im-
24 pacted by a covered disaster shall not be consid-

1 ered as part of such affected institution for pur-
2 poses of receiving assistance under this subtitle.

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

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

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

10 (4) CANCELLED ENROLLMENT PERIOD.—The
11 term “cancelled enrollment period” means any pe-
12 riod of enrollment at an affected institution during
13 the academic year 2017–2018, during which stu-
14 dents were unable to attend such institution.

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

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

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

23 (6) SECRETARY.—The term “Secretary” means
24 the Secretary of Education.

1 **SEC. 532. GENERAL WAIVERS AND MODIFICATIONS.**

2 (a) **AUTHORITY.**—Notwithstanding any other provi-
3 sion of law, unless enacted with specific reference to this
4 section, the Secretary is authorized to waive or modify any
5 statutory or regulatory provision described in section
6 2(a)(2) of the Higher Education Relief Opportunities for
7 Students Act of 2003 (20 U.S.C. 1098bb(a)(2)) to ensure
8 that—

9 (1) administrative requirements placed on af-
10 fected students, affected individuals, affected institu-
11 tions, lenders, guaranty agencies, and grantees are
12 minimized to the extent possible without impairing
13 the integrity of the higher education programs under
14 the Higher Education Act of 1965, to ease the bur-
15 den on such participants; or

16 (2) institutions of higher education, lenders,
17 guaranty agencies, and other entities participating in
18 the student financial assistance programs under title
19 IV of the Higher Education Act of 1965, that serve
20 a covered disaster area may be granted temporary
21 relief from requirements that are rendered infeasible
22 or unreasonable due to the effects of a covered dis-
23 aster, including due diligence requirements and re-
24 porting deadlines.

25 (b) **AUTHORITY TO EXTEND OR WAIVE REPORTING**
26 **REQUIREMENTS UNDER SECTION 131(a).**—The Secretary

1 is authorized to extend reporting deadlines or waive re-
2 porting requirements under section 131(a) of the Higher
3 Education Act of 1965 (20 U.S.C. 1015(a)) for an af-
4 fected institution.

5 (c) CONSTRUCTION.—Nothing in this subtitle shall be
6 construed—

7 (1) to allow the Secretary to waive or modify
8 any applicable statutory or regulatory requirements
9 prohibiting discrimination in a program or activity,
10 or in employment or contracting, under existing law
11 (in existence on the date of the Secretary's action);
12 or

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

15 **SEC. 533. MODIFICATION OF PART A OF TITLE II GRANTS**
16 **AUTHORIZED.**

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

22 (1) to assist States and local educational agen-
23 cies to recruit and retain highly qualified teachers in
24 a school district located in a covered disaster area;
25 and

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

5 **SEC. 534. AUTHORIZED USES OF TRIO, GEAR-UP, PART A OR**
6 **B OF TITLE III, TITLE V, AND OTHER GRANTS.**

7 The Secretary is authorized to modify the required
8 and allowable uses of funds under chapters 1 and 2 of
9 subpart 2 of part A of title IV of the Higher Education
10 Act of 1965 (20 U.S.C. 1070a–11 et seq., 1070a–21 et
11 seq.), under part A or B of title III of such Act (20 U.S.C.
12 1057 et seq., 1060 et seq.), under title V of such Act (20
13 U.S.C. 1101 et seq.), and under any other competitive
14 grant program, at the request of an affected institution
15 or other grantee, with respect to affected institutions and
16 other grantees located in a covered disaster area. The Sec-
17 retary may, under the authority of this section, authorize
18 new construction, renovation, or improvement of class-
19 rooms, libraries, laboratories, or other instructional facili-
20 ties that is not authorized under the institution’s grant
21 award, as in effect on the date of enactment of this Act,
22 under part A or B of title III, or title V, of the Higher
23 Education Act of 1965.

1 **SEC. 535. PROFESSIONAL JUDGMENT.**

2 (a) IN GENERAL.—A financial aid administrator
3 shall be considered to be making an adjustment in accord-
4 ance with section 479A(a) of the Higher Education Act
5 of 1965 (20 U.S.C. 1087tt(a)) if the financial aid adminis-
6 trator makes the adjustment with respect to the calcula-
7 tion of the expected student or parent contribution (or
8 both) for an affected student, or for a student or a parent
9 who resides or resided, or was employed—

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

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

14 (b) DOCUMENTATION.—The financial aid adminis-
15 trator shall adequately document the need for the adjust-
16 ment.

17 **SEC. 536. EXPANDING INFORMATION DISSEMINATION RE-**
18 **GARDING ELIGIBILITY FOR FEDERAL PELL**
19 **GRANTS.**

20 (a) IN GENERAL.—The Secretary shall make special
21 efforts, in conjunction with State efforts, to notify affected
22 students and if applicable, their parents, who qualify for
23 means-tested Federal benefit programs, of their potential
24 eligibility for a maximum Federal Pell Grant under section
25 401 of the Higher Education Act of 1965 (20 U.S.C.

1 1070a), and shall disseminate such informational mate-
2 rials as the Secretary deems appropriate.

3 (b) MEANS-TESTED FEDERAL BENEFIT PRO-
4 GRAM.—For the purpose of this section, the term “means-
5 tested Federal benefit program” means a mandatory
6 spending program of the Federal Government, other than
7 a program under the Higher Education Act of 1965 (20
8 U.S.C. 1001 et seq.), in which eligibility for the program’s
9 benefits, or the amount of such benefits, or both, are de-
10 termined on the basis of income or resources of the indi-
11 vidual or family seeking the benefit, and may include such
12 programs as the supplemental security income program
13 under title XVI of the Social Security Act, the food stamp
14 program under the Food Stamp Act of 1977, the free and
15 reduced price school lunch program established under the
16 Richard B. Russell National School Lunch Act, the tem-
17 porary assistance to needy families program established
18 under part A of title IV of the Social Security Act, and
19 the women, infants, and children program established
20 under section 17 of the Child Nutrition Act of 1966, and
21 other programs identified by the Secretary.

22 **SEC. 537. PROCEDURES.**

23 (a) REGULATORY REQUIREMENTS INAPPLICABLE.—
24 Sections 482(c) and 492 of the Higher Education Act of

1 1965 (20 U.S.C. 1089(c), 1098a) and section 553 of title
2 5, United States Code, shall not apply to this subtitle.

3 (b) NOTICE OF WAIVERS, MODIFICATIONS, OR EX-
4 TENSIONS.—Notwithstanding section 437 of the General
5 Education Provisions Act (20 U.S.C. 1232) and section
6 553 of title 5, United States Code, the Secretary shall
7 make publicly available, by notice in the Federal Register,
8 the waivers, modifications, or extensions granted under
9 this subtitle.

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

13 **SEC. 538. TEMPORARY DEFERRAL FOR AFFECTED FED-**
14 **ERAL STUDENT LOAN BORROWERS.**

15 (a) IN GENERAL.—Notwithstanding any other provi-
16 sion of law, an affected borrower of a covered Federal stu-
17 dent loan shall be eligible for deferment, in the same man-
18 ner and subject to the same conditions as deferments are
19 provided for covered Federal student loans under section
20 428(b)(1)(M) or 455(f)(1) of the Higher Education Act
21 of 1965 (20 U.S.C. 1078(b)(1)(M); 1087e(f)(1)), for the
22 1-year period beginning on the date of enactment of this
23 Act.

24 (b) EXTENSION.—The Secretary may extend a
25 deferment provided under subsection (a) for not more than

1 two 1-year periods, if the Secretary determines that condi-
 2 tions warrant such an extension.

3 (c) APPLICABILITY TO OTHER LAW.—Any deferment
 4 provided to an affected borrower under this section shall
 5 not impact the affected borrower’s eligibility for any other
 6 deferment under section 428(b)(1)(M) or 455(f)(2) of the
 7 Higher Education Act of 1965 (20 U.S.C. 1078(b)(1)(M),
 8 1087e(f)(2)).

9 (d) DEFINITIONS.—In this section:

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

12 (A) who is a borrower of a covered Federal
 13 student loan; and

14 (B) whose primary place of residency was,
 15 as of September 5, 2017, in Puerto Rico or the
 16 Virgin Islands.

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

22 **SEC. 539. TERMINATION OF AUTHORITY.**

23 The authority of the Secretary to issue waivers or
 24 modifications under this subtitle (except for section 538)

1 shall expire at the conclusion of the 2017–2018 academic
2 year.

3 **SEC. 540. VIRGIN ISLANDS AND PUERTO RICO COLLEGE AC-**
4 **CESS.**

5 (a) PURPOSE.—It is the purpose of this section to
6 establish a program that enables college-bound residents
7 of the Virgin Islands and Puerto Rico to have greater
8 choices among institutions of higher education.

9 (b) GRANTS.—

10 (1) IN GENERAL.—From the total amount ap-
11 propriated under subsection (o) for a fiscal year, the
12 Secretary shall provide to each Governor for such
13 fiscal year an amount that bears the same relation
14 to such total amount appropriated as the population,
15 aged 15 to 17, inclusive, in the Governor’s State in
16 the preceding fiscal year bears to the sum of the
17 populations, aged 15 to 17, inclusive, in both the
18 Virgin Islands and Puerto Rico, in the preceding fis-
19 cal year. Such amounts provided to each Governor
20 shall be used to award grants to eligible institutions
21 that enroll eligible students to pay the difference be-
22 tween the tuition and fees charged for in-State stu-
23 dents and the tuition and fees charged for out-of-
24 State students on behalf of each eligible student en-
25 rolled in the eligible institution.

1 (2) MAXIMUM STUDENT AMOUNTS.—The grant
2 amount paid on behalf of an eligible student under
3 this section shall be—

4 (A) not more than \$15,000 for any one
5 award year (as defined in section 481 of the
6 Higher Education Act of 1965 (20 U.S.C.
7 1088)); and

8 (B) not more than \$45,000 in the aggre-
9 gate.

10 (3) PRORATION.—Each Governor shall prorate
11 payments under this section for students who attend
12 an eligible institution on less than a full-time basis.

13 (c) REDUCTION FOR INSUFFICIENT APPROPRIA-
14 TIONS.—

15 (1) IN GENERAL.—If the funds appropriated
16 pursuant to subsection (o) for any fiscal year are in-
17 sufficient to award a grant in the amount deter-
18 mined under subsection (b) on behalf of each eligible
19 student enrolled in an eligible institution, then each
20 Governor, in consultation with the Secretary, shall—

21 (A) first, ratably reduce the amount of the
22 tuition and fee payment made on behalf of each
23 eligible student who has not received funds
24 under this section for a preceding year; and

1 (B) after making reductions under sub-
2 paragraph (A), ratably reduce the amount of
3 the tuition and fee payments made on behalf of
4 all other eligible students.

5 (2) ADJUSTMENTS.—Each Governor, in con-
6 sultation with the Secretary, may adjust the amount
7 of tuition and fee payments made under paragraph
8 (1) based on—

9 (A) the financial need of the eligible stu-
10 dents to avoid undue hardship to the eligible
11 students; or

12 (B) undue administrative burdens on the
13 Governor.

14 (3) FURTHER ADJUSTMENTS.—Notwith-
15 standing paragraphs (1) and (2), each Governor
16 may prioritize the making or amount of tuition and
17 fee payments under this subsection based on the in-
18 come and need of eligible students.

19 (d) RULE OF CONSTRUCTION.—Nothing in this sec-
20 tion shall be construed to require an institution of higher
21 education to alter the institution's admissions policies or
22 standards in any manner to enable an eligible student to
23 enroll in the institution.

24 (e) APPLICATIONS.—Each student desiring that a
25 Governor award a grant under this section to an eligible

1 institution on behalf of the student shall submit an appli-
2 cation to the eligible institution at such time, in such man-
3 ner, and accompanied by such information as the eligible
4 institution may require.

5 (f) EMPLOYMENT AGREEMENT.—

6 (1) IN GENERAL.—Except as provided in sub-
7 section (h), each application submitted under sub-
8 section (e) shall contain or be accompanied by an
9 agreement by the applicant that the applicant will—

10 (A) maintain full-time employment within
11 the State where the applicant was domiciled, as
12 described in subsection (m)(3)(A), for a period
13 of not less than 2 years within the 4-year pe-
14 riod after the date the applicant completes the
15 course of study for which the applicant received
16 grant assistance under this section; and

17 (B) submit evidence of such employment in
18 the form of a certification by the employer upon
19 completion of each year of such employment.

20 (2) FAILURE OR REFUSAL TO CARRY OUT EM-
21 PLOYMENT OBLIGATION.—In the event that an ap-
22 plicant is determined to have failed or refused to
23 carry out the employment obligation described in
24 paragraph (1), the sum of the grant assistance
25 under this section received by such applicant shall be

1 treated as a loan and collected from the applicant in
2 accordance with subsection (g) and the policies and
3 procedures under subsection (i)(2).

4 (g) REPAYMENT FOR FAILURE TO COMPLETE EM-
5 PLOYMENT.—In the event that any recipient of a grant
6 under this section fails or refuses to comply with the em-
7 ployment obligation in the agreement under subsection (f),
8 the sum of the amounts of any such grant received by
9 such recipient shall, upon a determination of such a failure
10 or refusal in such employment obligation, be treated as
11 a loan, and shall be subject to repayment, together with
12 interest thereon accruing from the date of the grant
13 award, in accordance with terms and conditions specified
14 by the Governor through policies and procedures under
15 subsection (i)(2).

16 (h) EXTENUATING CIRCUMSTANCES.—

17 (1) IN GENERAL.—Each Governor shall estab-
18 lish categories of extenuating circumstances under
19 which a recipient of grant assistance under this sec-
20 tion who is unable to fulfill all or part of the recipi-
21 ent's employment obligation under subsection (f)
22 may be excused from fulfilling that portion of the
23 employment obligation.

24 (2) CONTINUOUS ENROLLMENT.—If a recipient
25 of grant assistance under this section is continuously

1 enrolled at an institution of higher education in one
2 or more postbaccalaureate programs and is main-
3 taining satisfactory progress in the course of study
4 the student is pursuing in accordance with section
5 484(c) of the Higher Education Act of 1965 (20
6 U.S.C. 1091(c)), the employment obligation in the
7 agreement under subsection (f) shall begin once such
8 recipient is no longer continuously enrolled.

9 (i) ADMINISTRATION OF PROGRAM.—

10 (1) IN GENERAL.—Each Governor shall carry
11 out the program authorized under this section in
12 consultation with the Secretary. Each Governor may
13 enter into a grant, contract, or cooperative agree-
14 ment with another public or private entity to admin-
15 ister the program under this section if the Governor
16 determines that doing so is a more efficient way of
17 carrying out the program.

18 (2) POLICIES AND PROCEDURES.—Each Gov-
19 ernor, in consultation with institutions of higher
20 education eligible for participation in the program
21 authorized under this section, shall develop policies
22 and procedures for the administration of the pro-
23 gram.

1 (3) MEMORANDUM OF AGREEMENT.—Each
2 Governor and the Secretary shall enter into a Memo-
3 randum of Agreement that describes—

4 (A) the manner in which the Governor
5 shall consult with the Secretary with respect to
6 administering the program authorized under
7 this section; and

8 (B) any technical or other assistance to be
9 provided to the Governor by the Secretary for
10 purposes of administering the program (which
11 may include access to the information in the
12 common financial reporting form developed
13 under section 483 of the Higher Education Act
14 of 1965 (20 U.S.C. 1090)).

15 (j) GOVERNOR'S REPORT.—Each Governor shall re-
16 port to the authorizing committees annually regarding—

17 (1) the number of eligible students attending
18 each eligible institution and the amount of the grant
19 assistance paid to such institutions on behalf of the
20 eligible students;

21 (2) the extent, if any, to which a ratable reduc-
22 tion was made in the amount of tuition and fee pay-
23 ments made on behalf of eligible students;

1 (3) the progress in obtaining recognized aca-
2 demic credentials of the cohort of eligible students
3 for each year; and

4 (4) the number of eligible students whose grant
5 assistance under this section has been converted to
6 a loan, and the repayment of such loans.

7 (k) GAO REPORT.—Beginning on the date of enact-
8 ment of this section, the Comptroller General of the
9 United States shall monitor the effect of the program au-
10 thorized under this section on educational opportunities
11 for eligible students. The Comptroller General shall ana-
12 lyze whether eligible students had difficulty gaining admis-
13 sion to eligible institutions because of any preference af-
14 forded in-State residents by eligible institutions, and shall
15 expeditiously report any findings regarding such difficulty
16 to the authorizing committees and each Governor. In addi-
17 tion, the Comptroller General shall—

18 (1) analyze the extent to which there are an in-
19 sufficient number of eligible institutions to which
20 students from the Virgin Islands and Puerto Rico
21 can gain admission, including admission aided by as-
22 sistance provided under this section, due to—

23 (A) caps on the number of out-of-State
24 students the institution will enroll;

1 (B) significant barriers imposed by aca-
2 demic entrance requirements (such as grade
3 point average and standardized scholastic ad-
4 missions tests); and

5 (C) absence of admission programs benefit-
6 ting minority students; and

7 (2) report the findings of the analysis described
8 in paragraph (1) to the authorizing committees and
9 each Governor.

10 (l) GENERAL REQUIREMENTS.—

11 (1) PERSONNEL.—The Secretary shall arrange
12 for the assignment of an individual, pursuant to sub-
13 chapter VI of chapter 33 of title 5, United States
14 Code, to serve as an adviser to each Governor with
15 respect to the program authorized under this sec-
16 tion.

17 (2) ADMINISTRATIVE EXPENSES.—Each Gov-
18 ernor may use not more than 5 percent of the funds
19 made available for the program authorized under
20 this section for a fiscal year to pay the administra-
21 tive expenses of the program for the fiscal year.

22 (3) INSPECTOR GENERAL REVIEW.—The pro-
23 gram authorized under this section shall be subject
24 to audit and other review by the Inspector General
25 of the Department of Education in the same manner

1 as programs are audited and reviewed under the In-
2 spector General Act of 1978 (5 U.S.C. App.).

3 (4) GIFTS.—Each Governor may accept, use,
4 and dispose of donations of services or property for
5 purposes of carrying out this section.

6 (5) MAXIMUM STUDENT AMOUNT ADJUST-
7 MENTS.—Each Governor shall establish rules to ad-
8 just the maximum student amounts described in
9 subsection (b)(2)(B) for eligible students who trans-
10 fer between the eligible institutions.

11 (m) DEFINITIONS.—In this section:

12 (1) AUTHORIZING COMMITTEES.—The term
13 “authorizing committees” has the meaning given the
14 term in section 103 of the Higher Education Act of
15 1965 (20 U.S.C. 1003).

16 (2) ELIGIBLE INSTITUTION.—The term “eligi-
17 ble institution” means an institution that—

18 (A) is a public 4-year institution of higher
19 education located in one of the several States of
20 the United States, the District of Columbia, or
21 Guam;

22 (B) is eligible to participate in the student
23 financial assistance programs under title IV of
24 the Higher Education Act of 1965 (20 U.S.C.
25 1070 et seq.); and

1 (C) enters into an agreement with a Gov-
2 ernor containing such terms and conditions as
3 the Governor and institution may jointly speci-
4 fy, including a requirement that the institution
5 use the funds made available under this section
6 to supplement and not supplant assistance that
7 otherwise would be provided to eligible students.

8 (3) ELIGIBLE STUDENT.—The term “eligible
9 student” means an individual who—

10 (A) was domiciled in the Virgin Islands or
11 Puerto Rico for not less than the 12 consecutive
12 months preceding the commencement of the
13 freshman year of the individual at an institu-
14 tion of higher education;

15 (B) graduated from a secondary school in
16 the Virgin Islands or Puerto Rico, or received
17 the recognized equivalent of a secondary school
18 diploma while domiciled in the Virgin Islands or
19 Puerto Rico, on or after January 1, 2013;

20 (C) begins the individual’s undergraduate
21 course of study within the 3 calendar years (ex-
22 cluding any period of service on active duty in
23 the Armed Forces, or service under the Peace
24 Corps Act (22 U.S.C. 2501 et seq.) or subtitle
25 C of title I of the National and Community

1 Service Act of 1990 (42 U.S.C. 12571 et seq.))
2 of graduation from a secondary school, or ob-
3 taining the recognized equivalent of a secondary
4 school diploma;

5 (D) is enrolled or accepted for enrollment,
6 on at least a half-time basis, in a baccalaureate
7 degree or other program (including a program
8 of study abroad approved for credit by the eligi-
9 ble institution at which such student is en-
10 rolled) leading to a recognized educational cre-
11 dential at an eligible institution;

12 (E) if enrolled in an eligible institution, is
13 maintaining satisfactory progress in the course
14 of study the student is pursuing in accordance
15 with section 484(c) of the Higher Education
16 Act of 1965 (20 U.S.C. 1091(c));

17 (F) while enrolled in an eligible institution,
18 maintains the State where the applicant was
19 domiciled pursuant to subparagraph (A) as the
20 individual's principal place of residence for pur-
21 poses of the laws of such State; and

22 (G) has not completed the individual's first
23 undergraduate baccalaureate degree course of
24 study.

1 (4) INSTITUTION OF HIGHER EDUCATION.—The
2 term “institution of higher education” has the
3 meaning given the term in section 101 of the Higher
4 Education Act of 1965 (20 U.S.C. 1001).

5 (5) GOVERNOR.—The term “Governor” means
6 the Governor of the Virgin Islands or the Governor
7 of Puerto Rico.

8 (6) SECONDARY SCHOOL.—The term “sec-
9 ondary school” has the meaning given the term in
10 section 8101 of the Elementary and Secondary Edu-
11 cation Act of 1965 (20 U.S.C. 7801).

12 (7) SECRETARY.—The term “Secretary” means
13 the Secretary of Education.

14 (8) STATE.—The term “State” has the mean-
15 ing given the term in section 103 of the Higher
16 Education Act of 1965 (20 U.S.C. 1003).

17 (n) EFFECTIVE DATE.—This section shall take effect
18 with respect to payments for periods of instruction that
19 begin on or after January 1, 2017.

20 (o) AUTHORIZATION OF APPROPRIATIONS.—There is
21 authorized to be appropriated to carry out this section
22 \$330,000,000 for each of the fiscal years 2018 through
23 2023, and such sums as may be necessary for each of the
24 succeeding fiscal years. Such funds shall remain available
25 until expended.

1 **Subtitle D—Disaster Relief for**
2 **Other Education and Related**
3 **Programs**

4 **SEC. 551. DEFINITIONS.**

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

9 (b) ADDITIONAL DEFINITIONS.—For the purposes of
10 this subtitle:

11 (1) AFFECTED HEAD START AGENCY.—The
12 term “affected Head Start agency” means a Head
13 Start agency, including an early Head Start agency,
14 receiving a significant number of children from a
15 covered disaster area.

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

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

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

1 (B) a State educational agency (as defined
2 in section 602 of such Act) of Puerto Rico or
3 the Virgin Islands; or

4 (C) a State interagency coordinating coun-
5 cil established under section 641 of such Act
6 (20 U.S.C. 1441) if such council is located in
7 a covered disaster area.

8 (4) INDIVIDUAL ADVERSELY AFFECTED BY A
9 COVERED DISASTER.—The term “individual ad-
10 versely affected by a covered disaster” means an in-
11 dividual who was living, working, or attending
12 school—

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

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

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

22 (6) SECRETARY.—The term “Secretary” means
23 the Secretary of Education.

1 **SEC. 552. AGREEMENTS TO EXTEND CERTAIN DEADLINES**
2 **OF THE INDIVIDUALS WITH DISABILITIES**
3 **EDUCATION ACT TO FACILITATE THE PROVI-**
4 **SION OF EDUCATIONAL SERVICES TO CHIL-**
5 **DREN WITH DISABILITIES.**

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

13 (b) **TERMS OF AGREEMENTS.**—An agreement re-
14 ferred to in subsection (a) is an agreement with an eligible
15 entity made in accordance with subsection (e) that may
16 extend the applicable deadlines under one or more of the
17 following sections:

18 (1) Section 612(a)(15)(C) of the Individuals
19 with Disabilities Education Act (20 U.S.C.
20 1412(a)(15)(C)), by extending up to an additional
21 30 days the deadline for submission of the annual
22 report to the Secretary and the public regarding the
23 progress of the State and of children with disabilities
24 in the State.

25 (2) Section 616(b)(1)(A) of such Act (20
26 U.S.C. 1416(b)(1)(A)), by extending up to an addi-

1 tional 30 days the deadline for finalization of the
2 State performance plan.

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

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

12 (1) as permitting the waiver of—

13 (A) any applicable Federal civil rights law;

14 (B) any student or family privacy protec-
15 tions, including provisions requiring parental
16 consent for evaluations and services;

17 (C) any procedural safeguards required
18 under section 615 or 639 of the Individuals
19 with Disabilities Education Act (20 U.S.C.
20 1415, 1439); or

21 (D) any requirements not specified in sub-
22 section (b); or

23 (2) as removing the obligation of the eligible en-
24 tity to provide a child with a disability or an infant
25 or toddler with a disability and their families—

1 (A) a free appropriate public education
 2 under part B of the Individuals with Disabil-
 3 ities Education Act (20 U.S.C. 1411 et seq.); or

4 (B) early intervention services under part
 5 C of such Act (20 U.S.C. 1431 et seq.).

6 (d) DURATION OF AGREEMENT.—An agreement
 7 under this section shall terminate at the conclusion of the
 8 2017–2018 academic year.

9 (e) REQUEST TO ENTER INTO AGREEMENT.—To
 10 enter into an agreement under this section, an eligible en-
 11 tity shall submit a request to the Secretary at such time,
 12 in such manner, and containing such information as the
 13 Secretary may require.

14 **SEC. 553. HEAD START AND CHILD CARE AND DEVELOP-**
 15 **MENT BLOCK GRANTS.**

16 (a) HEAD START.—

17 (1) TECHNICAL ASSISTANCE, GUIDANCE, AND
 18 RESOURCES.—From the amount made available for
 19 Head Start in this Act, the Secretary of Health and
 20 Human Services shall provide training and technical
 21 assistance, guidance, and resources through the Re-
 22 gion 2 offices of the Administration for Children and
 23 Families (and may provide training and technical as-
 24 sistance, guidance, and resources through other re-
 25 gional offices of the Administration, at the request

1 of such offices that administer affected Head Start
2 agencies) to Head Start agencies in a covered dis-
3 aster area, and to affected Head Start agencies, to
4 assist the agencies and entities involved to address
5 the health and counseling needs of infants, toddlers,
6 and young children affected by a covered disaster.
7 Such training and technical assistance may be pro-
8 vided by contract or cooperative agreement with
9 qualified national, regional, or local providers.

10 (2) WAIVER.—For such period up to September
11 30, 2018, and to such extent as the Secretary of
12 Health and Human Services considers appropriate,
13 the Secretary of Health and Human Services—

14 (A) may waive section 640(b) of the Head
15 Start Act (42 U.S.C. 9835(b)) for Head Start
16 agencies located in a covered disaster area and
17 other affected Head Start agencies; and

18 (B) shall waive requirements of docu-
19 mentation for individuals adversely affected by
20 a covered hurricane disaster who participate in
21 a Head Start program or an Early Head Start
22 program funded under the Head Start Act.

23 (b) CHILD CARE AND DEVELOPMENT BLOCK
24 GRANT.—

1 (1) CHILD CARE AND DEVELOPMENT BLOCK
2 GRANT ACT OF 1990.—For such period up to Sep-
3 tember 30, 2018, and to such extent as the Sec-
4 retary of Health and Human Services considers to
5 be appropriate, the Secretary of Health and Human
6 Services may waive, for Puerto Rico, the Virgin Is-
7 lands, and any State serving significant numbers of
8 individuals adversely affected by a covered disaster,
9 provisions of the Child Care and Development Block
10 Grant Act of 1990 (42 U.S.C. 9858 et seq.)—

11 (A) relating to Federal income limitations
12 on eligibility to receive child care services for
13 which assistance is provided under such Act;

14 (B) relating to work requirements applica-
15 ble to eligibility to receive child care services for
16 which assistance is provided under such Act;

17 (C) relating to limitations on the use of
18 funds under section 658G of the Child Care
19 and Development Block Grant Act of 1990 (42
20 U.S.C. 9858e);

21 (D) preventing children designated as evac-
22 uees from receiving priority for child care serv-
23 ices provided under such Act, except that chil-
24 dren residing in a State and currently receiving

1 services should not lose such services to accom-
2 modate evacuee children; and

3 (E) relating to any non-Federal or capital
4 contribution required (including copayment or
5 other cost sharing by parents receiving child
6 care assistance) to match Federal funds pro-
7 vided under programs administered by the Sec-
8 retary of Health and Human Services.

9 (2) TECHNICAL ASSISTANCE AND GUIDANCE.—

10 The Secretary of Health and Human Services may
11 provide assistance to States for the purpose of pro-
12 viding training, technical assistance, and guidance to
13 eligible child care providers (as defined in section
14 658P of the Child Care and Development Block
15 Grant Act of 1990 (42 U.S.C. 9858n)) who are li-
16 censed and regulated, as applicable, by the States, to
17 enable such providers to provide child care services
18 for children and families described in paragraph (1).
19 Such training and technical assistance may be pro-
20 vided through intermediary organizations, including
21 those with demonstrated experience in providing
22 training and technical assistance to programs serv-
23 ing school-age children up to age 13, involved in re-
24 instituting child care services on a broad scale in a
25 covered disaster area.

1 **TITLE VI—ECONOMIC DEVELOP-**
2 **MENT ASSISTANCE AND**
3 **WORKER PROTECTIONS**

4 **SEC. 601. TRAINING AND EMPLOYMENT SERVICES.**

5 (a) IN GENERAL.—Out of funds of the Treasury not
6 otherwise appropriated, there is appropriated for the fiscal
7 year ending September 30, 2018: For an additional
8 amount for “Training and Employment Services”,
9 \$25,000,000, for the dislocated workers national reserve
10 to provide assistance under subparagraph (B) or (as ap-
11 propriate) subparagraph (C) of section 170(b)(1) of the
12 Workforce Innovation and Opportunity Act (29 U.S.C.
13 3225(b)(1)) for necessary expenses in Puerto Rico and the
14 Virgin Islands directly related to Hurricanes Irma and
15 Maria, to remain available until expended.

16 (b) TRANSFERS.—The Secretary of Labor may trans-
17 fer up to \$3,500,000 of the amount described in sub-
18 section (a) to any other Department of Labor account for
19 other reconstruction and recovery needs, including worker
20 protection activities, in Puerto Rico and the Virgin Islands
21 related to Hurricanes Irma and Maria.

1 **SEC. 602. EQUITABLE TREATMENT FOR POSSESSIONS OF**
2 **THE UNITED STATES WITH RESPECT TO THE**
3 **EARNED INCOME TAX CREDIT AND THE**
4 **CHILD TAX CREDIT.**

5 (a) EARNED INCOME TAX CREDIT.—

6 (1) IN GENERAL.—Section 32 of the Internal
7 Revenue Code of 1986 is amended by adding at the
8 end the following:

9 “(n) TREATMENT OF POSSESSIONS.—

10 “(1) PAYMENTS TO POSSESSIONS.—

11 “(A) MIRROR CODE POSSESSION.—The
12 Secretary of the Treasury shall periodically (but
13 not less frequently than annually) pay to each
14 possession of the United States with a mirror
15 code tax system amounts equal to the loss to
16 that possession by reason of the application of
17 this section (determined without regard to para-
18 graph (2)) with respect to taxable years begin-
19 ning after December 31, 2016. Such amounts
20 shall be determined by the Secretary of the
21 Treasury based on information provided by the
22 government of the respective possession.

23 “(B) OTHER POSSESSIONS.—The Sec-
24 retary of the Treasury shall periodically (but no
25 less frequently than annually) pay to each pos-
26 session of the United States which does not

1 have a mirror code tax system amounts esti-
2 mated by the Secretary of the Treasury as
3 being equal to the aggregate benefits that would
4 have been provided to residents of such posses-
5 sion by reason of the application of this section
6 for taxable years beginning after December 31,
7 2016, if a mirror code tax system had been in
8 effect in such possession. The preceding sen-
9 tence shall not apply with respect to any posses-
10 sion of the United States unless such possession
11 has a plan, which has been approved by the
12 Secretary of the Treasury, under which such
13 possession will promptly distribute such pay-
14 ments to the residents of such possession.

15 “(2) COORDINATION WITH CREDIT ALLOWED
16 AGAINST UNITED STATES INCOME TAXES.—No cred-
17 it shall be allowed under this section for any taxable
18 year to any person—

19 “(A) to whom a credit is allowed against
20 taxes imposed by the possession by reason of
21 this section (determined without regard to this
22 paragraph) for such taxable year, or

23 “(B) who is eligible for a payment under
24 a plan described in paragraph (1)(B) with re-
25 spect to such taxable year.

1 “(3) DEFINITIONS AND SPECIAL RULES.—

2 “(A) POSSESSION OF THE UNITED
3 STATES.—For purposes of this subsection, the
4 term ‘possession of the United States’ includes
5 the Commonwealth of Puerto Rico and the
6 Commonwealth of the Northern Mariana Is-
7 lands.

8 “(B) MIRROR CODE TAX SYSTEM.—For
9 purposes of this subsection, the term ‘mirror
10 code tax system’ means, with respect to any
11 possession of the United States, the income tax
12 system of such possession if the income tax li-
13 ability of the residents of such possession under
14 such system is determined by reference to the
15 income tax laws of the United States as if such
16 possession were the United States, and such
17 system includes a tax credit substantially iden-
18 tical to the credit allowed under this section.

19 “(C) TREATMENT OF PAYMENTS.—For
20 purposes of section 1324(b)(2) of title 31,
21 United States Code, or any similar rule of law,
22 any payment made under this subsection shall
23 be treated in the same manner as a refund due
24 from the credit allowed under this section.”.

1 (2) EFFECTIVE DATE.—The amendment made
2 by this subsection shall apply with respect to taxable
3 years beginning after December 31, 2016.

4 (b) EQUITABLE TREATMENT FOR RESIDENTS OF
5 PUERTO RICO WITH RESPECT TO THE REFUNDABLE
6 PORTION OF THE CHILD TAX CREDIT.—

7 (1) IN GENERAL.—Section 24(d)(1) of the In-
8 ternal Revenue Code of 1986 is amended by insert-
9 ing “or section 933” after “section 112”.

10 (2) EFFECTIVE DATE.—The amendment made
11 by paragraph (1) shall apply to taxable years begin-
12 ning after December 31, 2016.

13 (c) PAYMENTS TO VIRGIN ISLANDS AND GUAM FOR
14 LOST REVENUE WITH RESPECT TO THE CHILD TAX
15 CREDIT.—Section 24 of such Code is amended by adding
16 at the end the following:

17 “(h) PAYMENTS TO VIRGIN ISLANDS AND GUAM FOR
18 LOST REVENUE.—The Secretary shall make annual pay-
19 ments to the Virgin Islands and to Guam in amounts
20 equal to the aggregate loss to the Virgin Islands or Guam,
21 as the case may be, by reason of the application of this
22 section with respect to taxable years beginning after 2016.
23 Such amounts shall be determined by the Secretary based
24 on information provided by the Virgin Islands and Guam.
25 For purposes of section 1324(b)(2) of title 31, United

1 States Code, the payments under this subsection shall be
2 treated in the same manner as a refund due from the cred-
3 it allowed under this section.”.

4 **SEC. 603. REQUIREMENT TO USE LOCAL LABOR.**

5 In carrying out relief and recovery efforts relating to
6 a covered disaster in Puerto Rico and the Virgin Islands,
7 the Administrator of the Federal Emergency Management
8 Agency shall ensure that—

9 (1) to the greatest extent practicable, individ-
10 uals who carry out such efforts are individuals who
11 reside in a covered disaster area;

12 (2) workers are protected by project labor
13 agreements; and

14 (3) local, family-sustaining union jobs are pro-
15 tected.

16 **SEC. 604. MINIMUM WAGE FOR YOUNG EMPLOYEES IN**
17 **PUERTO RICO.**

18 Section 6(g) of the Fair Labor Standards Act of
19 1938 (29 U.S.C. 206(g)) is amended—

20 (1) by striking paragraph (2) and redesignating
21 paragraphs (3) through (5) as paragraphs (2)
22 through (4), respectively;

23 (2) in paragraph (2), as so redesignated, by
24 striking “or (2)”; and

1 (3) in paragraph (4), as so redesignated, by
 2 striking “20 years, except” and all that follows
 3 through the period and inserting “20 years.”.

4 **SEC. 605. OVERTIME HOURS PROTECTIONS FOR WORKERS**
 5 **IN PUERTO RICO.**

6 Section 404 of the Puerto Rico Oversight, Manage-
 7 ment, and Economic Stability Act (48 U.S.C. 2193) is re-
 8 pealed.

9 **SEC. 606. UNEMPLOYMENT ASSISTANCE FOR PUERTO RICO**
 10 **AND THE VIRGIN ISLANDS.**

11 (a) EXTENSION OF DISASTER UNEMPLOYMENT BEN-
 12 EFIT PERIOD.—

13 (1) IN GENERAL.—Notwithstanding section
 14 410(a) of the Robert T. Stafford Disaster Relief and
 15 Emergency Assistance Act (42 U.S.C. 5177(a)) or
 16 any regulations implementing that section—

17 (A) in the case of an individual who is ap-
 18 plying for unemployment assistance under that
 19 section 410(a) as a result of a covered dis-
 20 aster—

21 (i) the individual shall file the applica-
 22 tion for unemployment assistance not later
 23 than July 11, 2018; and

24 (ii) the individual shall submit all doc-
 25 umentation required to be submitted in

1 support of an application described in
2 clause (i) not later than 90 days after the
3 date on which the application was filed;
4 and

5 (B) in the case of an individual who is eli-
6 gible to receive unemployment assistance under
7 that section 410(a) as a result of a covered dis-
8 aster, the President shall make such assistance
9 available for 52 weeks after the date on which
10 the President declared the covered disaster.

11 (2) REGULATIONS.—The Secretary of Labor
12 may prescribe any operating instructions or regula-
13 tions necessary to carry out this subsection.

14 (b) OTHER UNEMPLOYMENT ASSISTANCE.—Section
15 903 of the Social Security Act (42 U.S.C. 1103) is amend-
16 ed by adding at the end the following new subsection:

17 “Special Transfer in Fiscal Year 2018

18 “(h) Not later than 10 days after the date of the en-
19 actment of this subsection, the Secretary of the Treasury
20 shall transfer from the Federal unemployment account, to
21 remain available until expended—

22 “(1) \$325,000,000 to the account of the Com-
23 monwealth of Puerto Rico in the Unemployment
24 Trust Fund; and

1 “(2) \$25,000,000 to the account of the United
2 States Virgin Islands in the Unemployment Trust
3 Fund.”.

4 **SEC. 607. EXTENSION OF THE SUPPLEMENTAL SECURITY**
5 **INCOME PROGRAM TO TERRITORIES.**

6 (a) IN GENERAL.—Section 303 of the Social Security
7 Amendments of 1972 (86 Stat. 1484) is amended by strik-
8 ing subsection (b).

9 (b) CONFORMING AMENDMENTS.—

10 (1) DEFINITION OF STATE.—Section
11 1101(a)(1) of the Social Security Act (42 U.S.C.
12 1301(a)(1)) is amended by striking the fifth sen-
13 tence and inserting the following: “Such term when
14 used in title XVI includes Puerto Rico, the United
15 States Virgin Islands, Guam, and American
16 Samoa.”.

17 (2) ELIMINATION OF LIMIT ON TOTAL PAY-
18 MENTS TO THE TERRITORIES.—Section 1108 of
19 such Act (42 U.S.C. 1308) is amended—

20 (A) in the section heading, by striking “;
21 **LIMITATION ON TOTAL PAYMENTS**”;

22 (B) by striking subsection (a); and

23 (C) in subsection (c), by striking para-
24 graphs (2) and (4) and redesignating para-

1 graphs (3) and (5) as paragraphs (2) and (4),
2 respectively.

3 (3) UNITED STATES NATIONALS TREATED THE
4 SAME AS CITIZENS.—Section 1614(a)(1)(B) of such
5 Act (42 U.S.C. 1382c(a)(1)(B)) is amended—

6 (A) in clause (i)(I), by inserting “or na-
7 tional,” after “citizen”;

8 (B) in clause (i)(II), by adding “; or” at
9 the end; and

10 (C) in clause (ii), by inserting “or na-
11 tional” after “citizen”.

12 (4) TERRITORIES INCLUDED IN GEOGRAPHIC
13 MEANING OF UNITED STATES.—Section 1614(e) of
14 such Act (42 U.S.C. 1382c(e)) is amended by strik-
15 ing “and the District of Columbia” and inserting “,
16 the District of Columbia, Puerto Rico, the United
17 States Virgin Islands, Guam, and American
18 Samoa”.

19 (c) WAIVER AUTHORITY.—The Commissioner of So-
20 cial Security may waive or modify any statutory require-
21 ment relating to the provision of benefits under the Sup-
22 plemental Security Income Program under title XVI of the
23 Social Security Act in Puerto Rico, the Virgin Islands,
24 Guam, or American Samoa, to the extent that the Com-

1 missioner deems it necessary in order to adapt the pro-
2 gram to the needs of the territory involved.

3 (d) **EFFECTIVE DATE.**—This section and the amend-
4 ments made by this section shall take effect on the first
5 day of the first Federal fiscal year that begins one year
6 or more after the date of the enactment of this Act.

7 **SEC. 608. ECONOMIC DEVELOPMENT ASSISTANCE PRO-**
8 **GRAMS.**

9 Out of funds of the Treasury not otherwise appro-
10 priated, there is appropriated, pursuant to section 703 of
11 the Public Works and Economic Development Act (42
12 U.S.C. 3233), an additional amount for “Economic Devel-
13 opment Assistance Programs”, for necessary expenses re-
14 lated to disaster relief, long-term recovery, and restoration
15 of infrastructure in areas covered by the declaration of a
16 major disaster under title IV of the Robert T. Stafford
17 Disaster Relief and Emergency Assistance Act (42 U.S.C.
18 5121 et seq.) as a result of Hurricanes Irma and Maria,
19 \$235,612,500 for fiscal year 2018, to remain available
20 until expended, of which—

- 21 (1) \$228,750,000 shall be made available for
22 Puerto Rico; and
23 (2) \$6,862,500 shall be made available for the
24 Virgin Islands.

1 **SEC. 609. APPROPRIATION TO CDFI FUND FOR DISASTER**
2 **RELIEF IN PUERTO RICO AND THE VIRGIN IS-**
3 **LANDS.**

4 (a) DEFINITIONS.—In this section—

5 (1) the term “community development financial
6 institution” has the meaning given the term in sec-
7 tion 103 of the Community Development Banking
8 and Financial Institutions Act of 1994 (12 U.S.C.
9 4702); and

10 (2) the term “Fund” means the Community
11 Development Financial Institutions Fund established
12 under section 104(a) of the Community Develop-
13 ment Banking and Financial Institutions Act of
14 1994 (12 U.S.C. 4703(a)).

15 (b) APPROPRIATION.—Out of funds of the Treasury
16 not otherwise appropriated, there is appropriated to the
17 Fund \$250,000,000, which shall—

18 (1) be used for financial and technical assist-
19 ance to community development financial institu-
20 tions for costs relating to disaster relief and long-
21 term recovery in covered disaster areas; and

22 (2) remain available during the 5-year period
23 beginning on the date of enactment of this Act.

24 (c) SUSPENSION OF MATCHING REQUIREMENT.—
25 Notwithstanding any other provision of law, during the 5-
26 year period beginning on the date of enactment of this

1 Act, there shall be no requirement to match any assistance
2 provided by the Fund to community development financial
3 institutions for costs relating to disaster relief and long-
4 term recovery in covered disaster areas with funds from
5 sources other than the Federal Government.

6 **SEC. 610. COMMUNITY DEVELOPMENT FUND.**

7 Out of funds of the Treasury not otherwise appro-
8 priated, there is appropriated to the Community Develop-
9 ment Fund of the Department of Housing and Urban De-
10 velopment \$48,000,000,000 for fiscal year 2018, to re-
11 main available until expended, for necessary expenses for
12 activities authorized under title I of the Housing and Com-
13 munity Development Act of 1974 (42 U.S.C. 5301 et seq.)
14 related to disaster relief, long-term recovery, restoration
15 of infrastructure and housing, and economic revitalization
16 in the most impacted and distressed areas that are covered
17 disaster areas, of which \$46,000,000,000 shall be for such
18 areas in Puerto Rico and \$2,000,000,000 shall be for such
19 areas in the Virgin Islands: *Provided*, That funds shall be
20 awarded directly to the State or unit of general local gov-
21 ernment at the discretion of the Secretary of Housing and
22 Urban Development (referred to in this section as the
23 “Secretary”): *Provided further*, That as a condition of
24 making any grant, the Secretary shall certify in advance
25 that such grantee has in place proficient financial controls

1 and procurement processes and has established adequate
2 procedures to prevent any duplication of benefits as de-
3 fined in section 312 of the Robert T. Stafford Disaster
4 Relief and Emergency Assistance Act (42 U.S.C. 5155),
5 to ensure timely expenditure of funds, to maintain com-
6 prehensive websites regarding all disaster recovery activi-
7 ties assisted with these funds, and to detect and prevent
8 waste, fraud, and abuse of funds: *Provided further*, That
9 prior to the obligation of funds a grantee shall submit a
10 plan to the Secretary for approval detailing the proposed
11 use of all funds, including criteria for eligibility and how
12 the use of these funds will address long-term recovery and
13 restoration of infrastructure and housing and economic re-
14 vitalization in the most impacted and distressed areas:
15 *Provided further*, That such funds may not be used for
16 activities reimbursable by, or for which funds are made
17 available by, the Federal Emergency Management Agency
18 or the Army Corps of Engineers: *Provided further*, That
19 funds allocated under this section shall not be considered
20 relevant to the non-disaster formula allocations made
21 under section 106 of the Housing and Community Devel-
22 opment Act of 1974 (42 U.S.C. 5306): *Provided further*,
23 That a State, subdivision thereof, or unit of general local
24 government may use not more than 5 percent of its alloca-
25 tion for administrative costs: *Provided further*, That in ad-

1 ministering the funds under this section, the Secretary
2 may waive, or specify alternative requirements for, any
3 provision of any statute or regulation that the Secretary
4 administers in connection with the obligation by the Sec-
5 retary or the use by the recipient of these funds (except
6 for requirements related to fair housing, nondiscrimina-
7 tion, labor standards, and the environment), if the Sec-
8 retary finds that good cause exists for the waiver or alter-
9 native requirement and such waiver or alternative require-
10 ment would not be inconsistent with the overall purpose
11 of title I of the Housing and Community Development Act
12 of 1974: *Provided further*, That, notwithstanding the pre-
13 ceding proviso, recipients of funds provided under this sec-
14 tion that use such funds to supplement Federal assistance
15 provided under section 402, 403, 404, 406, 407, or 502
16 of the Robert T. Stafford Disaster Relief and Emergency
17 Assistance Act (42 U.S.C. 5121 et seq.) may adopt, with-
18 out review or public comment, any environmental review,
19 approval, or permit performed by a Federal agency, and
20 such adoption shall satisfy the responsibilities of the re-
21 cipient with respect to such environmental review, ap-
22 proval, or permit: *Provided further*, That, notwithstanding
23 section 104(g)(2) of the Housing and Community Devel-
24 opment Act of 1974 (42 U.S.C. 5304(g)(2)), the Secretary
25 may, upon receipt of a request for release of funds and

1 certification, immediately approve the release of funds for
2 an activity or project assisted under this section if the re-
3 cipient has adopted an environmental review, approval, or
4 permit under the preceding proviso or the activity or
5 project is categorically excluded from review under the Na-
6 tional Environmental Policy Act of 1969 (42 U.S.C. 4321
7 et seq.): *Provided further*, That the Secretary shall publish
8 via notice in the Federal Register any waiver, or alter-
9 native requirement, to any statute or regulation that the
10 Secretary administers under title I of the Housing and
11 Community Development Act of 1974 not later than 5
12 days before the effective date of the waiver or alternative
13 requirement: *Provided further*, That of the amounts made
14 available under this section, not more than \$10,000,000
15 may be transferred, in aggregate, to “Department of
16 Housing and Urban Development—Program Office Sala-
17 ries and Expenses—Community Planning and Develop-
18 ment” for necessary costs, including information tech-
19 nology costs, of administering and overseeing the obliga-
20 tion and expenditure of amounts under this section.

21 **SEC. 611. SMALL BUSINESS ADMINISTRATION DISASTER**
22 **LOANS.**

23 Out of funds of the Treasury not otherwise appro-
24 priated, there is appropriated to the Disaster Loans Pro-
25 gram Account of the Small Business Administration

1 \$2,730,729,378 for fiscal year 2018, to remain available
 2 until expended, to carry out the loan program authorized
 3 under section 7(b) of the Small Business Act (15 U.S.C.
 4 636(b)) in Puerto Rico and the Virgin Islands.

5 **SEC. 612. TEMPORARY INCREASE IN NEW MARKETS TAX**
 6 **CREDIT FOR INVESTMENTS IN COMMUNITY**
 7 **DEVELOPMENT ENTITIES SERVING COVERED**
 8 **DISASTER AREAS.**

9 (a) IN GENERAL.—Subsection (f) of section 45D of
 10 the Internal Revenue Code of 1986 is amended by adding
 11 at the end the following new paragraph:

12 “(4) TEMPORARILY INCREASED SPECIAL ALLO-
 13 CATION FOR COMMUNITY DEVELOPMENT ENTITIES
 14 SERVING DISASTER AREAS.—

15 “(A) IN GENERAL.—In the case of cal-
 16 endar year 2018, the new markets tax credit
 17 limitation shall be increased by an amount
 18 equal to \$1,000,000,000, to be allocated among
 19 qualified community development entities to
 20 make qualified low-income community invest-
 21 ments within any covered federally declared dis-
 22 aster area.

23 “(B) ALLOCATION OF INCREASE.—The
 24 amount of the increase in limitation under sub-
 25 paragraph (A) shall be allocated by the Sec-

1 retary under paragraph (2) to qualified commu-
2 nity development entities and the Secretary
3 shall give priority, when appropriate, to such
4 entities with a record of having successfully
5 provided capital or technical assistance to busi-
6 nesses or communities within any covered feder-
7 ally declared disaster area or areas for which
8 the allocation is requested.

9 “(C) APPLICATION OF CARRYFORWARD.—
10 Paragraph (3) shall be applied separately with
11 respect to the amount of any increase under
12 subparagraph (A).

13 “(D) COVERED FEDERALLY DECLARED
14 DISASTER AREA.—For purposes of this para-
15 graph, the term ‘covered federally declared dis-
16 aster area’ means any disaster area in Puerto
17 Rico or the Virgin Islands resulting from any
18 federally declared disaster occurring in calendar
19 year 2017. For purposes of the preceding sen-
20 tence, the terms ‘Federally declared disaster’
21 and ‘disaster area’ have the meanings given
22 such terms in section 165(i)(5).

23 “(E) PAYMENTS TO VIRGIN ISLANDS FOR
24 LOST REVENUE.—The Secretary shall make an-
25 nual payments to the Virgin Islands in amounts

1 equal to the aggregate loss to the Virgin Is-
2 lands, as the case may be, by reason of the ap-
3 plication of this section with respect to taxable
4 years beginning after 2017. Such amounts shall
5 be determined by the Secretary based on infor-
6 mation provided by the Virgin Islands. For pur-
7 poses of section 1324(b)(2) of title 31, United
8 States Code, the payments under this sub-
9 section shall be treated in the same manner as
10 a refund due from the credit allowed under this
11 section.”.

12 (b) EFFECTIVE DATE.—The amendments made by
13 this section shall apply to calendar years beginning after
14 2017.

15 **SEC. 613. FULL RUM COVER OVER.**

16 (a) IN GENERAL.—Section 7652 of the Internal Rev-
17 enue Code of 1986 is amended—

18 (1) by striking subsection (f); and

19 (2) by redesignating subsections (g) and (h) as
20 subsections (f) and (g), respectively.

21 (b) EFFECTIVE DATE.—The amendments made by
22 this section shall apply with respect to distilled spirits
23 brought into the United States after December 31, 2016.

1 **SEC. 614. TEMPORARY MODIFICATION TO TAX HOME AND**
2 **CLOSER CONNECTION TEST.**

3 For purposes of paragraph (2) of section 937(a) of
4 the Internal Revenue Code of 1986, in the case of the tax-
5 able year of an individual that includes September 5,
6 2017, if such individual does not have a tax home outside
7 the Virgin Islands or Puerto Rico, and does not have a
8 closer connection to the United States or a foreign coun-
9 try, for the period of such taxable year preceding such
10 date, such section shall be applied without regard to such
11 paragraph for the period of such taxable year on or after
12 such date.

13 **SEC. 615. INCOME ALLOCABLE TO FIXED PLACE OF BUSI-**
14 **NESS.**

15 For purposes of the Internal Revenue Code of 1986
16 (including determining source and transfer pricing), any
17 person that has a fixed place of business in the Virgin
18 Islands or Puerto Rico at any time during the period be-
19 ginning on January 1, 2017, and ending on August 31,
20 2017, may elect to treat income in connection with such
21 business for the period beginning September 5, 2017, and
22 ending on December 31, 2017, as derived from the con-
23 duct of a trade or business within the Virgin Islands or
24 Puerto Rico.

1 **SEC. 616. FEDERAL PERMITTING.**

2 During the 5-year period beginning on the date of
3 enactment of this Act, the President shall take necessary
4 actions to expedite the issuance of Federal permits re-
5 quired for construction projects in Puerto Rico and the
6 Virgin Islands.

7 **TITLE VII—ENVIRONMENTAL**
8 **REMEDATION**

9 **SEC. 701. NATIONAL PARK SERVICE HISTORIC PRESERVA-**
10 **TION FUND.**

11 (a) FUNDING.—Out of funds of the Treasury not oth-
12 erwise appropriated, there is appropriated to the Historic
13 Preservation Fund of the National Park Service
14 \$2,130,000 for fiscal year 2018, to remain available until
15 expended, for necessary expenses relating to the con-
16 sequences of Hurricane Irma and Hurricane Maria, of
17 which—

18 (1) \$1,300,000 is for necessary expenses in
19 Puerto Rico; and

20 (2) \$830,000 is for necessary expenses in the
21 Virgin Islands.

22 (b) WAIVER OF NON-FEDERAL SHARE.—Notwith-
23 standing any other provision of law, the non-Federal share
24 of the cost of any program or activity carried out using
25 funds provided under this section shall be zero.

1 **SEC. 702. ENVIRONMENTAL PROTECTION AGENCY ENVI-**
2 **RONMENTAL PROGRAMS AND MANAGEMENT.**

3 Out of funds of the Treasury not otherwise appro-
4 priated, there is appropriated to the Environmental Pro-
5 grams and Management Account of the Environmental
6 Protection Agency \$1,100,000 for fiscal year 2018, to re-
7 main available until expended, for necessary expenses re-
8 lating to the consequences of Hurricane Irma and Hurri-
9 cane Maria, of which—

10 (1) \$700,000 is for necessary expenses in Puer-
11 to Rico; and

12 (2) \$400,000 is for necessary expenses in the
13 Virgin Islands.

14 **SEC. 703. HAZARDOUS SUBSTANCE SUPERFUND.**

15 Out of funds of the Treasury not otherwise appro-
16 priated, there is appropriated to the Hazardous Substance
17 Superfund established by section 9507(a) of the Internal
18 Revenue Code of 1986 \$2,000,000 for fiscal year 2018,
19 to remain available until expended, for necessary expenses
20 in Puerto Rico and the Virgin Islands relating to the con-
21 sequences of Hurricane Irma and Hurricane Maria.

22 **SEC. 704. LEAKING UNDERGROUND STORAGE TANK FUND.**

23 Out of funds of the Treasury not otherwise appro-
24 priated, there is appropriated to the Leaking Underground
25 Storage Tank Trust Fund established by section 9508(a)
26 of the Internal Revenue Code of 1986 \$2,760,000 for fis-

1 cal year 2018, to remain available until expended, for nec-
2 essary expenses relating to the consequences of Hurricane
3 Irma and Hurricane Maria, of which—

4 (1) \$2,600,000 is for necessary expenses in
5 Puerto Rico; and

6 (2) \$160,000 is for necessary expenses in the
7 Virgin Islands.

8 **SEC. 705. DEPARTMENT OF THE INTERIOR GRANTS.**

9 (a) FUNDING.—Out of funds of the Treasury not oth-
10 erwise appropriated, there is appropriated to the Secretary
11 of the Interior \$7,054,000 for fiscal year 2018, to remain
12 available until expended, of which—

13 (1) \$6,800,000 is for grants—

14 (A) to restore and rebuild units of the Na-
15 tional Park System, units of the National Wild-
16 life Refuge System, and other Federal public
17 assets in Puerto Rico; and

18 (B) to increase the resiliency and capacity
19 of coastal habitat and infrastructure in Puerto
20 Rico to withstand storms and reduce the dam-
21 age caused by storms; and

22 (2) \$254,000 is for grants—

23 (A) to restore and rebuild units of the Na-
24 tional Park System, units of the National Wild-

1 life Refuge System, and other Federal public
2 assets in the Virgin Islands; and

3 (B) to increase the resiliency and capacity
4 of coastal habitat and infrastructure in the Vir-
5 gin Islands to withstand storms and reduce the
6 damage caused by storms.

7 (b) WAIVER OF NON-FEDERAL SHARE.—Notwith-
8 standing any other provision of law, the non-Federal share
9 of the cost of any program or activity carried out using
10 funds provided under this section shall be zero.

11 **SEC. 706. DEPARTMENT OF DEFENSE ENVIRONMENTAL**
12 **RESTORATION.**

13 (a) PUERTO RICO.—

14 (1) ENVIRONMENTAL RESTORATION, ARMY.—
15 Out of funds of the Treasury not otherwise appro-
16 priated, there is appropriated to the Environmental
17 Restoration, Army account of the Department of
18 Defense \$6,335,000 for fiscal year 2018, to remain
19 available until expended, to carry out environmental
20 restoration activities at Army locations in Puerto
21 Rico.

22 (2) ENVIRONMENTAL RESTORATION, NAVY.—
23 Out of funds of the Treasury not otherwise appro-
24 priated, there is appropriated to the Environmental
25 Restoration, Navy account of the Department of De-

1 fense \$333,677,000 for fiscal year 2018, to remain
2 available until expended, to carry out environmental
3 restoration activities at Navy locations in Puerto
4 Rico.

5 (3) ENVIRONMENTAL RESTORATION, AIR
6 FORCE.—Out of funds of the Treasury not otherwise
7 appropriated, there is appropriated to the Environ-
8 mental Restoration, Air Force account of the De-
9 partment of Defense \$1,408,000 for fiscal year
10 2018, to remain available until expended, to carry
11 out environmental restoration activities at Air Force
12 locations in Puerto Rico.

13 (4) ENVIRONMENTAL RESTORATION, FORMERLY
14 USED DEFENSE SITES.—Out of funds of the Treas-
15 ury not otherwise appropriated, there is appro-
16 priated to the Environmental Restoration, Formerly
17 Used Defense Sites account of the Department of
18 Defense \$161,028,000 for fiscal year 2018, to re-
19 main available until expended, to carry out environ-
20 mental restoration activities at sites formerly used
21 by the Department of Defense in Puerto Rico.

22 (5) DEPARTMENT OF DEFENSE BASE CLOSURE
23 ACCOUNT.—Out of funds of the Treasury not other-
24 wise appropriated, there is appropriated to the De-
25 partment of Defense Base Closure Account estab-

1 lished by section 2906(a) of the Defense Base Clo-
2 sure and Realignment Act of 1990 (part A of title
3 XXIX of Public Law 101–510; 10 U.S.C. 2687
4 note) \$46,896,000 for fiscal year 2018, to remain
5 available until expended, to carry out environmental
6 restoration activities at properties in Puerto Rico
7 disposed of pursuant to a base closure law.

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

15 **SEC. 707. ADDITIONAL RECOVERY ASSISTANCE FOR PUER-**
16 **TO RICO AND THE VIRGIN ISLANDS FUND.**

17 (a) ESTABLISHMENT OF FUND.—There is estab-
18 lished in the Treasury a fund, to be known as the “Addi-
19 tional Recovery Assistance for Puerto Rico and the Virgin
20 Islands Fund” (referred to in this section as the “Fund”),
21 consisting of such amounts as are appropriated to the
22 Fund under subsection (b).

23 (b) FUNDING.—Out of funds of the Treasury not oth-
24 erwise appropriated, there is appropriated to the Fund

1 \$5,000,000 for fiscal year 2018, to remain available until
2 expended.

3 (c) AVAILABILITY OF FUNDS.—Amounts in the Fund
4 shall be available without further appropriation to the Ad-
5 ministrator of the Environmental Protection Agency, the
6 Secretary of Energy, the Secretary of Defense, and the
7 Secretary of the Interior to carry out projects authorized
8 under this title in Puerto Rico and the Virgin Islands that
9 are not eligible for assistance under the public assistance
10 grant program.

11 **SEC. 708. UNITED STATES FISH AND WILDLIFE SERVICE**
12 **CONSTRUCTION.**

13 Out of any funds in the Treasury not otherwise ap-
14 propriated, there is appropriated for an additional amount
15 for the Construction Account of the United States Fish
16 and Wildlife Service \$1,500,000 for fiscal year 2018, to
17 remain available until expended, for necessary expenses re-
18 lated to the consequences of Hurricanes Irma and Maria
19 in Puerto Rico and the Virgin Islands.

20 **SEC. 709. ACTIVITIES CARRIED OUT BY THE CHIEF OF EN-**
21 **GINEERS IN PUERTO RICO.**

22 In carrying out activities under this title in Puerto
23 Rico, the Chief of Engineers—

24 (1) shall prioritize recycling and composting;
25 and

1 (2) may not use air curtain incinerators in
2 cleaning up debris.

3 **SEC. 710. LAND AND WATER CONSERVATION FUND PARITY.**

4 Section 200305(b) of title 54, United States Code,
5 is amended by striking paragraph (5).

6 **TITLE VIII—LONG-TERM RESIL-**
7 **IENT EMERGENCY DISASTER**
8 **RELIEF PLAN**

9 **SEC. 801. LONG-TERM DISASTER RELIEF PLAN FOR PUER-**
10 **TO RICO AND THE VIRGIN ISLANDS.**

11 (a) IN GENERAL.—Not later than 8 months after the
12 date of enactment of this Act, the Administrator of the
13 Federal Emergency Management Agency, in coordination
14 with the Secretary of Homeland Security, the Adminis-
15 trator of the Environmental Protection Agency, the Sec-
16 retary of Housing and Urban Development, the Secretary
17 of the Interior, the Secretary of Health and Human Serv-
18 ices, the Secretary of Transportation, and the Secretary
19 of Commerce, shall submit to Congress a plan for Federal
20 disaster relief response in the case of Puerto Rico or the
21 Virgin Islands experiencing a category 4 or higher hurri-
22 cane event.

23 (b) REQUIREMENTS.—The plan required to be estab-
24 lished under subsection (a) shall—

1 (1) include a strategy for providing disaster re-
 2 lief to Puerto Rico or the Virgin Islands after expe-
 3 riencing 2 or more consecutive category 4 or higher
 4 hurricane events; and

5 (2) be developed in consultation with the may-
 6 ors and other elected officials of each unit of local
 7 government affected by Hurricane Irma or Maria.

8 **TITLE IX—FEMA PROVISIONS**

9 **SEC. 901. WAIVER OF NON-FEDERAL SHARE REQUIRE-** 10 **MENTS.**

11 (a) PUBLIC ASSISTANCE GRANT PROGRAM.—Not-
 12 withstanding any other provision of law, any amounts
 13 awarded for a covered disaster area relating to a covered
 14 disaster under the public assistance grant program shall
 15 not be subject to a non-Federal share requirement.

16 (b) HAZARD MITIGATION GRANT PROGRAM.—The
 17 President shall contribute 100 percent of the cost of eligi-
 18 ble hazard mitigation measures in a covered disaster area
 19 under section 404 of the Robert T. Stafford Disaster Re-
 20 lief and Emergency Assistance Act (42 U.S.C. 5170c).

21 (c) FINANCIAL ASSISTANCE TO ADDRESS OTHER
 22 NEEDS UNDER INDIVIDUALS AND HOUSEHOLDS PRO-
 23 GRAM.—Notwithstanding section 408(g)(2)(A) of the Rob-
 24 ert T. Stafford Disaster Relief and Emergency Assistance
 25 Act (42 U.S.C. 5174(g)(2)(A)), or any other provision of

1 law, for purposes of financial assistance provided under
2 subsection (c) of such section to an individual or household
3 located in a covered disaster area, the Federal share shall
4 be 100 percent.

5 **SEC. 902. HAZARD MITIGATION.**

6 (a) PERCENTAGE FOR HMGP CONTRIBUTIONS.—
7 Notwithstanding sections 322 and 404 of the Robert T.
8 Stafford Disaster Relief and Emergency Assistance Act
9 (42 U.S.C. 5165 and 5170c), the total contributions under
10 such section 404 shall not exceed 20 percent of the esti-
11 mated aggregate amount of grants to be made (less any
12 associated administrative costs) under such Act.

13 (b) ADVANCE ASSISTANCE PERCENTAGE.—For haz-
14 ard mitigation measures to be carried out in a covered
15 disaster area relating to a covered disaster, section 404(e)
16 of the Robert T. Stafford Disaster Relief and Emergency
17 Assistance Act (42 U.S.C. 5170c(e)) shall be applied by
18 substituting “shall provide 25 percent” for “may provide
19 not more than 25 percent”.

20 (c) MINIMUM AMOUNT FOR HAZARD MITIGATION
21 BASED ON 6-MONTH ESTIMATE.—For a covered disaster,
22 the estimated aggregate amount of grants to be made in
23 a covered disaster area for purposes of section 404 of the
24 Robert T. Stafford Disaster Relief and Emergency Assist-
25 ance Act (42 U.S.C. 5170c) shall not be less than the esti-

1 mate of such aggregate amount of grants in the projection
2 described in section 207.5(b)(2) of title 44, Code of Fed-
3 eral Regulations.

4 **SEC. 903. REPAIR, RESTORATION, AND REPLACEMENT OF**
5 **DAMAGED FACILITIES.**

6 (a) COST-EFFECTIVENESS OF MITIGATION MEAS-
7 URES.—For purposes of contributions for mitigation
8 measures for a facility in a covered disaster area under
9 section 406 of the Robert T. Stafford Disaster Relief and
10 Emergency Assistance Act (42 U.S.C. 5172) a mitigation
11 measure shall be considered to be cost-effective if the cost
12 of the measures does not exceed 25 percent of the total
13 eligible repair cost of the facility.

14 (b) BENEFIT-COST METHODOLOGY.—If a benefit-
15 cost analysis methodology is used to determine the cost-
16 effectiveness of a mitigation measure that exceeds 25 per-
17 cent of the total eligible repair cost of the facility, as de-
18 scribed in subsection (a), under section 406 of the Robert
19 T. Stafford Disaster Relief and Emergency Assistance Act
20 (42 U.S.C. 5172), the benefit-cost analysis methodology
21 shall take into consideration—

- 22 (1) hazard mitigation benefits;
- 23 (2) expected economic benefits, including job
24 creation; and
- 25 (3) expected environmental benefits.

1 **SEC. 904. COMMUNITY DISASTER LOANS.**

2 (a) TREATMENT AS STATE AND LOCAL GOVERN-
3 MENTS.—Notwithstanding section 102 of the Robert T.
4 Stafford Disaster Relief and Emergency Assistance Act
5 (42 U.S.C. 5122), for purposes of assistance under section
6 417 of the Robert T. Stafford Disaster Relief and Emer-
7 gency Assistance Act (42 U.S.C. 5184), with respect to
8 a covered disaster—

9 (1) Puerto Rico and the Virgin Islands shall be
10 deemed to be local governments; and

11 (2) an instrumentality or local government of
12 Puerto Rico or the Virgin Islands shall be deemed
13 to be a local government.

14 (b) REPAYMENT CANCELLATION.—Repayment of a
15 loan made to a local government in a covered disaster area
16 under section 417 of the Robert T. Stafford Disaster Re-
17 lief and Emergency Assistance Act (42 U.S.C. 5184), in-
18 cluding any interest on such loan, shall not be required.

19 (c) ELIGIBLE USE OF LOAN.—Any loan made to a
20 local government in a covered disaster area under section
21 417 of the Robert T. Stafford Disaster Relief and Emer-
22 gency Assistance Act (42 U.S.C. 5184) may be used at
23 the discretion of the loan recipient to pay the upfront costs
24 of any project relating to the covered disaster for which
25 amounts are awarded under the public assistance grant
26 program.

1 (d) LIMITATION ON USE OF LOAN.—Any loan made
2 under section 417 of the Robert T. Stafford Disaster Re-
3 lief and Emergency Assistance Act (42 U.S.C. 5184) in
4 a covered disaster area may not be used to pay principal
5 or interest due on a bond or other debt that was issued
6 or incurred before the date of the covered disaster.

7 **SEC. 905. WAIVER OF LIMIT ON MANAGEMENT COSTS.**

8 For a covered disaster, the \$20,000,000 limit on
9 management costs described in section 207.5(c) of title 44,
10 Code of Federal Regulations, or any successor thereto,
11 shall not apply.

12 **SEC. 906. MAXIMUM AMOUNT OF ASSISTANCE FOR INDIVID-**
13 **UALS AND HOUSEHOLDS PROGRAM.**

14 For purposes of financial assistance provided under
15 section 408 of the Robert T. Stafford Disaster Relief and
16 Emergency Assistance Act (42 U.S.C. 5174) to an indi-
17 vidual or household located in a covered disaster area, sub-
18 section (h)(1) of such section shall be applied by sub-
19 stituting “\$75,000” for “\$25,000”.

20 **SEC. 907. RESTORATION OF TELECOMMUNICATIONS INFRA-**
21 **STRUCTURE.**

22 (a) DEFINITIONS.—Section 102 of the Robert T.
23 Stafford Disaster Relief and Emergency Assistance Act
24 (42 U.S.C. 5122) is amended by adding at the end the
25 following:

1 “(13) TELECOMMUNICATIONS CARRIER.—The
2 term ‘telecommunications carrier’ has the meaning
3 given that term in section 3 of the Communications
4 Act of 1934 (47 U.S.C. 153).”.

5 (b) ELIGIBILITY OF FEDERAL RESOURCES.—Section
6 403(a) of the Robert T. Stafford Disaster Relief and
7 Emergency Assistance Act (42 U.S.C. 5170b(a)) is
8 amended by adding at the end the following:

9 “(5) MAINTENANCE AND RESTORATION OF
10 COMMUNICATIONS.—Using Federal equipment, sup-
11 plies, facilities, personnel, and other resources, other
12 than the extension of credit, to assist telecommuni-
13 cations carriers in the maintenance and restoration
14 of communications during or in the aftermath of a
15 major disaster.”.

16 **SEC. 908. AVAILABILITY OF TRANSLATORS.**

17 (a) FEMA AND CORPS OF ENGINEERS.—Until the
18 end of the period for providing assistance relating to a
19 covered disaster, the Administrator of the Federal Emer-
20 gency Management Agency and the Chief of Engineers
21 shall ensure that the Federal Emergency Management
22 Agency and the Corps of Engineers, respectively, have
23 each assigned not less than 2 translators who are fluent
24 in English and Spanish to each of the following regions:

1 (1) The region surrounding San Juan, Puerto
2 Rico.

3 (2) The region surrounding Arecibo, Puerto
4 Rico.

5 (3) The region surrounding Mayagüez, Puerto
6 Rico.

7 (4) The region surrounding Ponce, Puerto Rico.

8 (b) OTHER AGENCIES.—Until the end of the period
9 for providing assistance relating to a covered disaster, the
10 head of each other agency providing assistance in Puerto
11 Rico relating to a covered disaster shall ensure that the
12 agency has assigned not less than 1 translator who is flu-
13 ent in English and Spanish to Puerto Rico.

14 **TITLE X—EMERGENCY FUNDING**
15 **Subtitle A—General Provisions**

16 **SEC. 1001. EXTENSION OF CLAIM FILING DEADLINE.**

17 Notwithstanding any other provision of law, any re-
18 quest for assistance under the Robert T. Stafford Disaster
19 Relief and Emergency Assistance Act (42 U.S.C. 5121 et
20 seq.) in relation to a covered disaster shall be submitted
21 not later than 240 days after the date of the covered dis-
22 aster.

23 **SEC. 1002. EMERGENCY DESIGNATION.**

24 Each amount appropriated under this Act is des-
25 ignated by the Congress as being for an emergency re-

1 quirement pursuant to section 251(b)(2)(A)(i) of the Bal-
2 anced Budget and Emergency Deficit Control Act of 1985
3 (2 U.S.C. 901(b)(2)(A)(i)).

4 **Subtitle B—Puerto Rico and Virgin**
5 **Islands Hurricane Damage Res-**
6 **toration Account**

7 **SEC. 1011. DEFINITIONS.**

8 In this subtitle:

9 (1) CERTIFIED REQUISITION.—The term “cer-
10 tified requisition” means a requisition made under
11 section 1013.

12 (2) COVERED TERRITORY.—The term “covered
13 territory” means the Commonwealth of Puerto Rico
14 and the Virgin Islands.

15 (3) EMERGENCY AND RECOVERY PERIOD.—The
16 term “emergency and recovery period” means the 4-
17 year period beginning on the date of enactment of
18 this Act.

19 (4) FUND.—The term “Fund” means the Puer-
20 to Rico and United States Virgin Islands Hurricane
21 Damage Restoration Account established under sec-
22 tion 1012.

23 (5) SECRETARY.—The term “Secretary” means
24 the Secretary of the Treasury.

1 **SEC. 1012. PUERTO RICO AND UNITED STATES VIRGIN IS-**
2 **LANDS HURRICANE DAMAGE RESTORATION**
3 **ACCOUNT.**

4 (a) **ESTABLISHMENT.**—There is established on the
5 books of the Treasury of the United States an account
6 to be known as the Puerto Rico and United States Virgin
7 Islands Hurricane Damage Restoration Account.

8 (b) **DISTRIBUTION OF FUNDS.**—The Secretary shall
9 deposit funds granted under section 1013 to the Fund for
10 distribution to the covered territories and instrumental-
11 ities of the covered territories pursuant to the terms of
12 this Act.

13 **SEC. 1013. ESTABLISHMENT AND OPERATION OF THE**
14 **PUERTO RICO AND VIRGIN ISLANDS EMER-**
15 **GENCY CREDIT FACILITY.**

16 (a) **EMERGENCY GRANT FUNDING.**—There are here-
17 by appropriated, out of any funds in the Treasury not oth-
18 erwise appropriated, to the Fund such sums as may be
19 necessary to carry out this subtitle, for the exclusive pur-
20 pose of assisting the covered territories and the instrumen-
21 talities of covered territories to meet any cash-flow short-
22 falls that result from damage to the covered territories
23 caused by Hurricane Irma or Maria.

24 (b) **DISBURSEMENTS.**—Disbursements made from
25 the Fund are subject to the certified requisition under

1 subsection (d) and other conditions established by this
2 Act.

3 (c) GRANTS.—The Secretary shall make a grant, not
4 later than 10 days after the date on which the Secretary
5 receives a certified requisition, of funds from time to time
6 during the emergency and recovery period, out of any
7 money in the Treasury not otherwise appropriated, to
8 meet any cash-flow shortfalls that result from damage to
9 a covered territory or any instrumentality of a covered ter-
10 ritory caused by Hurricane Irma or Maria if—

11 (1) the Governor of the covered territory deter-
12 mines that disbursements provided under subsection
13 (b) and any supplemental amounts that may be
14 made available under subsection (a) through future
15 appropriations are inadequate to address any cash-
16 flow shortfalls that result from the damage to the
17 covered territory caused by Hurricane Irma or
18 Maria; and

19 (2) the conditions described in subsection (d)
20 are satisfied.

21 (d) CONDITIONS.—The Secretary shall make a grant
22 under this section if—

23 (1) the Governor of a covered territory, with re-
24 spect to Puerto Rico, or an authorized representative
25 of an instrumentality of the covered territory, in

1 consultation with appropriate authorities according
2 to the law of the covered territory, delivers to the
3 Secretary a certified requisition for a grant under
4 this section; and

5 (2) the Governor and appropriate authorities as
6 subject to the law of the covered territory certify
7 that the grant is necessary—

8 (A) to support the liquidity needs of the
9 covered territory or an instrumentality of the
10 territory, as applicable; and

11 (B) to meet ongoing recovery needs from
12 Hurricanes Maria and Irma.

13 (e) PROCEDURES.—Certified requisitions shall be
14 submitted on a quarterly basis.

15 (f) LIMITATION.—The total amount of grants made
16 under this subtitle shall not exceed—

17 (1) \$57,206,000,000 with respect to Puerto
18 Rico; and

19 (2) \$5,000,000,000 with respect to the Virgin
20 Islands.

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