

114TH CONGRESS  
2D SESSION

# S. 3044

To provide certain assistance for the Commonwealth of Puerto Rico, and  
for other purposes.

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IN THE SENATE OF THE UNITED STATES

JUNE 9, 2016

Mr. SANDERS introduced the following bill; which was read twice and referred  
to the Committee on Finance

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## A BILL

To provide certain assistance for the Commonwealth of  
Puerto Rico, 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 Humanitarian Relief and Reconstruction  
6 Act”.

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

- Sec. 1. Short title; table of contents.
- Sec. 2. Definition of Commonwealth.

TITLE I—SENSE OF CONGRESS ON DEBT HELD BY THE  
COMMONWEALTH

- Sec. 101. Findings.
- Sec. 102. Purposes.
- Sec. 103. Sense of Congress.

TITLE II—PUERTO RICO RECONSTRUCTION FINANCE  
CORPORATION

- Sec. 201. Definitions.
- Sec. 202. Establishment and funding.
- Sec. 203. Board of the Corporation.
- Sec. 204. Duties.
- Sec. 205. Default by the Commonwealth or a municipality of the Commonwealth.
- Sec. 206. Rule of construction.

TITLE III—PUERTO RICO CHAPTER 9 UNIFORMITY

- Sec. 301. Amendment.
- Sec. 302. Effective date; application of amendment.
- Sec. 303. Severability.

TITLE IV—ADDRESSING HEALTH CARE DISPARITIES IN THE  
COMMONWEALTH

Subtitle A—Medicaid

- Sec. 411. Elimination of general Medicaid funding limitations (“cap”) for Puerto Rico.
- Sec. 412. Elimination of specific Federal medical assistance percentage (FMAP) limitation for Puerto Rico.
- Sec. 413. Application of 100 percent Federal poverty line (FPL) limitation to Puerto Rico.
- Sec. 414. Extension of application of Medicare payment floor to primary care services furnished in Puerto Rico under Medicaid and application to additional providers.

Subtitle B—Medicare Provisions

- Sec. 421. Application of part B deemed enrollment process to residents of Puerto Rico; special enrollment period and limit on late enrollment penalties.
- Sec. 422. Puerto Rico practice expense GPCI improvement.
- Sec. 423. Permanent extension of incentive payments for primary care services furnished in Puerto Rico.

Subtitle C—National Environmental Public Health Tracking and Studies

- Sec. 431. National Environmental Public Health Tracking.
- Sec. 432. Study on environmental, biological, and health data from the island of Vieques, Puerto Rico.

TITLE V—INFRASTRUCTURE INVESTMENTS

Subtitle A—Energy Infrastructure Incentives

- Sec. 511. Grant program to promote of access to renewable energy and energy efficiency for Puerto Rico.
- Sec. 512. Incentives for energy efficient commercial buildings.

Sec. 513. Incentives for new energy efficient homes.

Subtitle B—Transportation, Housing, and Agriculture Infrastructure  
Incentives

- Sec. 521. General provisions.  
 Sec. 522. Highway program.  
 Sec. 523. TIGER discretionary grants.  
 Sec. 524. Passenger and freight rail improvements.  
 Sec. 525. Airport Improvement Program.  
 Sec. 526. Clean and safe water revolving funds.  
 Sec. 527. Rural Utilities Service programs.  
 Sec. 528. Rural Energy for America Program.  
 Sec. 529. Construction of ferry boats and ferry terminal facilities.  
 Sec. 530. Corps of Engineers funds.  
 Sec. 531. Predisaster hazard mitigation and resiliency.  
 Sec. 532. Broadband programs.  
 Sec. 533. Housing and community development.

TITLE VI—EARNED INCOME TAX CREDIT AND TAX  
EQUALIZATION MEASURES

- Sec. 611. Puerto Rico residents eligible for earned income tax credit.  
 Sec. 612. Equitable treatment for residents of Puerto Rico with respect to the refundable portion of the child tax credit.

TITLE VII—PUERTO RICO DETERMINATION ON STATUS

- Sec. 701. Vote regarding status.  
 Sec. 702. Certification and transmittal of results.  
 Sec. 703. Transition process.  
 Sec. 704. Rules for elections for Federal offices.  
 Sec. 705. Issuance of Presidential proclamation.  
 Sec. 706. State of Puerto Rico.  
 Sec. 707. Effect on membership of House of Representatives.

1 **SEC. 2. DEFINITION OF COMMONWEALTH.**

2 In this Act, the term “Commonwealth” means the  
 3 Commonwealth of Puerto Rico.

4 **TITLE I—SENSE OF CONGRESS**  
 5 **ON DEBT HELD BY THE COM-**  
 6 **MONWEALTH**

7 **SEC. 101. FINDINGS.**

8 Congress finds that—

1           (1) in 2015, a Commission for the Comprehen-  
2           sive Audit of Puerto Rico’s Public Debt was estab-  
3           lished in Puerto Rico under Act 97; and

4           (2) the Commission for the Comprehensive  
5           Audit of Puerto Rico’s Public Debt is currently con-  
6           ducting an audit of the debt held by Puerto Rico.

7 **SEC. 102. PURPOSES.**

8           The purposes of this Act are—

9           (1) to ensure that pensions of ordinary inves-  
10          tors are protected; and

11          (2) to ensure that Wall Street speculators are  
12          not able to profit from the misfortune of United  
13          States citizens, including the 3,500,000 people in  
14          Puerto Rico.

15 **SEC. 103. SENSE OF CONGRESS.**

16          It is the sense of Congress that—

17          (1) if the Commission for the Comprehensive  
18          Audit of Puerto Rico’s Public Debt finds that any  
19          of the debt held by Puerto Rico was acquired in vio-  
20          lation of the Constitution of Puerto Rico, the Puerto  
21          Rican government should immediately set aside this  
22          debt and suggest to holders of this debt that they  
23          seek redress from the investment banks that helped  
24          market and sell these unconstitutional instruments;

1           (2) the Board of Governors of the Federal Re-  
 2           serve System has the authority to provide emergency  
 3           financing to Puerto Rico to facilitate an orderly re-  
 4           structuring of the debt held by Puerto Rico under  
 5           sections 13(3) and 14(2)(b) of the Federal Reserve  
 6           Act (12 U.S.C. 343 and 355); and

7           (3) Puerto Rico is experiencing a humanitarian  
 8           crisis, and that the American government must meet  
 9           the basic human needs of its citizens ahead of the  
 10          profits of Wall Street.

11 **TITLE II—PUERTO RICO RECON-**  
 12 **STRUCTION FINANCE COR-**  
 13 **PORATION**

14 **SEC. 201. DEFINITIONS.**

15          In this title:

16           (1) **BOARD.**—The term “Board” means the  
 17          Board of the Corporation.

18           (2) **BOND.**—The term “Bond” means a bond,  
 19          loan, line of credit, note, or other borrowing title, in  
 20          physical or dematerialized form, of which—

21                   (A) the issuer, borrower, or guarantor is a  
 22                   municipality or the Commonwealth; and

23                   (B) the date of issuance or incurrence of  
 24                   debt precedes the date of enactment of this Act.

1           (3) CORPORATION.—The term “Corporation”  
2 means the Puerto Rico Reconstruction Finance Cor-  
3 poration established under section 202.

4           (4) MUNICIPALITY.—The term “munici-  
5 pality”—

6           (A) includes any political subdivision, pub-  
7 lic agency, instrumentality or instrumentality of  
8 the Commonwealth; and

9           (B) should be broadly construed to effec-  
10 tuate the purposes of this title.

11 **SEC. 202. ESTABLISHMENT AND FUNDING.**

12       There is established a public bank with the authority  
13 to draw upon the Exchange Stabilization Fund, to be  
14 known as the “Reconstruction Finance Corporation of  
15 Puerto Rico”.

16 **SEC. 203. BOARD OF THE CORPORATION.**

17       (a) IN GENERAL.—The Corporation shall have a  
18 board consisting of 7 members, including a chairman, of  
19 whom all shall—

20           (1) reside in Puerto Rico;

21           (2) have expertise in the economy, culture, his-  
22 tory, and government of Puerto Rico; and

23           (3) represent the interests of labor, agriculture,  
24 small business, and the environment.

25       (b) APPOINTMENT.—

1           (1) IN GENERAL.—The President shall appoint  
2 the individual members of the Board, of whom—

3           (A) 4 members should be selected from a  
4 list submitted by the legislative branch of the  
5 Puerto Rican government;

6           (B) 2 members should be selected from a  
7 list submitted by the Governor of Puerto Rico;  
8 and

9           (C) 1 member may be selected in the sole  
10 discretion of the President.

11          (2) ADVICE AND CONSENT.—With respect to  
12 the appointment of a Board member described in  
13 subparagraph (A) or (B) of paragraph (1), such an  
14 appointment shall be by and with the advice and  
15 consent of the Senate, unless the President appoints  
16 an individual from a list, as provided in this sub-  
17 section, in which case no Senate confirmation is re-  
18 quired.

19          (c) TERM.—Each member of the Board shall serve  
20 a term of 4 years and may be reappointed after the expira-  
21 tion of a term.

22          (d) ETHICS.—

23           (1) CONFLICT OF INTEREST.—Notwithstanding  
24 any ethics provision governing employees of the  
25 Commonwealth, all members and staff of the Board

1 shall be subject to the Federal conflict of interest re-  
2 quirements described in section 208 of title 18,  
3 United States Code.

4 (2) FINANCIAL DISCLOSURE.—Notwithstanding  
5 any ethics provision governing employees of the  
6 Commonwealth, all members of the Board and staff  
7 designated by the Board shall be subject to disclo-  
8 sure of their financial interests, the contents of  
9 which shall conform to the same requirements set  
10 forth in section 102 of the Ethics in Government  
11 Act of 1978 (5 U.S.C. App.).

12 **SEC. 204. DUTIES.**

13 The Board may—

14 (1) hire and pay members of the Board and  
15 staff;

16 (2) organize the affairs in accordance with by-  
17 laws approved by the Board;

18 (3) discount any note or Bond from any public  
19 entity in the Commonwealth upon approval of a ma-  
20 jority of the Board;

21 (4) make any expenditure the Board determines  
22 is necessary to address the humanitarian crisis in  
23 the Commonwealth and restore economic growth;

24 (5) authorize expenditures and lending activi-  
25 ties, including discounting any note or offering a fi-



1 nancial guarantee, by an affirmative vote of a major-  
2 ity of the members of the Board;

3 (6) negotiate with the Commonwealth or a mu-  
4 nicipality that has defaulted on a Bond over budg-  
5 ets, revenues, and appropriations;

6 (7) remove a stay under section 205(d);

7 (8) discount Bonds and notes from the Com-  
8 monwealth or a municipality;

9 (9) may reduce the par value of any such Bond;  
10 and

11 (10) protect the public pensions in the Com-  
12 monwealth as well as ordinary investors and pension  
13 funds in the United States.

14 **SEC. 205. DEFAULT BY THE COMMONWEALTH OR A MUNICI-**  
15 **PALITY OF THE COMMONWEALTH.**

16 (a) WHO MAY FILE AN APPLICATION WITH THE  
17 CORPORATION.—An entity may file an application with  
18 the Corporation under this title if and only if such enti-  
19 ty—

20 (1) is a municipality or the Commonwealth;

21 (2) is specifically authorized, in its capacity as  
22 a municipality or the Commonwealth or by name, to  
23 file an application with the Corporation under this  
24 title by Commonwealth law, by the Corporation  
25 itself, or by a governmental officer or organization

1 empowered by Commonwealth law to authorize such  
2 entity to file an application with the Corporation  
3 under this title;

4 (3) desires to and is authorized by Common-  
5 wealth law, by the Corporation itself, or by a govern-  
6 mental officer or organization empowered by Com-  
7 monwealth law to make such authorization to re-  
8 structure its Bond debts; and

9 (4)(A) has obtained the agreement of creditors  
10 holding at least a majority in amount of the claims  
11 that such entity intends to impair under a plan in  
12 a case under this title;

13 (B) has negotiated in good faith with creditors  
14 and has failed to obtain the agreement of creditors  
15 holding at least a majority in amount of the claims  
16 of each class that such entity intends to impair  
17 under a plan in a case under this title; or

18 (C) is unable to negotiate with creditors be-  
19 cause such negotiation is impracticable, as deter-  
20 mined by the entity.

21 (b) APPLICATION.—The Commonwealth or a munici-  
22 pality may file with the Corporation an application that  
23 the Commonwealth or municipality that the Common-  
24 wealth or municipality—

1           (1) meets the requirements described in sub-  
2 section (a); and

3           (2) desires to restructure its debt.

4           (c) PURCHASE OF BONDS.—

5           (1) IN GENERAL.—If the Commonwealth or a  
6 municipality files an application under subsection (b)  
7 and the Board, by an affirmative vote of a majority  
8 of the members of the Board, accepts the applica-  
9 tion—

10           (A) the Corporation shall purchase each  
11 Bond from the holder of the Bond issued by the  
12 Commonwealth or municipality at the price paid  
13 for the Bond by the holder of the Bond; and

14           (B) the par value of each Bond issued by  
15 the Commonwealth or municipality shall be re-  
16 duced to the last price paid for that Bond.

17           (2) AUTHORITY OF CORPORATION.—The Cor-  
18 poration may examine records of sales of Bonds to  
19 determine whether the price paid by the holder of a  
20 Bond is not fraudulent.

21           (3) MISREPRESENTATION OF BOND PURCHASE  
22 PRICE.—Any person that violates paragraph (1)  
23 shall be subject to the penalties under section 10 of  
24 the Securities Exchange Act of 1934 (15 U.S.C.

1 78j) in the same manner and to the same extent as  
2 if the person had violated that section.

3 (4) BOND INSURERS.—Any insurer of a Bond  
4 issued by the Commonwealth or a municipality on  
5 which the Commonwealth or municipality has de-  
6 faulted shall not be liable to the holder of a Bond  
7 for any amount that is greater than the purchase  
8 price of the Bond if the insurer demonstrates to the  
9 satisfaction of the Corporation that the solvency of  
10 the issuer would be affected by the restructuring of  
11 the Bond.

12 (5) PAYMENTS AS FINAL SETTLEMENT.—  
13 Amounts paid by the Corporation for bonds under  
14 this subsection shall be in full and final settlement  
15 of any and all debts, claims, and liens with respect  
16 to such bonds.

17 (d) AUTOMATIC STAY.—

18 (1) Except as otherwise provided in this section,  
19 the filing and acceptance of an application under  
20 subsection (b) operates with respect to any claim,  
21 debt, or cause of action related to a Bond as a stay,  
22 applicable to all entities (as such term is defined in  
23 section 101 of title 11, United States Code), of—

24 (A) the commencement or continuation, in-  
25 cluding the issuance or employment of process,

1 of a judicial, administrative, or other action or  
2 proceeding against the Commonwealth or a mu-  
3 nicipality, or to recover a claim against the  
4 Commonwealth or a municipality;

5 (B) the enforcement, against the Common-  
6 wealth or a municipality or against property of  
7 the Commonwealth or a municipality, of a judg-  
8 ment;

9 (C) any act to obtain possession of prop-  
10 erty of the Commonwealth or a municipality, or  
11 of property from the Commonwealth or a mu-  
12 nicipality, or to exercise control over property of  
13 the Commonwealth or a municipality;

14 (D) any act to create, perfect, or enforce  
15 any lien against property of the Commonwealth  
16 or a municipality;

17 (E) any act to create, perfect, or enforce  
18 against property of the Commonwealth or a  
19 municipality any lien to the extent that such  
20 lien secures a claim;

21 (F) any act to collect, assess, or recover a  
22 claim against the Commonwealth or a munici-  
23 pality; and

24 (G) the setoff of any debt owing to the  
25 Commonwealth or a municipality against any

1 claim against the Commonwealth or a municipi-  
2 pality.

3 (2) On motion of a party in interest and after  
4 notice and a hearing, the Board may grant relief  
5 from a stay under paragraph (1)—

6 (A) for cause, including the lack of ade-  
7 quate protection of a security interest in prop-  
8 erty of such party in interest; or

9 (B) with respect to a stay of an act against  
10 property under paragraph (1), if—

11 (i) the applying entity does not have  
12 an equity in such property; and

13 (ii) such property is not necessary for  
14 the Commonwealth or municipality to pro-  
15 vide essential services.

16 (3) Thirty days after a request under para-  
17 graph (4) for relief from the stay of any act against  
18 property of the Commonwealth or a municipality  
19 under paragraph (1), such stay is terminated with  
20 respect to the party in interest making such request,  
21 unless the Board, after notice and a hearing, orders  
22 such stay continued in effect pending the conclusion  
23 of, or as a result of, a final hearing and determina-  
24 tion under paragraph (4). A hearing under this sub-  
25 section may be a preliminary hearing, or may be

1 consolidated with the final hearing under paragraph  
2 (4). The Corporation shall order such stay continued  
3 in effect pending the conclusion of the final hearing  
4 under paragraph (4) if there is a reasonable likeli-  
5 hood that the party opposing relief from such stay  
6 will prevail at the conclusion of such final hearing.  
7 If the hearing under this subsection is a preliminary  
8 hearing, then such final hearing shall be concluded  
9 not later than 30 days after the conclusion of such  
10 preliminary hearing, unless the 30-day period is ex-  
11 tended with the consent of the parties in interest or  
12 for a specific time which the Corporation finds is re-  
13 quired by compelling circumstances.

14 (4) Upon request of a party in interest, the  
15 Corporation, with or without a hearing, shall grant  
16 such relief from the stay provided under paragraph  
17 (1) as is necessary to prevent irreparable damage to  
18 the secured interest of an entity in property, if such  
19 interest will suffer such damage before there is an  
20 opportunity for notice and a hearing under para-  
21 graph (2) or (3).

22 (5) No order, judgment, or decree entered in  
23 violation of this section shall have any force or ef-  
24 fect.

1           (6) In any hearing under paragraph (2) or (3)  
2           concerning relief from a stay—

3                   (A) the party requesting such relief has  
4                   the burden of proof on the issue of the applying  
5                   entity’s equity in property; and

6                   (B) the party opposing such relief has the  
7                   burden of proof on all other issues.

8   **SEC. 206. RULE OF CONSTRUCTION.**

9           No application submitted or accepted under this title  
10          shall be permitted to diminish or impair any pension ben-  
11          efit, or the funding obligations for such a benefit, nor shall  
12          it permit the impairment or rejection of any agreement  
13          between a debtor and any labor organization.

14                   **TITLE III—PUERTO RICO**  
15                   **CHAPTER 9 UNIFORMITY**

16   **SEC. 301. AMENDMENT.**

17          Section 101(52) of title 11, United States Code, is  
18          amended to read as follows:

19                   “(52) The term ‘State’ includes Puerto Rico  
20                   and, except for the purpose of defining who may be  
21                   a debtor under chapter 9 of this title, includes the  
22                   District of Columbia.”.

23   **SEC. 302. EFFECTIVE DATE; APPLICATION OF AMENDMENT.**

24          (a) EFFECTIVE DATE.—Except as provided in sub-  
25          section (b), this title and the amendment made by this



1 title shall take effect on the date of the enactment of this  
2 Act.

3 (b) APPLICATION OF AMENDMENT.—

4 (1) IN GENERAL.—Except as provided in para-  
5 graph (2), the amendment made by this title shall  
6 apply with respect to—

7 (A) cases commenced under title 11 of the  
8 United States Code on or after the date of the  
9 enactment of this Act; and

10 (B) debts, claims, and liens created before,  
11 on, or after such date.

12 (2) EXCEPTION.—No case commenced by a mu-  
13 nicipality of Puerto Rico under chapter 9 of title 11,  
14 United States Code, shall permit—

15 (A) the diminishment or impairment of  
16 any pension benefit, or the funding obligations  
17 for such a benefit; or

18 (B) the impairment or rejection of any  
19 agreement between a debtor and any labor or-  
20 ganization.

21 **SEC. 303. SEVERABILITY.**

22 If any provision of this title or any amendment made  
23 by this title, or the application of such provision or amend-  
24 ment to any person or circumstance, is held to be uncon-  
25 stitutional, the remainder of this title and the amendments

1 made by this title, or the application of that provision or  
 2 amendment to other persons or circumstances, shall not  
 3 be affected.

4 **TITLE IV—ADDRESSING HEALTH**  
 5 **CARE DISPARITIES IN THE**  
 6 **COMMONWEALTH**

7 **Subtitle A—Medicaid**

8 **SEC. 411. ELIMINATION OF GENERAL MEDICAID FUNDING**  
 9 **LIMITATIONS (“CAP”) FOR PUERTO RICO.**

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

12 (1) in subsection (f), in the matter before para-  
 13 graph (1), by striking “subsection (g)” and inserting  
 14 “subsections (g) and (h)”;

15 (2) in subsection (g)(2), in the matter before  
 16 subparagraph (A), by inserting “and subsection (h)”  
 17 after “paragraphs (3) and (5)”; and

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

20 “(h) SUNSET OF MEDICAID FUNDING LIMITATIONS  
 21 FOR PUERTO RICO.—Subsections (f) and (g) shall not  
 22 apply to Puerto Rico beginning with fiscal year 2017.”.

23 (b) CONFORMING AMENDMENTS.—

1           (1) Section 1903(u) of the Social Security Act  
2           (42 U.S.C. 1396b(u)) is amended by striking “Puer-  
3           to Rico,”.

4           (2) Section 1323(c)(1) of the Patient Protection  
5           and Affordable Care Act (42 U.S.C. 18043(c)(1)) is  
6           amended by striking “ending with 2019” and insert-  
7           ing the following: “ending with—

8                     “(A) for purposes of payment pursuant to  
9                     subsection (a) to Puerto Rico, 2016; and

10                    “(B) for purposes of payment pursuant to  
11                    subsection (a) to another territory, 2019.”.

12           (c) EFFECTIVE DATE.—The amendments made by  
13           this section shall apply beginning with fiscal year 2017.

14           **SEC. 412. ELIMINATION OF SPECIFIC FEDERAL MEDICAL**  
15                     **ASSISTANCE PERCENTAGE (FMAP) LIMITA-**  
16                     **TION FOR PUERTO RICO.**

17           (a) IN GENERAL.—Section 1905 of the Social Secu-  
18           rity Act (42 U.S.C. 1396d) is amended—

19                     (1) in clause (2) of subsection (b), by striking  
20                     “Puerto Rico,”; and

21                     (2) in subsection (y)(1), in the matter preceding  
22                     subparagraph (A)—

23                             (A) by inserting “, for fiscal years before  
24                             fiscal year 2017,” before “is one of the”; and

1 (B) by inserting “and, for fiscal year 2017  
 2 and subsequent fiscal years, is one of the 50  
 3 States, the District of Columbia, or Puerto  
 4 Rico,” after “the District of Columbia”.

5 (b) EFFECTIVE DATE.—The amendments made by  
 6 this section shall apply beginning with fiscal year 2017.

7 **SEC. 413. APPLICATION OF 100 PERCENT FEDERAL POV-**  
 8 **ERTY LINE (FPL) LIMITATION TO PUERTO**  
 9 **RICO.**

10 (a) IN GENERAL.—Section 1902 of the Social Secu-  
 11 rity Act (42 U.S.C. 1396a) is amended—

12 (1) in subsection (a)(10)(A)(i)(VIII), by insert-  
 13 ing “(or, subject to subsection (j), 100 percent in  
 14 the case of Puerto Rico)” after “133 percent”; and

15 (2) in subsection (j)—

16 (A) by inserting “(1)” after “(j)”; and

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

19 “(2)(A) Subject to subparagraph (B), Federal finan-  
 20 cial participation shall not be available to Puerto Rico for  
 21 medical assistance for an individual whose family income  
 22 exceeds 100 percent of the poverty line (as defined in sec-  
 23 tion 2110(e)(5)) for a family of the size involved, except  
 24 in the case of individuals qualifying for medical assistance  
 25 under subsection (a)(10)(A)(i)(IX).

1       “(B) The Secretary may, under section 1115, waive  
 2 the limitation under subparagraph (A). In carrying out  
 3 this subparagraph, the Secretary shall take into account  
 4 the eligibility levels established under the State plan of  
 5 Puerto Rico before the date of the enactment of this para-  
 6 graph.”.

7       (b) NOT APPLYING 5 PERCENT DISREGARD.—Sec-  
 8 tion 1902(e)(14)(I) of the Social Security Act (42 U.S.C.  
 9 1396b(e)(14)(I)) is amended by adding at the end the fol-  
 10 lowing:

11               “The previous sentence shall not apply to Puer-  
 12 to Rico.”.

13       (c) EFFECTIVE DATE.—The amendments made by  
 14 this section shall apply with respect to eligibility deter-  
 15 minations made with respect to items and services fur-  
 16 nished on or after October 1, 2016.

17 **SEC. 414. EXTENSION OF APPLICATION OF MEDICARE PAY-**  
 18 **MENT FLOOR TO PRIMARY CARE SERVICES**  
 19 **FURNISHED IN PUERTO RICO UNDER MED-**  
 20 **ICAID AND APPLICATION TO ADDITIONAL**  
 21 **PROVIDERS.**

22       (a) IN GENERAL.—Section 1902(a)(13) of the Social  
 23 Security Act (42 U.S.C. 1396a(a)(13)) is amended—

24               (1) in subparagraph (B), by striking “; and”  
 25 and inserting a semicolon;

1           (2) in subparagraph (C), by striking the semi-  
2 colon at the end and inserting “; and”; and

3           (3) by adding at the end the following new sub-  
4 paragraph:

5                   “(D) payment for primary care services (as  
6 defined in subsection (jj)) at a rate that is not  
7 less than 100 percent of the payment rate that  
8 applies to such services and physician under  
9 part B of title XVIII (or, if greater, the pay-  
10 ment rate that would be applicable under such  
11 part if the conversion factor under section  
12 1848(d) for the year involved were the conver-  
13 sion factor under such section for 2009), and  
14 that is not less than the rate that would other-  
15 wise apply to such services under this title if  
16 the rate were determined without regard to this  
17 subparagraph, and that are furnished in Puerto  
18 Rico on or after January 1, 2017—

19                           “(i) by a physician with a primary  
20 specialty designation of family medicine,  
21 general internal medicine, or pediatric  
22 medicine, but only if the physician self-at-  
23 tests that—

24                                   “(I) the physician is Board cer-  
25 tified in family medicine, general in-

1 ternal medicine, or pediatric medicine;  
2 or

3 “(II) with respect to the most re-  
4 cently completed calendar year (or in  
5 the case of a newly eligible physician,  
6 the preceding month), 60 percent of  
7 all services the physician billed for  
8 under the State plan or a waiver  
9 under this title, or provided through a  
10 medicaid managed care organization  
11 (as defined in section 1903(m)(1)(A)),  
12 were for services described in subpara-  
13 graph (A) or (B) of subsection (jj)(1);

14 “(ii) by a physician with a primary  
15 specialty designation of obstetrics and gyn-  
16 ecology, but only if the physician self-at-  
17 tests that—

18 “(I) the physician is Board cer-  
19 tified in obstetrics and gynecology;  
20 and

21 “(II) with respect to the most re-  
22 cently completed calendar year (or in  
23 the case of a newly eligible physician,  
24 the preceding month), 60 percent of  
25 all services the physician billed for

1 under the State plan or a waiver  
2 under this title, or provided through a  
3 medicaid managed care organization  
4 (as defined in section 1903(m)(1)(A)),  
5 were for services described in subpara-  
6 graph (A) or (B) of subsection (jj)(1);  
7 “(iii) by an advanced practice clini-  
8 cian, as defined by the Secretary, that  
9 works under the supervision of—

10 “(I) a physician that satisfies the  
11 criteria specified in clause (i) or (ii);  
12 or

13 “(II) a nurse practitioner or a  
14 physician assistant (as such terms are  
15 defined in section 1861(aa)(5)(A))  
16 who is working in accordance with  
17 State law, or a certified nurse-midwife  
18 (as defined in section 1861(gg)) who  
19 is working in accordance with State  
20 law, but only if the nurse practitioner,  
21 physician assistant, or certified nurse-  
22 midwife self-attests that, with respect  
23 to the most recently completed cal-  
24 endar year (or in the case of a newly  
25 eligible nurse practitioner, physician



1 assistant, or certified nurse-midwife,  
2 the preceding month), 60 percent of  
3 all services the nurse practitioner,  
4 physician assistant, or certified nurse-  
5 midwife billed for under the State  
6 plan or a waiver under this title, or  
7 provided through a medicaid managed  
8 care organization (as defined in sec-  
9 tion 1903(m)(1)(A)), were for services  
10 described in subparagraph (A) or (B)  
11 of subsection (jj)(1);

12 “(iv) by a rural health clinic, Feder-  
13 ally-qualified health center, or other health  
14 clinic that receives reimbursement on a fee  
15 schedule applicable to a physician, a nurse  
16 practitioner or a physician assistant (as  
17 such terms are defined in section  
18 1861(aa)(5)(A)) who is working in accord-  
19 ance with State law, or a certified nurse-  
20 midwife (as defined in section 1861(gg))  
21 who is working in accordance with State  
22 law, for services furnished by a physician,  
23 nurse practitioner, physician assistant, or  
24 certified nurse-midwife, or services fur-  
25 nished by an advanced practice clinician

1 supervised by a physician described in  
2 clause (i)(I) or (ii)(I), another advanced  
3 practice clinician, or a certified nurse-mid-  
4 wife, but only if the rural health clinic or  
5 Federally-qualified health center self-at-  
6 tests that 60 percent of all services billed  
7 for under the State plan or a waiver under  
8 this title, or provided through a medicaid  
9 managed care organization (as defined in  
10 section 1903(m)(1)(A)), were for services  
11 described in subparagraph (A) or (B) of  
12 subsection (jj)(1); or

13 “(v) by a nurse practitioner or a phy-  
14 sician assistant (as such terms are defined  
15 in section 1861(aa)(5)(A)) who is working  
16 in accordance with State law, or a certified  
17 nurse-midwife (as defined in section  
18 1861(gg)) who is working in accordance  
19 with State law, in accordance with proce-  
20 dures that ensure that the portion of the  
21 payment for such services that the nurse  
22 practitioner, physician assistant, or cer-  
23 tified nurse-midwife is paid is not less than  
24 the amount that the nurse practitioner,  
25 physician assistant, or certified nurse-mid-

1 wife would be paid if the services were pro-  
2 vided under part B of title XVIII, but only  
3 if the nurse practitioner, physician assist-  
4 ant, or certified nurse-midwife self-attests  
5 that, with respect to the most recently  
6 completed calendar year (or in the case of  
7 a newly eligible nurse practitioner, physi-  
8 cian assistant, or certified nurse-midwife,  
9 the preceding month), 60 percent of all  
10 services the nurse practitioner, physician  
11 assistant, or certified nurse-midwife billed  
12 for under the State plan or a waiver under  
13 this title, or provided through a medicaid  
14 managed care organization (as defined in  
15 section 1903(m)(1)(A)), were for services  
16 described in subparagraph (A) or (B) of  
17 subsection (jj)(1);”.

18 (b) CONFORMING AMENDMENTS.—

19 (1) Section 1905(dd) of the Social Security Act  
20 (42 U.S.C. 1396(dd)) is amended—

21 (A) by inserting the following sentence  
22 after the first sentence: “Notwithstanding sub-  
23 section (b), with respect to the portion of the  
24 amounts expended for medical assistance for  
25 services described in section 1902(a)(13)(D)

1 furnished in Puerto Rico on or after January 1,  
2 2017, that is attributable to the amount by  
3 which the minimum payment rate required  
4 under such section (or, by application, section  
5 1932(f)) exceeds the payment rate applicable to  
6 such services under the State plan as of July 1,  
7 2009, the Federal medical assistance percent-  
8 age shall be equal to 100 percent.”; and

9 (B) in the last sentence, by striking “pre-  
10 ceding sentence does not” and inserting “pre-  
11 ceding sentences do not”.

12 (2) Section 1932(f) of the Social Security Act  
13 (42 U.S.C. 1396u–2(f)) is amended—

14 (A) by striking “section 1902(a)(13)(C)”  
15 and inserting “subparagraph (C) or (D) of sec-  
16 tion 1902(a)(13)”;

17 (B) by striking “specified in such section”  
18 and inserting “specified in such subpara-  
19 graphs”.

1     **Subtitle B—Medicare Provisions**

2     **SEC. 421. APPLICATION OF PART B DEEMED ENROLLMENT**  
 3                   **PROCESS TO RESIDENTS OF PUERTO RICO;**  
 4                   **SPECIAL ENROLLMENT PERIOD AND LIMIT**  
 5                   **ON LATE ENROLLMENT PENALTIES.**

6           (a) APPLICATION OF PART B DEEMED ENROLLMENT  
 7 PROCESS TO RESIDENTS OF PUERTO RICO.—Section  
 8 1837(f)(3) of the Social Security Act (42 U.S.C.  
 9 1395p(f)(3)) is amended by striking “, exclusive of Puerto  
 10 Rico”.

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

18          (c) TRANSITION PROVIDING SPECIAL ENROLLMENT  
 19 PERIOD AND LIMIT ON LATE ENROLLMENT PENALTIES  
 20 FOR CERTAIN MEDICARE BENEFICIARIES.—Section 1839  
 21 of the Social Security Act (42 U.S.C. 1395r) is amend-  
 22 ed—

23           (1) in the first sentence of subsection (b), by in-  
 24 sserting “subject to section 1839(j)(2),” after “sub-  
 25 section (i)(4) or (l) of section 1837,”; and

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

3           “(j) SPECIAL RULES FOR CERTAIN RESIDENTS OF  
4 PUERTO RICO.—

5           “(1) SPECIAL ENROLLMENT PERIOD, COVERAGE  
6 PERIOD FOR RESIDENTS WHO ARE ELIGIBLE BUT  
7 NOT ENROLLED.—

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

17           “(B) COVERAGE PERIOD.—In the case of  
18 such an individual who enrolls during such spe-  
19 cial enrollment period, the coverage period  
20 under section 1838 shall begin on the first day  
21 of the second month after the month in which  
22 the individual enrolls.

23           “(C) EFFECTIVE MONTH DEFINED.—In  
24 this section, the term ‘effective month’ means a  
25 month, not earlier than October 2017 and not

1 later than January 2018, specified by the Sec-  
2 retary.

3 “(2) REDUCTION IN LATE ENROLLMENT PEN-  
4 ALTIES FOR CURRENT ENROLLEES AND INDIVID-  
5 UALS ENROLLING DURING TRANSITION.—

6 “(A) IN GENERAL.—In the case of a tran-  
7 sition individual who is enrolled under this part  
8 as of the day before the first day of the effec-  
9 tive month or who enrolls under this part on or  
10 after the date of the enactment of this sub-  
11 section but before the end of the special enroll-  
12 ment period under paragraph (1)(A), the  
13 amount of the late enrollment penalty imposed  
14 under section 1839(b) shall be recalculated by  
15 reducing the penalty to 15 percent of the pen-  
16 alty otherwise established.

17 “(B) APPLICATION.—Subparagraph (A)  
18 shall be applied in the case of a transition indi-  
19 vidual who—

20 “(i) is enrolled under this part as of  
21 the month before the effective month, for  
22 premiums for months beginning with such  
23 effective month; or

24 “(ii) enrolls under this part on or  
25 after the date of the enactment of this Act

1 and before the end of the special enroll-  
 2 ment period under paragraph (1)(A), for  
 3 premiums for months during the coverage  
 4 period under this part which occur during  
 5 or after the effective month.

6 “(C) LOSS OF REDUCTION IF INDIVIDUAL  
 7 TERMINATES ENROLLMENT.—Subparagraph  
 8 (A) shall not apply to a transition individual if  
 9 the individual terminates enrollment under this  
 10 part after the end of the special enrollment pe-  
 11 riod under paragraph (1).

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

21 **SEC. 422. PUERTO RICO PRACTICE EXPENSE GPCI IM-**  
 22 **PROVEMENT.**

23 Section 1848(e)(1) of the Social Security Act (42  
 24 U.S.C. 1395w-4(e)(1)) is amended—



1           (1) in subparagraph (A), by striking “and (I)”  
2           and inserting “(I), and (J)”; and

3           (2) by adding at the end the following new sub-  
4           paragraph:

5                   “(J) FLOOR FOR PRACTICE EXPENSE  
6           INDEX FOR SERVICES FURNISHED IN PUERTO  
7           RICO.—

8                   “(i) IN GENERAL.—For purposes of  
9           payment for services furnished in Puerto  
10          Rico in a year (beginning with 2017), after  
11          calculating the practice expense index in  
12          subparagraph (A)(i) for Puerto Rico, if  
13          such index is below the reference index (as  
14          defined in clause (ii)) for the year, the Sec-  
15          retary shall increase such index for Puerto  
16          Rico to equal the value of the reference  
17          index for the year. The preceding sentence  
18          shall not be applied in a budget neutral  
19          manner.

20                  “(ii) REFERENCE INDEX DEFINED.—  
21          In this subparagraph, the term ‘reference  
22          index’ means, with respect to a year, 0.800  
23          or, if less, the lowest practice expense  
24          index value for the year for any area in the  
25          50 States or the District of Columbia.”.

1 **SEC. 423. PERMANENT EXTENSION OF INCENTIVE PAY-**  
2 **MENTS FOR PRIMARY CARE SERVICES FUR-**  
3 **NISHED IN PUERTO RICO.**

4 Section 1833(x)(1) of the Social Security Act (42  
5 U.S.C. 1395l(x)(1)) is amended by inserting “(and in the  
6 case of primary care services furnished on or after Janu-  
7 ary 1, 2017, in Puerto Rico)” after “2016”.

8 **Subtitle C—National Environ-**  
9 **mental Public Health Tracking**  
10 **and Studies**

11 **SEC. 431. NATIONAL ENVIRONMENTAL PUBLIC HEALTH**  
12 **TRACKING.**

13 (a) **IN GENERAL.**—Not later than 60 days after the  
14 date of enactment of this Act, the Secretary of Health and  
15 Human Services, acting through the Director of the Cen-  
16 ters for Disease Prevention and Control, shall update the  
17 National Environmental Public Health Tracking Network  
18 of the Centers for Disease Control and Prevention to in-  
19 clude Puerto Rico (including Vieques).

20 (b) **AUTHORIZATION OF APPROPRIATIONS.**—There is  
21 authorized to be appropriated such sums as may be nec-  
22 essary to carry out this section.

1 **SEC. 432. STUDY ON ENVIRONMENTAL, BIOLOGICAL, AND**  
2 **HEALTH DATA FROM THE ISLAND OF**  
3 **VIEQUES, PUERTO RICO.**

4 (a) IN GENERAL.—Not later than 60 days after the  
5 date of enactment of this Act, the Secretary of Health and  
6 Human Services shall award a grant to an institution of  
7 higher education in Puerto Rico for the conduct of a 3-  
8 year study, in collaboration with the Puerto Rico Depart-  
9 ment of Health, on the environmental, biological, and  
10 health of residents of Vieques, Puerto Rico and specifically  
11 whether and to what extent past military exercises on  
12 Vieques have contributed to health conditions experienced  
13 by some residents of Vieques.

14 (b) ELEMENTS.—The study conducted under sub-  
15 section (a) shall include—

16 (1) a review of the existing literature and pre-  
17 vious public health assessments;

18 (2) testing of drinking water, air, seafood, lo-  
19 cally grown produce, and soil samples;

20 (3) an analysis of previous biomonitoring stud-  
21 ies in Vieques;

22 (4) new biomonitoring testing to determine the  
23 source of previously unexplained findings of metals  
24 in residents' blood, urine, hair, or feces;

25 (5) biomonitoring control group testing from  
26 mainland Puerto Rico; and

1           (6) an analysis of the impact of the cumulative  
2 effects of exposure to multiple contaminants.

3           (c) USE OF FUNDS.—All costs related to biomon-  
4 itoring and environmental testing under the study under  
5 subsection (a) shall be paid for directly with funds award-  
6 ed under the grant under such subsection. Grant funds  
7 may be used to purchase testing equipment, as needed.

8           (d) FINAL REPORT.—The recipient of the grant  
9 under subsection (a) shall submit to the Secretary of  
10 Health and Human Services, a final report under such  
11 grant. Not later than 30 days after the submission of such  
12 report, the Secretary shall make such report public.

13           (e) AUTHORIZATION OF APPROPRIATIONS.—There is  
14 authorized to be appropriated \$10,000,000 to carry out  
15 this section.

16           **TITLE V—INFRASTRUCTURE**  
17                           **INVESTMENTS**  
18           **Subtitle A—Energy Infrastructure**  
19                           **Incentives**

20           **SEC. 511. GRANT PROGRAM TO PROMOTE OF ACCESS TO**  
21                           **RENEWABLE ENERGY AND ENERGY EFFI-**  
22                           **CIENCY FOR PUERTO RICO.**

23           (a) IN GENERAL.—Upon application, the Secretary  
24 of the Treasury shall, subject to the requirements of this  
25 section, provide a grant to each eligible person who places

1 in service specified energy property in the Commonwealth  
2 to reimburse such person for a portion of the expense of  
3 such property as provided in subsection (b). No grant shall  
4 be made under this section with respect to any property  
5 unless—

6           (1) in the case of specified energy property  
7 which is described in paragraph (1) of section 45(d)  
8 or clause (i) of section 48(a)(3)(A) of the Internal  
9 Revenue Code of 1986 (determined without regard  
10 to any date by which construction must begin), the  
11 construction of such property begins after the date  
12 of the enactment of this Act and before January 1  
13 of the applicable calendar year, and

14           (2) in the case of any other specified energy  
15 property, such property is placed in service after the  
16 date of the enactment of this Act and before Janu-  
17 ary 1 of the applicable calendar year.

18 (b) GRANT AMOUNT.—

19           (1) IN GENERAL.—The amount of the grant  
20 under subsection (a) with respect to any specified  
21 energy property shall be the applicable percentage of  
22 the basis of such property.

23           (2) APPLICABLE PERCENTAGE.—For purposes  
24 of paragraph (1), the term “applicable percentage”  
25 means—

1 (A) 30 percent in the case of any property  
2 described in paragraphs (1) through (4) of sub-  
3 section (d), and

4 (B) 10 percent in the case of any other  
5 property.

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

14 (c) TIME FOR PAYMENT OF GRANT.—The Secretary  
15 of the Treasury shall make payment of any grant under  
16 subsection (a) during the 60-day period beginning on the  
17 later of—

18 (1) the date of the application for such grant,

19 or

20 (2) the date the specified energy property for  
21 which the grant is being made is placed in service.

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

1           (1) QUALIFIED FACILITIES.—Any qualified  
2 property (as defined in section 48(a)(5)(D) of the  
3 Internal Revenue Code of 1986) which is part of a  
4 qualified facility (within the meaning of section 45  
5 of such Code) described in paragraph (1), (2), (3),  
6 (4), (6), (7), (9), or (11) of section 45(d) of such  
7 Code (determined without regard to any date by  
8 which construction must begin).

9           (2) QUALIFIED FUEL CELL PROPERTY.—Any  
10 qualified fuel cell property (as defined in section  
11 48(c)(1) of such Code, determined without regard to  
12 any termination date).

13           (3) SOLAR PROPERTY.—Any property described  
14 in clause (i) or (ii) of section 48(a)(3)(A) of such  
15 Code (determined without regard to any termination  
16 date).

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

21           (5) GEOTHERMAL PROPERTY.—Any property  
22 described in clause (iii) of section 48(a)(3)(A) of  
23 such Code.

24           (6) QUALIFIED MICROTURBINE PROPERTY.—  
25 Any qualified microturbine property (as defined in

1 section 48(c)(2) of such Code, determined without  
2 regard to any termination date).

3 (7) COMBINED HEAT AND POWER SYSTEM  
4 PROPERTY.—Any combined heat and power system  
5 property (as defined in section 48(c)(3) of such  
6 Code, determined without regard to subparagraph  
7 (A)(iv) thereof).

8 (8) GEOTHERMAL HEAT PUMP PROPERTY.—  
9 Any property described in clause (vii) of section  
10 48(a)(3)(A) of such Code (determined without re-  
11 gard to any termination date).

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

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

19 (1) any individual that is a bona fide resident  
20 (as defined under section 937 of the Internal Rev-  
21 enue Code of 1986) of the Commonwealth, and

22 (2) any corporation which is organized under  
23 the laws of the Commonwealth.

24 (f) APPLICABLE CALENDAR YEAR.—For purposes of  
25 this section, the term “applicable calendar year” means



1 the calendar year following the first calendar year in which  
2 the aggregate amount of grants paid under subsection (a)  
3 exceeds \$1,200,000,000.

4 (g) OTHER DEFINITIONS.—Terms used in this sec-  
5 tion which are also used in section 45 or 48 of the Internal  
6 Revenue Code of 1986 shall have the same meaning for  
7 purposes of this section as when used in such section 45  
8 or 48. Any reference in this section to the Secretary of  
9 the Treasury shall be treated as including the Secretary’s  
10 delegate.

11 (h) APPLICATION OF CERTAIN RULES.—In making  
12 grants under this section, the Secretary of the Treasury  
13 shall apply rules similar to the rules of section 50 of the  
14 Internal Revenue Code of 1986, except that in applying  
15 subsection (b)(1) thereof “Puerto Rico” shall be sub-  
16 stituted for “United States”. In applying such rules, if  
17 the property is disposed of, or otherwise ceases to be speci-  
18 fied energy property, the Secretary of the Treasury shall  
19 provide for the recapture of the appropriate percentage of  
20 the grant amount in such manner as the Secretary of the  
21 Treasury determines appropriate.

22 (i) APPROPRIATIONS.—There is hereby appropriated  
23 to the Secretary of the Treasury such sums as may be  
24 necessary to carry out this section.

1 **SEC. 512. INCENTIVES FOR ENERGY EFFICIENT COMMER-**  
2 **CIAL BUILDINGS.**

3 (a) PERMANENT EXTENSION OF ENERGY EFFICIENT  
4 COMMERCIAL BUILDINGS DEDUCTION.—Section 179D of  
5 the Internal Revenue Code of 1986 is amended by striking  
6 subsection (h).

7 (b) UPDATE OF STANDARD.—

8 (1) IN GENERAL.—Section 179D of the Inter-  
9 nal Revenue Code of 1986 is amended by striking  
10 “Standard 90.1-2001” each place it appears and in-  
11 serting “the applicable ASHRAE standard”.

12 (2) APPLICABLE ASHRAE STANDARD.—Section  
13 179D(c)(2) of such Code is amended to read as fol-  
14 lows:

15 “(2) APPLICABLE ASHRAE STANDARD.—The  
16 term ‘applicable ASHRAE standard’ means—

17 “(A) Standard 90.1–2013 of the American  
18 Society of Heating, Refrigerating, and Air Con-  
19 ditioning Engineers and the Illuminating Engi-  
20 neering Society of North America, or

21 “(B) in the case of any subsequent stand-  
22 ard adopted by the American Society of Heat-  
23 ing, Refrigerating, and Air Conditioning Engi-  
24 neers which supersedes the standard described  
25 in subparagraph (A), such subsequent stand-  
26 ard.”.

1           (3) EFFECTIVE DATE.—The amendments made  
2 by this subsection shall apply to property placed in  
3 service after December 31, 2015.

4           (c) GRANT PROGRAM FOR PUERTO RICO.—

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

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

19                   (A) 35 percent, and

20                   (B) the excess of—

21                           (i) the product of—

22                                   (I) \$1.80, and

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

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

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

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

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

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

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

1 (B) such section 179D(c)(1)(B)(i) shall be  
2 applied by substituting “Puerto Rico” for  
3 “United States”.

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

6 (A) any individual that is a bona fide resi-  
7 dent (as defined under section 937 of the Inter-  
8 nal Revenue Code of 1986) of Puerto Rico, and

9 (B) any corporation which is organized  
10 under the laws of the Commonwealth.

11 (6) APPLICABLE CALENDAR YEAR.—For pur-  
12 poses of this subsection, the term “applicable cal-  
13 endar year” means the calendar year following the  
14 first calendar year in which the aggregate amount of  
15 grants paid under subsection (a) exceeds  
16 \$400,000,000.

17 (7) 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 (8) APPLICATION OF SPECIAL RULES.—Rules  
22 similar to the rules of subsections (d), (f), and (g)  
23 of section 179D of the Internal Revenue Code of  
24 1986 shall apply with respect to grants under this  
25 subsection.

1           (9) APPROPRIATIONS.—There is hereby appro-  
2           priated to the Secretary of the Treasury such sums  
3           as may be necessary to carry out this subsection.

4 **SEC. 513. INCENTIVES FOR NEW ENERGY EFFICIENT**  
5 **HOMES.**

6           (a) PERMANENT EXTENSION OF NEW ENERGY EFFI-  
7           CIENT HOME CREDIT.—Section 45L of the Internal Rev-  
8           enue Code of 1986 is amended by striking subsection (g).

9           (b) UPDATE OF STANDARD.—

10           (1) IN GENERAL.—Section 45L of the Internal  
11           Revenue Code of 1986 is amended by striking “the  
12           standards of chapter 4 of the 2006 International  
13           Energy Conservation Code, as such Code (including  
14           supplements) is in effect on January 1, 2006” each  
15           place it appears and inserting “the applicable stand-  
16           ards”.

17           (2) APPLICABLE STANDARDS.—Section 45L of  
18           such Code, as amended by subsection (a), is amend-  
19           ed by adding at the end the following new sub-  
20           section:

21           “(h) APPLICABLE STANDARDS.—For purposes of this  
22           section, the term ‘applicable standards’ means, with re-  
23           spect to any dwelling unit, the standards in effect for resi-  
24           dential building energy efficiency under the International  
25           Energy Conservation Code on the first day of the taxable

1 year in which construction for the dwelling unit com-  
2 menced.”.

3           (3) EFFECTIVE DATE.—The amendments made  
4 by this subsection shall apply to homes acquired  
5 after December 31, 2015.

6           (c) GRANT PROGRAM FOR PUERTO RICO.—

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 on or before the last day of the  
20 applicable calendar year.

21           (2) AMOUNT OF GRANT.—The amount of the  
22 grant under paragraph (1) with respect to any quali-  
23 fied new energy efficient home is an amount equal  
24 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” for “the  
23 United States”, and

24 (B) subparagraph (B) thereof shall be ap-  
25 plied by substituting “the date of the enactment



1 of section 513 of the Puerto Rico Humanitarian  
 2 Relief and Reconstruction Act” for “the date of  
 3 the enactment of this section”.

4 (5) APPLICABLE CALENDAR YEAR.—For pur-  
 5 poses of this subsection, the term “applicable cal-  
 6 endar year” means the calendar year following the  
 7 first calendar year in which the aggregate amount of  
 8 grants paid under subsection (a) exceeds  
 9 \$400,000,000.

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

17 (7) APPROPRIATIONS.—There is hereby appro-  
 18 priated to the Secretary of the Treasury such sums  
 19 as may be necessary to carry out this subsection.

20 **Subtitle B—Transportation, Hous-**  
 21 **ing, and Agriculture Infrastruc-**  
 22 **ture Incentives**

23 **SEC. 521. GENERAL PROVISIONS.**

24 (a) WAIVER OF NON-FEDERAL SHARE.—Notwith-  
 25 standing any other provision of law, the non-Federal share

1 of the cost of any program or activity carried out using  
2 funds provided under this subtitle shall be zero.

3 (b) MAINTENANCE OF FUNDING; ADMINISTRATIVE  
4 EXPENSES.—

5 (1) MAINTENANCE OF FUNDING.—The funding  
6 provided to any program or account under this sub-  
7 title shall supplement (and not supplant) any fund-  
8 ing provided for that program or account under any  
9 other provision of law.

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

19 **SEC. 522. HIGHWAY PROGRAM.**

20 (a) FUNDING.—Out of funds of the Treasury not oth-  
21 erwise appropriated, there is appropriated to the Secretary  
22 of Transportation \$450,000,000 for each of fiscal years  
23 2017 through 2026 to carry out the Puerto Rico Highway  
24 Program under section 165(b) of title 23, United States  
25 Code.

1 (b) CONFORMING AMENDMENT.—Section 165(a)(1)  
2 of title 23, United States Code, is amended by striking  
3 “\$158,000,000” and inserting “\$608,000,000”.

4 **SEC. 523. TIGER DISCRETIONARY GRANTS.**

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

12 (b) REQUIREMENT.—Out of funds of the Treasury  
13 not otherwise appropriated, there is appropriated to the  
14 Secretary of Transportation \$50,000,000 for each of fiscal  
15 years 2017 through 2021 to award TIGER discretionary  
16 grants for eligible programs and activities in the Common-  
17 wealth of Puerto Rico.

18 **SEC. 524. PASSENGER AND FREIGHT RAIL IMPROVEMENTS.**

19 (a) FUNDING.—Out of funds of the Treasury not oth-  
20 erwise appropriated, there is appropriated to the Secretary  
21 of Transportation \$120,000,000 for each of fiscal years  
22 2017 through 2021 for planning and capital costs to build,  
23 improve, or expand passenger and freight rail projects in  
24 the Commonwealth under titles 23 and 49, United States  
25 Code.

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

3 (1) not more than 15 percent may be used for  
4 temporary operating assistance for such rail and  
5 transit projects as the Secretary of Transportation  
6 determines to be eligible; and

7 (2) not more than 50 percent may be allocated  
8 to another transportation capital investment account  
9 funded under this Act, on approval of the Secretary  
10 of Transportation.

11 **SEC. 525. AIRPORT IMPROVEMENT PROGRAM.**

12 Out of funds of the Treasury not otherwise appro-  
13 priated, there is appropriated to the Secretary of Trans-  
14 portation \$40,000,000 for each of fiscal years 2017  
15 through 2021 to make grants under the Airport Improve-  
16 ment Program under subchapter I of chapter 471 of title  
17 49, United States Code, for eligible programs and activi-  
18 ties in the Commonwealth.

19 **SEC. 526. CLEAN AND SAFE WATER REVOLVING FUNDS.**

20 Out of funds of the Treasury not otherwise appro-  
21 priated, there is appropriated to the Administrator of the  
22 Environmental Protection Agency for each of fiscal years  
23 2017 through 2021—

24 (1) \$25,000,000 to make a capitalization grant  
25 to the Commonwealth for the purpose of establishing

1 and maintaining a water pollution control revolving  
2 fund under title VI of the Federal Water Pollution  
3 Control Act (33 U.S.C. 1381 et seq.); and

4 (2) \$25,000,000 to make a capitalization grant  
5 to the Commonwealth for the purpose of establishing  
6 and maintaining a drinking water treatment revolv-  
7 ing loan fund under section 1452(a) of the Safe  
8 Drinking Water Act (42 U.S.C. 300j-12(a)).

9 **SEC. 527. RURAL UTILITIES SERVICE PROGRAMS.**

10 (a) WATER AND ENVIRONMENTAL PROGRAMS.—Out  
11 of funds of the Treasury not otherwise appropriated, there  
12 is appropriated to the Administrator of the Rural Utilities  
13 Service \$50,000,000 for each of fiscal years 2017 through  
14 2021 to provide, for eligible programs and activities in the  
15 Commonwealth—

16 (1) water or waste disposal grants or direct or  
17 guaranteed loans under paragraph (1) or (2) of sec-  
18 tion 306(a) of the Consolidated Farm and Rural De-  
19 velopment Act (7 U.S.C. 1926(a));

20 (2) rural water or wastewater technical assist-  
21 ance and training grants under section 306(a)(14)  
22 of the Consolidated Farm and Rural Development  
23 Act (7 U.S.C. 1926(a)(14));

1           (3) emergency community water assistance  
2 grants under section 306A of the Consolidated Farm  
3 and Rural Development Act (7 U.S.C. 1926a); and

4           (4) solid waste management grants under sec-  
5 tion 310B(b) of the Consolidated Farm and Rural  
6 Development Act (7 U.S.C. 1932(b)).

7       (b) ELECTRIC PROGRAM.—Out of funds of the Treas-  
8 ury not otherwise appropriated, there is appropriated to  
9 the Administrator of the Rural Utilities Service  
10 \$50,000,000 for each of fiscal years 2017 through 2021  
11 to provide electric infrastructure grants for eligible pro-  
12 grams and activities in the Commonwealth under the  
13 Rural Electrification Act of 1936 (7 U.S.C. 901 et seq.).

14 **SEC. 528. RURAL ENERGY FOR AMERICA PROGRAM.**

15       Out of funds of the Treasury not otherwise appro-  
16 priated, there is appropriated to the Secretary of Agri-  
17 culture \$25,000,000 for each of fiscal years 2017 through  
18 2021 to provide financial assistance and grants for eligible  
19 programs and activities in the Commonwealth under sec-  
20 tion 9007 of the Farm Security and Rural Investment Act  
21 of 2002 (7 U.S.C. 8107).

22 **SEC. 529. CONSTRUCTION OF FERRY BOATS AND FERRY**  
23 **TERMINAL FACILITIES.**

24       Out of funds of the Treasury not otherwise appro-  
25 priated, there is appropriated to the Secretary of Trans-

1 portation \$5,000,000 for each of fiscal years 2017 through  
2 2021 for the construction of ferry boats and ferry terminal  
3 facilities in the Commonwealth under section 147 of title  
4 23, United States Code.

5 **SEC. 530. CORPS OF ENGINEERS FUNDS.**

6 (a) CONSTRUCTION ACCOUNT.—Out of funds of the  
7 Treasury not otherwise appropriated, there is appro-  
8 priated to the Construction Account of the Corps of Engi-  
9 neers \$150,000,000 for each of fiscal years 2017 through  
10 2021 for authorized navigation, coastal storm and riverine  
11 flood damage reduction, ecosystem restoration, and envi-  
12 ronmental infrastructure assistance activities in the Com-  
13 monwealth, with priority given to dredging the Caño  
14 Martín Peña.

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 \$75,000,000 for each  
19 of fiscal years 2017 through 2021 for eligible operations  
20 and maintenance costs of coastal harbors and channels,  
21 and for inland harbors, to improve the movement of goods  
22 through marine ports in the Commonwealth.

1 **SEC. 531. 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 \$50,000,000 for  
6 each of fiscal years 2017 through 2021 to carry out in  
7 the Commonwealth minor localized flood reduction  
8 projects and major flood risk reduction projects under the  
9 predisaster hazard mitigation program under section 203  
10 of the Robert T. Stafford Disaster Relief and Emergency  
11 Assistance Act (42 U.S.C. 5133).

12 **SEC. 532. BROADBAND PROGRAMS.**

13 (a) BROADBAND INITIATIVES PROGRAM.—Out of  
14 funds of the Treasury not otherwise appropriated, there  
15 is appropriated \$30,000,000 for each of fiscal years 2017  
16 through 2021 for the broadband initiatives program estab-  
17 lished under title VI of the Rural Electrification Act of  
18 1936 (7 U.S.C. 950bb et seq.) to expand access to, and  
19 the quality of, broadband service across the Common-  
20 wealth, with preference given to—

21 (1) public or cooperatively owned telecommuni-  
22 cations systems; or

23 (2) telecommunications systems that provide  
24 telehealth, distance learning, and public safety bene-  
25 fits.



1 (b) BROADBANDUSA PROGRAM.—Out of funds of  
2 the Treasury not otherwise appropriated, there is appro-  
3 priated \$30,000,000 for each of fiscal years 2017 through  
4 2021 to the National Telecommunications and Informa-  
5 tion Administration to carry out the BroadbandUSA pro-  
6 gram in the Commonwealth, with preference given to—

7 (1) public or cooperatively owned telecommuni-  
8 cations systems; or

9 (2) telecommunications systems that provide  
10 telehealth, distance learning, and public safety bene-  
11 fits.

12 **SEC. 533. HOUSING AND COMMUNITY DEVELOPMENT.**

13 (a) HOME INVESTMENT PARTNERSHIPS PRO-  
14 GRAM.—

15 (1) ALL PARTICIPATING JURISDICTIONS.—Out  
16 of funds of the Treasury not otherwise appropriated,  
17 there is appropriated \$17,000,000 for each of fiscal  
18 years 2017 through 2021 for the HOME Investment  
19 Partnerships program authorized under title II of  
20 the Cranston-Gonzalez National Affordable Housing  
21 Act (42 U.S.C. 12721 et seq.) to be allocated pro-  
22 portionately among participating jurisdictions in the  
23 Commonwealth in accordance with the allocation  
24 among such jurisdictions for the most recent fiscal  
25 year.

1           (2) CAÑO MARTÍN PEÑA COMMUNITIES.—Out of  
2 funds of the Treasury not otherwise appropriated, in  
3 addition to the amount appropriated under para-  
4 graph (1), there is appropriated \$3,000,000 for each  
5 of fiscal years 2017 through 2021 for the HOME  
6 Investment Partnerships program authorized under  
7 title II of the Cranston-Gonzalez National Afford-  
8 able Housing Act (42 U.S.C. 12721 et seq.) to be  
9 allocated to the HOME Investment Partnership Pro-  
10 gram of the Municipality of San Juan for use by the  
11 Caño Martín Peña Community Land Trust (also  
12 known as “El Fedeicomiso de la Tierra del Caño  
13 Martín Peña”) to create, improve, and rehabilitate  
14 affordable housing in the 8 Caño Martín Peña com-  
15 munities, including for the costs of relocating homes  
16 from the banks of the channel to other locations in  
17 the community.

18           (b) COMMUNITY DEVELOPMENT BLOCK GRANT PRO-  
19 GRAM.—

20           (1) ALL JURISDICTIONS.—Out of funds of the  
21 Treasury not otherwise appropriated, there is appro-  
22 priated \$60,000,000 for each of fiscal years 2017  
23 through 2021 for the community development block  
24 grant program under title I of the Housing and  
25 Community Development Act of 1974 (42 U.S.C.

1 5301 et seq.) to be allocated proportionately among  
2 entitlement communities and nonentitlement commu-  
3 nities in the Commonwealth in accordance with the  
4 allocation among such communities for the most re-  
5 cent fiscal year.

6 (2) CAÑO MARTÍN PEÑA COMMUNITIES.—Out of  
7 funds of the Treasury not otherwise appropriated, in  
8 addition to the amount appropriated under para-  
9 graph (1), there is appropriated \$5,000,000 for each  
10 of fiscal years 2017 through 2021 for the commu-  
11 nity development block grant program under title I  
12 of the Housing and Community Development Act of  
13 1974 (42 U.S.C. 5301 et seq.) to be allocated to the  
14 Municipality of San Juan for use by the Martin  
15 Peña Canal ENLACE Project Corporation (also  
16 known as “La Corporación del Proyecto ENLACE  
17 del Caño Martín Peña”) for housing, community,  
18 and economic development in the 8 Caño Martín  
19 Peña communities.

1 **TITLE VI—EARNED INCOME TAX**  
2 **CREDIT AND TAX EQUALI-**  
3 **ZATION MEASURES**

4 **SEC. 611. PUERTO RICO RESIDENTS ELIGIBLE FOR EARNED**  
5 **INCOME TAX CREDIT.**

6 (a) IN GENERAL.—Section 32 of the Internal Rev-  
7 enue Code of 1986 is amended by adding at the end the  
8 following new subsection:

9 “(n) RESIDENTS OF PUERTO RICO.—

10 “(1) IN GENERAL.—In the case of residents of  
11 Puerto Rico—

12 “(A) the United States shall be treated as  
13 including Puerto Rico for purposes of sub-  
14 sections (c)(1)(A)(ii)(I) and (c)(3)(C),

15 “(B) subsection (c)(1)(D) shall not apply  
16 to nonresident alien individuals who are resi-  
17 dents of Puerto Rico, and

18 “(C) adjusted gross income and gross in-  
19 come shall be computed without regard to sec-  
20 tion 933 for purposes of subsections (a)(2)(B)  
21 and (c)(2)(A)(i).

22 “(2) LIMITATION.—The credit allowed under  
23 this section by reason of this subsection for any tax-  
24 able year shall not exceed the amount, determined  
25 under regulations or other guidance promulgated by

1 the Secretary, that a similarly situated taxpayer  
2 would receive if residing in a State.”.

3 (b) CHILD TAX CREDIT NOT REDUCED.—Subclause  
4 (II) of section 24(d)(1)(B)(ii) of such Code is amended  
5 by inserting before the period “(determined without re-  
6 gard to section 32(n) in the case of residents of Puerto  
7 Rico)”.

8 (c) EFFECTIVE DATE.—The amendments made by  
9 this section shall apply to taxable years beginning after  
10 December 31, 2015.

11 **SEC. 612. EQUITABLE TREATMENT FOR RESIDENTS OF**  
12 **PUERTO RICO WITH RESPECT TO THE RE-**  
13 **FUNDABLE PORTION OF THE CHILD TAX**  
14 **CREDIT.**

15 (a) IN GENERAL.—Section 24(d)(1) of the Internal  
16 Revenue Code of 1986 is amended by inserting “or section  
17 933” after “section 112”.

18 (b) EFFECTIVE DATE.—The amendment made by  
19 subsection (a) shall apply to taxable years beginning after  
20 December 31, 2015.

21 **TITLE VII—PUERTO RICO**  
22 **DETERMINATION ON STATUS**

23 **SEC. 701. VOTE REGARDING STATUS.**

24 (a) VOTE.—

1           (1) IN GENERAL.—Not later than January 31,  
2           2018, the State Elections Commission of Puerto  
3           Rico shall provide for a binding vote or series of  
4           votes as described in paragraph (2), in accordance  
5           with rules and regulations determined by the Com-  
6           mission, including qualifications for voter eligibility.

7           (2) REGULATIONS.—Not later than 90 days  
8           after the date of enactment of this Act, the State  
9           Elections Commission of Puerto Rico shall promul-  
10          gate regulations governing the provision by the State  
11          Elections Commission of a binding vote, or series of  
12          binding votes, regarding whether Puerto Rico  
13          should—

14                 (A) be admitted as a State of the United  
15                 States;

16                 (B) become a sovereign nation; or

17                 (C) continue the status quo as a common-  
18                 wealth territory of the United States and sim-  
19                 ply reform the government of the Common-  
20                 wealth.

21          (b) FUNDS FOR VOTE.—The funds made available  
22          pursuant to Public Law 113–76 (128 Stat. 5) may be used  
23          to conduct the vote under this section.

1 **SEC. 702. CERTIFICATION AND TRANSMITTAL OF RESULTS.**

2 Not later than 10 days after the certification of the  
3 vote by the State Elections Commission of Puerto Rico,  
4 the Governor of Puerto Rico shall transmit the certified  
5 results to the President of the United States, the Speaker  
6 of the House of Representatives, and the President pro  
7 tempore of the Senate.

8 **SEC. 703. TRANSITION PROCESS.**

9 If a majority of the votes cast in the vote conducted  
10 pursuant to section 701 are for the admission of Puerto  
11 Rico into the United States as a State, the following shall  
12 apply:

13 (1) PROCLAMATION.—Within 30 calendar days  
14 of receipt of the certified results transmitted pursu-  
15 ant to section 702, the President shall issue a proc-  
16 lamation to begin the transition process that will  
17 culminate in Puerto Rico’s admission into the  
18 United States as a State effective by not later than  
19 the date that is 4 years after the date on which the  
20 vote under section 701 is certified by the State Elec-  
21 tions Commission of Puerto Rico.

22 (2) COMMISSION.—

23 (A) ESTABLISHMENT.—Within 90 calendar  
24 days of receipt of the certified results trans-  
25 mitted pursuant to section 702, the President  
26 shall appoint a commission, to be known as the

1 “Commission on the Equal Application of Fed-  
2 eral Law to Puerto Rico” (referred to in this  
3 paragraph as the “Commission”).

4 (B) PURPOSE.—The Commission shall sur-  
5 vey the laws of the United States and make rec-  
6 ommendations to Congress as to how laws that  
7 do not apply to the territory or apply differently  
8 to the territory than to the several States  
9 should be amended or repealed to treat Puerto  
10 Rico equally with the several States as of the  
11 date of the admission of Puerto Rico into the  
12 United States as a State.

13 (C) MEMBERSHIP.—The Commission shall  
14 consist of 5 persons, at least 2 of whom shall  
15 be residents of Puerto Rico.

16 (D) REPORT.—The Commission shall issue  
17 a final report to the President of the United  
18 States, the Speaker of the House of Represent-  
19 atives, and the President pro tempore of the  
20 Senate by July 1, 2018.

21 (E) TERMINATION.—Upon issuing the  
22 final report under subparagraph (D), the Com-  
23 mission shall terminate.

24 (F) FEDERAL ADVISORY COMMITTEE  
25 ACT.—The Federal Advisory Committee Act (5



1 U.S.C. App.), other than section 14, shall apply  
2 to the Commission.

3 **SEC. 704. RULES FOR ELECTIONS FOR FEDERAL OFFICES.**

4 (a) PREPARATION FOR ELECTIONS.—If a majority of  
5 the votes cast in the vote conducted pursuant to section  
6 701 are for the admission of Puerto Rico into the United  
7 States as a State, not later than January 1, 2020, Puerto  
8 Rico shall carry out such actions as may be necessary to  
9 enable Puerto Rico to hold elections for Federal office in  
10 November 2020 in accordance with this section.

11 (b) PRESIDENTIAL ELECTION.—With respect to the  
12 election for the office of President and Vice President held  
13 in November 2020—

14 (1) Puerto Rico shall be considered a State for  
15 purposes of chapter 21 of title 3, United States  
16 Code;

17 (2) the electors of Puerto Rico shall be consid-  
18 ered electors of a State for purposes of such chapter;  
19 and

20 (3) for purposes of section 3 of such title, the  
21 number of electors from Puerto Rico shall be equal  
22 to the number of Senators and Representatives to  
23 which Puerto Rico is entitled during the 117th Con-  
24 gress, as determined in accordance with subsections  
25 (c) and (d).

1 (c) ELECTION OF SENATORS.—

2 (1) ELECTION OF 2 SENATORS.—The regularly  
3 scheduled general elections for Federal office held in  
4 Puerto Rico during November 2020 shall include the  
5 election of 2 Senators, each of whom shall first take  
6 office on the first day of the 117th Congress.

7 (2) SPECIAL RULE.—In the election of Senators  
8 from Puerto Rico pursuant to paragraph (1), the 2  
9 Senate offices shall be separately identified and des-  
10 ignated, and no person may be a candidate for both  
11 offices. No such identification or designation of ei-  
12 ther of the offices shall refer to, or be taken to refer  
13 to, the terms of such offices, or in any way impair  
14 the privilege of the Senate to determine the class to  
15 which each of the Senators elected shall be assigned.

16 (d) ELECTION OF REPRESENTATIVES.—

17 (1) IN GENERAL.—Effective on the first day of  
18 the 117th Congress, and until the taking effect of  
19 the first reapportionment occurring after the regular  
20 decennial census conducted for 2020, Puerto Rico  
21 shall be entitled to the number of Representatives to  
22 which Puerto Rico would have been entitled for the  
23 116th Congress if Puerto Rico had been a State  
24 during such Congress, as shown in the statement

1 transmitted by the President to Congress under  
2 paragraph (2).

3 (2) DETERMINATION OF INITIAL NUMBER.—

4 (A) DETERMINATION.—Not later than  
5 July 1, 2019, the President shall submit to  
6 Congress a statement of the number of Rep-  
7 resentatives to which Puerto Rico would have  
8 been entitled for the 116th Congress if Puerto  
9 Rico had been a State during such Congress, in  
10 the same manner as provided under section  
11 22(a) of the Act of June 28, 1929 (2 U.S.C.  
12 2a(a)).

13 (B) SUBMISSION OF NUMBER BY CLERK.—

14 Not later than 15 calendar days after receiving  
15 the statement of the President under subpara-  
16 graph (A), the Clerk of the House of Rep-  
17 resentatives, in accordance with section 22(b) of  
18 such Act (2 U.S.C. 2a(b)), shall transmit to the  
19 Governor of Puerto Rico and the Speaker of the  
20 House of Representatives a certificate of the  
21 number of Representatives to which Puerto  
22 Rico is entitled during the period described in  
23 paragraph (1).

24 (3) TERMINATION OF OFFICE OF RESIDENT  
25 COMMISSIONER.—Effective on the date on which a

1 Representative from Puerto Rico first takes office in  
2 accordance with this subsection, the Office of the  
3 Resident Commissioner to the United States, as de-  
4 scribed in section 36 of the Act of March 2, 1917  
5 (48 U.S.C. 891 et seq.), is terminated.

6 (e) ADMINISTRATION OF PRIMARY ELECTIONS.—  
7 Puerto Rico may hold primary elections for the offices de-  
8 scribed in this section at such time and in such manner  
9 as Puerto Rico may provide, so long as such elections are  
10 held in the manner required by the laws applicable to elec-  
11 tions for Federal office.

12 **SEC. 705. ISSUANCE OF PRESIDENTIAL PROCLAMATION.**

13 Following the transition process set forth in section  
14 703, if applicable, the President shall issue a proclamation  
15 declaring that Puerto Rico is admitted into the United  
16 States on an equal footing with the other States, effective  
17 on the date that is 4 years after the date on which the  
18 vote under section 701 is certified by the State Elections  
19 Commission of Puerto Rico. Upon issuance of the procla-  
20 mation by the President, Puerto Rico shall be deemed ad-  
21 mitted into the United States as a State.

22 **SEC. 706. STATE OF PUERTO RICO.**

23 Upon the admission of Puerto Rico into the United  
24 States as a State, the following shall apply:

1           (1) STATE CONSTITUTION.—The Constitution  
2 of the Commonwealth of Puerto Rico shall be ac-  
3 cepted as the Constitution of the State.

4           (2) TERRITORY.—The State shall consist of all  
5 of the territory, together with the waters included in  
6 the seaward boundary, of the Commonwealth of  
7 Puerto Rico.

8           (3) CONTINUITY OF GOVERNMENT.—The per-  
9 sons holding legislative, executive, and judicial of-  
10 fices of the Commonwealth of Puerto Rico shall con-  
11 tinue to discharge the duties of their respective of-  
12 fices.

13           (4) CONTINUITY OF LAWS.—

14           (A) TERRITORY LAW.—All of the territory  
15 laws in force in Puerto Rico shall continue in  
16 force and effect in the State, except as modified  
17 by this Act, and shall be subject to repeal or  
18 amendment by the Legislature and the Gov-  
19 ernor of Puerto Rico.

20           (B) FEDERAL LAW.—All of the laws of the  
21 United States shall have the same force and ef-  
22 fect as on the date immediately prior to the  
23 date of admission of Puerto Rico into the  
24 United States as a State, except for any provi-  
25 sion of law that treats Puerto Rico and its resi-

1           dents differently than the States of the United  
2           States and their residents, which shall be  
3           amended as of the date of admission to treat  
4           the State of Puerto Rico and its residents  
5           equally with the other States of the United  
6           States and their residents.

7 **SEC. 707. EFFECT ON MEMBERSHIP OF HOUSE OF REP-**  
8                                   **RESENTATIVES.**

9           (a) **TEMPORARY INCREASE DURING INITIAL PE-**  
10 **RIOD.—**

11           (1) **TEMPORARY INCREASE.**—Upon the admis-  
12           sion of Puerto Rico into the United States as a  
13           State, during the period described in paragraph (1)  
14           of section 704(d)—

15                           (A) the membership of the House of Rep-  
16                           resentatives shall be increased by the number of  
17                           Members to which Puerto Rico is entitled dur-  
18                           ing such period; and

19                           (B) each such Representative shall be in  
20                           addition to the membership of the House of  
21                           Representatives as prescribed by law on the  
22                           date of enactment of this Act.

23           (2) **NO EFFECT ON EXISTING APPORTION-**  
24           **MENT.**—The temporary increase in the membership  
25           of the House of Representatives provided under

1 paragraph (1) shall not, during the period described  
2 in paragraph (1) of section 704(d)—

3 (A) operate to either increase or decrease  
4 the permanent membership of the House of  
5 Representatives as prescribed in the Act of Au-  
6 gust 8, 1911 (2 U.S.C. 2); or

7 (B) affect the basis of reapportionment es-  
8 tablished by section 22 of the Act of June 28,  
9 1929 (2 U.S.C. 2a), for the 82nd Congress and  
10 each Congress thereafter.

11 (b) PERMANENT INCREASE EFFECTIVE WITH NEXT  
12 REAPPORTIONMENT.—

13 (1) IN GENERAL.—Upon the admission of Puer-  
14 to Rico into the United States as a State, effective  
15 with respect to the 118th Congress and each suc-  
16 ceeding Congress, the House of Representatives shall  
17 be composed of a number of Members equal to the  
18 sum of 435 plus the number by which the member-  
19 ship of the House was increased under subsection  
20 (a).

21 (2) REAPPORTIONMENT OF MEMBERS RESULT-  
22 ING FROM INCREASE.—

23 (A) IN GENERAL.—Section 22(a) of the  
24 Act of June 28, 1929 (2 U.S.C. 2a(a)), is  
25 amended by striking “the then existing number

1 of Representatives” and inserting “the number  
2 of Representatives established with respect to  
3 the 118th Congress”.

4 (B) EFFECTIVE DATE.—The amendment  
5 made by subparagraph (A) shall apply with re-  
6 spect to the regular decennial census conducted  
7 for 2020 and each subsequent regular decennial  
8 census.

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