

HR 1

American Recovery and Reinvestment Act of 2009

Congress: 111 (2009–2011, Ended)

Chamber: House

Policy Area: Economics and Public Finance

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Sponsor

Name: Rep. Obey, David R. [D-WI-7]

Party: Democratic • State: WI • Chamber: House

Cosponsors (9 total)

Cosponsor	Party / State	Role	Date Joined
Rep. Frank, Barney [D-MA-4]	D · MA		Jan 26, 2009
Rep. Gordon, Bart [D-TN-6]	D · TN		Jan 26, 2009
Rep. Miller, George [D-CA-7]	D · CA		Jan 26, 2009
Rep. Oberstar, James L. [D-MN-8]	D · MN		Jan 26, 2009
Rep. Rangel, Charles B. [D-NY-15]	D · NY		Jan 26, 2009
Rep. Spratt, John M., Jr. [D-SC-5]	D · SC		Jan 26, 2009
Rep. Towns, Edolphus [D-NY-10]	D · NY		Jan 26, 2009
Rep. Velazquez, Nydia M. [D-NY-12]	D · NY		Jan 26, 2009
Rep. Waxman, Henry A. [D-CA-30]	D · CA		Jan 26, 2009

Committee Activity

Committee	Chamber	Activity	Date
Appropriations Committee	House	Referred To	Jan 27, 2009
Budget Committee	House	Referred To	Jan 27, 2009
Transportation and Infrastructure Committee	House	Bills of Interest - Exchange of Letters	Aug 23, 2010

Subjects & Policy Tags

Policy Area:

Economics and Public Finance

## Related Bills

Bill	Relationship	Last Action
111 HRES 168	Procedurally related	<b>Feb 13, 2009:</b> Motion to reconsider laid on the table Agreed to without objection.
111 HR 861	Related bill	<b>Feb 4, 2009:</b> Referred to House Budget
111 S 350	Related bill	<b>Jan 30, 2009:</b> Star Print ordered on the bill.
111 HR 598	Related bill	<b>Jan 28, 2009:</b> Supplemental report filed by the Committee on Ways and Means, H. Rept. 111-8, Part II.
111 HRES 92	Procedurally related	<b>Jan 28, 2009:</b> Motion to reconsider laid on the table Agreed to without objection.
111 HR 629	Related bill	<b>Jan 27, 2009:</b> Placed on the Union Calendar, Calendar No. 3.
111 HRES 88	Procedurally related	<b>Jan 27, 2009:</b> Motion to reconsider laid on the table Agreed to without objection.
111 S 336	Related bill	<b>Jan 27, 2009:</b> Placed on Senate Legislative Calendar under General Orders. Calendar No. 19.
111 HR 679	Related bill	<b>Jan 26, 2009:</b> Placed on the Union Calendar, Calendar No. 1.
111 HR 290	Related bill	<b>Jan 8, 2009:</b> Referred to the House Committee on Ways and Means.
111 HR 291	Related bill	<b>Jan 8, 2009:</b> Referred to the House Committee on Ways and Means.

**(This measure has not been amended since the conference report was filed in the House on February 12, 2009. The summary of that version is repeated here.)**

**American Recovery and Reinvestment Act of 2009** - (Sec. 5) Designates each amount in this Act as: (1) an emergency requirement, necessary to meet certain emergency needs in accordance with the FY2008-FY2009 congressional budget resolutions; and (2) an emergency for Pay-As-You-Go (PAYGO) principles.

**Division A: Appropriations Provisions - Title I: Agriculture, Rural Development, Food and Drug Administration, and Related Agencies** - Appropriates FY2009 funds for the following Department of Agriculture programs and services: (1) agriculture buildings and facilities and rental payments; (2) Office of Inspector General; (3) Agricultural Research Service; (4) Farm Service Agency; (5) Natural Resources Conservation Service; (6) Rural Housing Service; (7) Rural-Business Cooperative Service; (8) Rural Utilities Service; and (9) Food and Nutrition Service Child Nutrition Programs.

(Sec. 101) States that: (1) through September 30, 2009, the value of supplemental nutrition assistance program (formerly the food stamp program) benefits and consolidated block grants for Puerto Rico and American Samoa shall be increased by using 113.6% of the June 2008 value of the thrifty food plan; and (2) the value of the maximum allotments, minimum allotments, or consolidated block grants for Puerto Rico and American Samoa may not be reduced below FY2009 levels.

Makes FY2009-FY2010 funds available for state administrative expenses to carry out this section and the supplemental nutrition assistance program.

Obligates funds for facility improvements and equipment upgrades under the Food Distribution Program on Indian Reservations.

States that: (1) through September 30, 2010, eligibility for supplemental nutrition assistance program benefits shall not be limited by certain work-related provisions unless an individual does not comply with specified state work program provisions; and (2) beginning on October 1, 2010, with respect to such work-related provisions, a state agency shall disregard any period during which an individual received supplemental nutrition assistance program benefits prior to October 1, 2010.

Appropriates funds to carry out this section.

(Sec. 102) Amends the Federal Crop Insurance Act and the Trade Act of 1974 to extend the deadline for payment of a crop insurance-related fee by producers who suffered crop year 2008 losses in order to qualify for certain supplemental agricultural disaster assistance for crop year 2008.

Makes FY2009 appropriations for farm operating loans.

Directs the Secretary to use specified Commodity Credit Corporation (CCC) funds (to remain available until September 30, 2010) for state grants to eligible aquaculture producers for losses associated with 2008 high feed costs.

(Sec. 103) Authorizes CCC fund use in FY2009 for administrative and salary purposes for certain programs established or amended under the Food, Conservation, and Energy Act of 2008.

(Sec. 104) Authorizes the use of up to 3% of the funds made available to the Rural Development mission area under this title for loan and grant administrative costs.

(Sec. 105) Obligates at least 10% of the amounts appropriated under this title to the Rural Housing Service, Rural Community Facilities Program Account, the Rural Business-Cooperative Service, Rural Business Program Account, and the Rural Utilities Service, Rural Water and Waste Disposal Program Account for assistance in persistent poverty counties.

**Title II: Commerce, Justice, Science, and Related Agencies** - Makes supplemental appropriations for FY2009 to the Department of Commerce for: (1) the Economic Development Administration for economic development assistance programs; (2) the Census Bureau; (3) the National Telecommunications and Information Administration (NTIA); (4) the Broadband Technology Opportunities Program; (5) the digital-to-analog converter box program; (6) the National Institute of Standards and Technology (NIST); (7) the Office of Inspector General; and (8) the National Oceanic and Atmospheric Administration (NOAA).

Makes supplemental appropriations for FY2009 to the Department of Justice (DOJ) for: (1) the Office of Inspector General; (2) state and local law enforcement activities; (2) the Office on Violence Against Women; (3) the Office of Justice Programs; (4) state and local law enforcement assistance; and (5) community oriented policing services (COPS).

Makes supplemental appropriations for FY2009 to: (1) the National Aeronautics and Space Administration (NASA) for science, aeronautics, exploration, cross agency support, and the Office of Inspector General; and (2) the National Science Foundation (NSF) for research and related activities, education and human resources, major research equipment and facilities construction, and the Office of Inspector General.

(Sec. 201) Amends the Omnibus Crime Control and Safe Street Act of 1968 to waive application of certain matching requirements and salary limitations to funds appropriated for FY2009-FY2010 for the COPS program.

**Title III: Department of Defense** - Makes supplemental appropriations for FY2009 to the Department of Defense (DOD) for : (1) operation and maintenance for the Army, Navy, Marine Corps, and Air Force, the reserves, and the Army and Air National Guard; (2) research, development, test and evaluation for the Army, Navy, Marine Corps, and defense-wide; (3) the Defense Health Program; and (4) the Office of the Inspector General.

**Title IV: Energy and Water** - Makes supplemental appropriations for FY2009 to the Department of the Army, Corps of Engineers - Civil for: (1) investigations; (2) construction; (3) the Mississippi River and tributaries; (4) operation and maintenance; (5) the regulatory program; and (6) the Formerly Utilized Sites Remedial Action Program.

Makes supplemental appropriations for FY2009 to the Department of the Interior for the Bureau of Reclamation for water and related resources.

Makes supplemental appropriations for FY2009 to the Department of Energy (DOE) for: (1) Programs for Energy Efficiency and Renewable Energy; (2) Electricity Delivery and Energy Reliability; (3) Fossil Energy Research and Development; (4) Non-Defense Environmental Cleanup; (5) the Uranium Enrichment Decontamination and Decommissioning Fund; (6) Science; (7) Advanced Research Projects Agency--Energy; (8) the Title 17 Innovative Technology Loan Guarantee Program; (9) the Office of the Inspector General; (10) Defense Environmental Cleanup; and (11) construction, rehabilitation, operation, and maintenance, Western Area Power Administration.

(Sec. 401) Makes additional borrowing authority available to the Bonneville Power Administration (BPA) under the Federal Columbia River Transmission System Act to assist in: (1) financing the construction, acquisition, and replacement of the BPA transmission system; and (2) implementing the Administrator's authority under the Pacific Northwest Electric Power Planning and Conservation Act.

(Sec. 402) Amends the Hoover Power Plant Act of 1984 to grant the Administrator of the Western Area Power Administration (WAPA) additional borrowing authority for: (1) new or upgraded electric power transmission lines and related facilities; and (2) the delivery of power generated by renewable energy resources after enactment of this Act.

Requires the Secretary of the Treasury, without further appropriation and without fiscal year limitation, to loan WAPA up to \$3.25 million in outstanding repayable balances at any one time.

Authorizes WAPA to: (1) refinance such loans; and (2) permit other entities to participate in the financing, construction and ownership projects financed by them.

Grants the Administrator authority to have utilized \$1.75 million at any one time. Requires disbursement of any loan funds above such amount if the Administrator seeks to borrow them, unless a joint resolution is enacted that rescinds the remainder of the balance of such borrowing authority.

Requires forgiveness of balances of such loans: (1) remaining at the end of such project's useful life; and (2) expended to study projects considered but not constructed.

(Sec. 403) Permits: (1) up to 0.5% of each amount appropriated in this Act to be used for management and oversight expenses of programs, grants, and activities funded by such appropriation; and (2) such funds to be transferred by the agency to any of its other appropriate accounts for such purpose. Requires a report to the congressional appropriations committees 30 days before such a transfer.

Makes such set-side funds available for obligation through FY2012.

(Sec. 404) Makes technical corrections to the Energy Independence and Security Act of 2007 (EISA) to: (1) revise fund allocations to states and local governmental units; and (2) repeal specified funding requirements.

(Sec. 405) Directs the Secretary of Energy, when implementing smart grid regional demonstration initiatives, to provide financial support to projects in urban, suburban, tribal, and rural areas, including areas where electric system assets are controlled by nonprofit entities and areas where electric system assets are controlled by investor-owned utilities.

Instructs the Secretary to: (1) establish a smart grid information clearinghouse to make data from projects and other sources available to the public; and (2) precondition funding upon utilization by such demonstration projects of available open protocols and standards (including those that are Internet-based).

Extends the authorization of appropriations for the smart grid regional demonstration initiative indefinitely.

Increases from 20% to 50% the federal reimbursement match for qualifying smart grid investments under the Smart Grid Investment Matching Grant Program.

Repeals the requirement that, in making such grants, the Secretary seek to reward innovation and early adaptation, even if success is not complete, rather than deployment of proven and commercially viable technologies.

Revises the exclusion from qualifying smart grid investments of expenditures for technologies, devices, or equipment that are eligible for specific tax credits or deductions. Applies the exclusion only to technologies, devices, or equipment that utilize such tax credits or deductions.

Revamps the rules and procedures governing the federal matching fund for smart grid investment costs. Requires as a condition of receiving a grant that recipients utilize open protocols and standards (including those that are Internet-

based), if available and appropriate.

(Sec. 406) Amends the Energy Policy Act of 2005 to set forth a temporary program for rapid deployment of renewable energy and electric power transmission projects. Restricts federal guarantees to: (1) specified renewable energy systems; (2) electric power transmission systems; and (3) leading edge biofuel projects that will use technologies performing at the pilot or demonstration scale that are likely to become commercial and will produce transportation fuels that substantially reduce life-cycle greenhouse gas emissions compared to other transportation fuels.

Prescribes prevailing wage rate requirements for such projects in accordance with the Davis-Bacon Act.

(Sec. 407) Amends the Energy Conservation and Production Act to: (1) increase from 150% to 200% of the poverty level the income eligibility level for the Weatherization Assistance Program; (2) increase the maximum assistance per dwelling unit from \$2,500 to \$6,500; and (3) authorize the Secretary to encourage states to give priority to using Program funds for cost-effective efficiency activities, including attic insulation.

Increases from 10% to up to 20% of appropriations the amount available for technical assistance to any weatherization project for dwelling units of low-income persons.

Extends the authorization for further financial assistance for previously weatherized dwelling units to those partially weatherized before September 30, 1994 (currently, September 30, 1979).

(Sec. 408) Makes technical corrections to the Public Utility Regulatory Policies Act of 1978.

(Sec. 409) Instructs the Secretary to include in the 2009 National Electric Transmission Congestion Study analyses of: (1) significant potential sources of renewable energy that are constrained in accessing appropriate market areas by lack of adequate transmission capacity; (2) the reasons for failure to develop the adequate transmission capacity; (3) the extent to which legal challenges filed at the state and federal level are delaying the construction of transmission necessary to access renewable energy; and (4) assumptions and projections made in the Study, including those related to energy efficiency improvements in each load center, those regarding the location and type of projected new generation capacity, and those regarding projected deployment of distributed generation infrastructure.

(Sec. 410) Makes certain funds available for additional appropriations for the State Energy Program. Requires the Secretary to make grants with such funds in excess of the state's base allocation only if the state governor ensures in writing that he or she has obtained necessary assurances that specified regulatory policies, building codes, and other requirements for energy efficiency and renewable energy programs will be implemented.

**Title V: Financial Services and General Government** - Appropriates funds to the Department of the Treasury for: (1) the Treasury Inspector General for Tax Administration in carrying out the Inspector General Act of 1978; (2) the Community Development Financial Institutions Fund Program Account; and (3) the Internal Revenue Service (IRS) for administration of the health insurance tax credit.

Appropriates funds for the General Services Administration (GSA) for: (1) the Federal Buildings Fund, including for the "green" conversion of GSA facilities; (2) acquiring motor vehicles with higher fuel economy, including hybrid and electric vehicles; and (3) the Office of the Inspector General.

Appropriates funds for the Recovery Act Accountability and Transparency Board.

Appropriates funds for the Small Business Administration (SBA) for: (1) salaries and expenses; (2) the Office of the

Inspector General; (3) the Surety Bond Guarantees Revolving Fund; and (4) direct loans and loan guarantees.

(Sec. 501) Amends the Small Business Act to suspend, until September 30, 2010, fees under the 7(a) program (SBA-guaranteed loans to small businesses) and the 504 program (financing to small businesses backed by SBA-guaranteed debentures).

(Sec. 502) Authorizes the SBA to guarantee up to 90% of a loan made by a private lender to a small business eligible for a loan guarantee under the Small Business Act or the Small Business Investment Act of 1958. Prohibits such guarantees with respect to small businesses: (1) in which an unlawful alien has an ownership interest; or (2) in violation of immigration laws. Terminates the loan guarantee program one year after the enactment of this Act. Authorizes appropriations.

(Sec. 503) Directs the SBA Administrator to establish: (1) a Secondary Market Guarantee Authority; and (2) a process in which private lenders may apply for a federal guarantee on pools of first lien position 504 loans that are to be sold to third-party investors. Authorizes the Administrator to guarantee up to \$3 billion of such pools. Requires monthly reports from the Administrator to Congress on the guarantee authority. Terminates such authority two years after the enactment of this section. Authorizes appropriations.

(Sec. 504) Permits, under a section 502 loan (loans for plant acquisition, construction, conversion or expansion, including the acquisition of land, to state and local development companies), the refinancing of existing indebtedness, in an amount not to exceed 50% of the projected cost of the project financed, under certain conditions. States that a project meets SBA objectives if it creates or retains one job for every \$65,000 (under current law, \$50,000) guaranteed by the SBA.

(Sec. 505) Revises and increases the maximum amount of outstanding leverage made available to a licensed investment company under the SBA's small business investment company program. Provides revised aggregate investment limits under such program.

(Sec. 506) Directs the Administrator to carry out a program to provide loans on a deferred basis to viable small businesses that have a non-SBA-guaranteed small business loan and are experiencing immediate financial hardship. Limits each loan to \$35,000. Prohibits the SBA from charging a fee for such loans. Terminates such program at the end of FY2010.

(Sec. 507) Requires a report from the Comptroller General to Congress on the implementation of this title.

(Sec. 508) Increases the maximum surety bond guarantee amount. Authorizes the Administrator to guarantee a surety for a total work order or contract amount that does not exceed \$10 million, if a federal agency contracting officer certifies that such a guarantee is necessary. Directs the Administrator to study and report to Congress on the current funding structure of the surety bond program. Terminates the provisions of this section at the end of FY2010.

(Sec. 509) Authorizes the SBA to establish a Secondary Market Lending Authority (Lending Authority) to make loans to the systematically important secondary market broker-dealers (broker-dealers) who operate the SBA secondary market (a market for the purchase and sale of loans originated, underwritten, and closed under the Small Business Act). Defines as broker-dealers those entities designated as vital to the continued operation of the SBA secondary market by reason of their purchase and sale of the government-guaranteed portion of loans or loan pools originated, underwritten, and closed under the Small Business Act. Requires monthly reports from the Administrator to Congress on the loan authority. Terminates the program two years after the enactment of this section.

**Title VI: Homeland Security** - Makes supplemental appropriations for FY2009 to the Department of Homeland Security (DHS) for: (1) the Office of the Under Secretary for Management to consolidate DHS headquarters; (2) the Office of Inspector General; (3) U.S. Customs and Border Protection (CBP), including for expedited development and deployment of border security technology on the southwest border; (4) U.S. Immigration and Customs Enforcement (ICE) for automation modernization; (5) the Transportation Security Administration (TSA) for aviation security; (6) the Coast Guard, including for alteration or removal of obstructive bridges; and (7) the Federal Emergency Management Agency (FEMA).

(Sec. 601) Directs the President to establish an arbitration panel under the FEMA public assistance program to expedite the recovery efforts from Hurricanes Katrina and Rita within the Gulf Coast Region.

(Sec. 602) Bars the FEMA Administrator from restricting the use of funds designated under the hazard mitigation grant program for damage caused by Hurricanes Katrina and Rita if the applicant homeowner commenced work otherwise eligible for program assistance without the Administrator's written approval.

(Sec. 603) Provides that limitations on the portion of the costs of hiring firefighters that may be paid from fire grant program funds under the Federal Fire Prevention and Control Act of 1974 shall not apply to funds appropriated for such grants for FY2009 or FY2010.

(Sec. 604) Prohibits the use of DHS funds for procurement of certain clothing and other textile items directly related to U.S. national security interests if such items are not domestically grown, reprocessed, reused, or produced. Sets forth exceptions, including: (1) when such items of satisfactory quality and sufficient quantity cannot be procured as needed at U.S. market prices; (2) for delivery of a covered item that contains not more than 10% non-compliant fibers; (3) for procurements by vessels in foreign waters; (4) for emergency procurements; and (5) for purchases for amounts not greater than the simplified acquisition threshold. Requires the DHS Secretary to: (1) post notification of any applied exception on the Internet; and (2) ensure relevant training for the DHS acquisition workforce during FY2009. Requires this section to be applied in a manner consistent with U.S. obligations under international agreements.

**Title VII: Interior, Environment, and Related Agencies** - Makes supplemental appropriations for FY2009 to the Department of the Interior for: (1) the Bureau of Land Management (BLM) for activities on BLM lands, construction, and wildland fire management; (2) the U.S. Fish and Wildlife Service for resource management and construction; (3) the National Park Service (NPS) for operation of the national park system, the Historic Preservation Fund, and construction; (4) the U.S. Geological Survey; (5) the Bureau of Indian Affairs (BIA) for operation of Indian programs, construction, and the Indian Guaranteed Loan Program Account; and (6) the Office of Inspector General.

Makes supplemental appropriations for FY2009 to: (1) the Environmental Protection Agency (EPA) for the Office of Inspector General, the Hazardous Substance Superfund, the Leaking Underground Storage Tank Trust Fund Program, and State and Tribal Assistance Grants; (2) the Department of Agriculture for the Forest Service for capital improvement and maintenance and wildland fire management; (3) the Department of Health and Human Services (HHS) for the Indian Health Service for Indian health services and facilities; (4) the Smithsonian Institution for facilities capital; and (5) the National Endowment for the Arts for grants and administration.

Requires each agency receiving such appropriations to submit to the House and Senate Committees on Appropriations a general plan for expenditure of such funds and a report containing detailed project level information associated with such plan.

Requires the Secretaries of the Interior and Agriculture, in carrying out work funded by such appropriations, to utilize the Public Lands Corps, Youth Conservation Corps, Student Conservation Association, Job Corps, and other related



partnerships with government, tribal, or nonprofit groups that serve young adults.

**Title VIII: Departments of Labor, Health and Human Services, Education, and Related Agencies** - Makes supplemental appropriations for FY2009 to the Department of Labor (DOL) for: (1) the Employment and Training Administration for training and employment services, community service employment for older Americans, and state unemployment insurance and employment service operations; (2) departmental management for salaries and expenses; (3) the Office of Job Corps; and (4) the Office of Inspector General.

Makes supplemental appropriations for FY2009 to the Department of Health and Human Services (HHS) for: (1) the Health Resources and Services Administration; (2) the National Institutes of Health (NIH); (3) the Agency for Healthcare Research and Quality; (4) the Administration for Children and Families, for payments to states for the child care and development block grant, and children and families services programs; (5) the Administration on Aging; (6) the Office of the Secretary for the Office of the National Coordinator for Health Information Technology; (7) the Office of Inspector General; (8) the Public Health and Social Services Emergency Fund; and (9) the Prevention and Wellness Fund.

Makes supplemental appropriations for FY2009 available to the Department of Education for: (1) education of the disadvantaged; (2) impact aid; (3) school improvement programs; (4) innovation and improvement activities; (5) special education; (6) rehabilitation services and disability research; (7) certain student financial assistance programs; (8) the Institute of Education Sciences; and (9) the Office of Inspector General.

Makes supplemental appropriations for FY2009 to: (1) the Corporation for National and Community Service, including the Office of Inspector General and the National Service Trust; and (2) the Social Security Administration (SSA), including construction of a new National Computer Center, and the Office of Inspector General.

(Sec. 801) Permits the use of up to 1% of funds made available to the Department of Labor in this title for the administration, management, and oversight of the programs, grants, and activities funded by such appropriations, including the evaluation of the use of such funds.

Makes such funds available for obligation through FY2010.

Requires the Secretary of Labor to provide an operating plan describing the proposed use of such funds.

(Sec. 802) Amends the U.S. Troop Readiness, Veterans' Care, Katrina Recovery, and Iraq Accountability Appropriations Act, 2007 to require the Government Accountability Office (GAO) (currently, the Secretary of Labor) to report on the impact of past and future minimum wage increases in American Samoa and the Commonwealth of the Northern Mariana Islands regarding living standards and rates of employment.

(Sec. 803) Amends the Longshore and Harbor Workers' Compensation Act to revise the definition of "employee." Excludes from such definition: (1) individuals employed to build any recreational vessel under 65 feet in length (under current law, individuals employed to build, repair, or dismantle any recreational vessel under 65 feet in length); or (2) individuals employed to repair any recreational vessel or to dismantle any part of a recreational vessel in connection with its repair.

(Sec. 804) Establishes a Federal Coordinating Council for Comparative Effectiveness Research to: (1) assist federal offices and agencies in coordinating the conduct or support of comparative effectiveness and related health services research; and (2) advise the President and Congress on strategies regarding the infrastructure needs of comparative effectiveness research within the federal government, and related matters.

(Sec. 805) Requires the Secretary of Education to: (1) make Impact Aid payments to eligible local education agencies (LEAs) for the construction and repair of school buildings impacted by military dependent children and children residing on Indian land; and (2) award competitive grants to such LEAs for emergency repairs and modernization of impacted school facilities.

Waives certain requirements of the Elementary and Secondary Education Act of 1965 for such grants.

Precibes grant eligibility requirements and criteria for awarding such grants.

(Sec. 806) Amends the Elementary and Secondary Education Act of 1965 to increase the authorization of appropriations for FY2009-FY2010 for mandatory Pell Grants.

(Sec. 807) Authorizes the Secretary of Education to: (1) award FY2009 funds to states and LEAs on the basis of eligibility determinations made for the award of FY2008 funds; and (2) require states to make prompt allocations to LEAs.

**Title IX: Legislative Branch** - Makes additional appropriations to GAO, to remain available through FY2010 for salaries and expenses.

(Sec. 901) Requires: (1) bimonthly GAO reviews and reports on the use by selected states and localities of funds made available in this Act; (2) Internet publication of such reports and audits; and (3) their link to the website Recovery.gov, established by the Recovery Accountability and Transparency Board.

(Sec. 902) Requires contracts awarded using funds under this Act to grant the Comptroller General and his representatives access to certain contractors' or subcontractors' records, officers, or employees.

**Title X: Military Construction and Veterans Affairs** - Appropriates funds through FY2013 for the Department of Defense (DOD) for military construction for the Army, Navy and Marine Corps, and Air Force, DOD, the Army and Air National Guard, Army and Air Force family housing construction and family housing operation and maintenance, and the Homeowners Assistance Fund.

(Sec. 1001) Amends the Demonstration Cities and Metropolitan Development Act of 1966 to allow, under the Homeowners Assistance Program under such Act, the Secretary of Defense (Secretary) to provide assistance or reimbursement for certain losses in the sale of family dwellings by members of the Armed Forces (members) living on or near a military installation in situations where: (1) there was a base closure or realignment; (2) the property was purchased before July 1, 2006, and sold between that date and September 30, 2012; (3) the property is the owner's primary residence; and (4) the owner has not previously received benefits under the Program.

Authorizes similar Program assistance or reimbursement with respect to: (1) wounded members and wounded civilian DOD and Coast Guard employees (and their spouses); and (2) members permanently reassigned from an area at or near a military installation to a new duty station more than 50 miles away (with similar purchase and sale date, residence, and no-previous-benefit requirements as above). Allows the Secretary to provide compensation for losses from home sales by such individuals in order to ensure the realization of at least 90% (in some cases, 95%) of the pre-mortgage-crisis assessed value of such property.

Appropriates funds through FY2010 to the Department of Veterans Affairs (VA) for: (1) the Veterans Health Administration; (2) the National Cemetery Administration; (3) departmental administration; (4) information technology systems; (5) the Office of the Inspector General; and (6) grants for the construction of state extended care facilities.

(Sec. 1002) Establishes the Filipino Veterans Equity Compensation Fund to make specified payments to eligible individuals or their surviving spouses. Defines an eligible individual as an individual who: (1) served before July 1, 1946, in the organized military forces of the Philippines while such forces were in the service of the U.S. Armed Forces pursuant to the military order of the President dated July 26, 1941, or who served in the Philippine Scouts pursuant to the Armed Forces Voluntary Recruitment Act of 1945; and (2) was discharged under conditions other than dishonorable. Recognizes such service as active U.S. military service. Requires annual reports from the Secretary to Congress on Fund operation. Authorizes appropriations.

**Title XI: State, Foreign Operations, and Related Programs** - Appropriates funds for the Department of State for: (1) diplomatic and consular programs; (2) the Capital Investment Fund; and (3) the Office of the Inspector General.

Appropriates funds for the International Boundary and Water Commission, United States and Mexico, for construction.

**Title XII: Transportation, and Housing and Urban Development And Related Agencies** - Makes supplemental appropriations for FY2009 to the Department of Transportation (DOT) for: (1) the Office of the Secretary for supplemental discretionary grants for a national surface transportation system; (2) the Federal Aviation Administration (FAA) for funding facilities and equipment; (3) grants-in-aid for airports; (4) the Federal Highway Administration (FHA) for highway infrastructure investment; (5) the Federal Railroad Administration for high-speed rail corridors and intercity passenger rail service; (6) capital grants to the National Railroad Passenger Corporation (Amtrak); (7) the Federal Transit Administration (FTA) for transit capital assistance, fixed guideway infrastructure investment, and capital investment grants; (8) the Maritime Administration for assistance to small shipyards; and (9) the Office of the Inspector General.

(Sec. 1201) Sets forth maintenance of effort and reporting requirements for a state or state agency awarded funds appropriated in this Act for a covered program.

Makes supplemental appropriations for FY2009 to the Department of Housing and Urban Development (HUD) for: (1) the Public Housing Capital Fund; (2) Native American Housing Block Grants; (3) the Community Development Fund; (4) the HOME Investment Partnerships Program; (5) homelessness prevention and rapid re-housing activities; (6) assisted housing stability and energy and green retrofit investments; (7) the Office of Lead Hazard Control and grants under the Healthy Homes Initiative; and (8) the Office of the Inspector General.

(Sec. 1202) Establishes loan limits for calendar 2009 for: (1) the Federal Housing Administration (FHA); (2) the Federal National Mortgage Association (Fannie Mae); (3) the Federal Home Loan Mortgage Corporation (Freddie Mac); and (4) FHA reverse mortgages.

**Title XIII: Health Information Technology** - Health Information Technology for Economic and Clinical Health Act or the HITECH Act - **Subtitle A: Promotion of Health Information Technology - Part 1: Improving Health Care Quality, Safety, and Efficiency** - (Sec. 13101) Amends the Public Health Service Act to establish within the Department of Health and Human Services (HHS) an Office of the National Coordinator for Health Information Technology to: (1) review and determine whether to endorse each standard, implementation specification, and certification criterion for the electronic exchange and use of health information that is recommended by the HIT Standards Committee; (2) coordinate health information technology policy and programs of HHS with other relevant executive branch agencies; (3) maintain and update the Federal Health IT Strategic Plan; (4) maintain and update an Internet website with information to ensure transparency in the promotion of a nationwide health information technology infrastructure; and (5) keep or recognize a program for the voluntary certification of health information technology as being in compliance with applicable certification criteria.

Requires the National Coordinator to: (1) report to Congress on any additional funding or authority required to evaluate and develop standards, implementation specifications, and certification criteria or to achieve full participation of stakeholders in the adoption of a nationwide health information technology infrastructure that allows for the electronic use and exchange of health information; (2) prepare a report that identifies lessons learned from major public and private health care systems in their implementation of health information technology; (3) assess and publish the impact of health information technology in communities with health disparities and in areas with a high proportion of individuals who are uninsured, underinsured, and medically underserved; (4) identify practices to increase the adoption of such technology by health care providers in such communities and the use of health information technology to reduce and better manage chronic disease; (5) evaluate and publish evidence on the benefits and costs of the electronic use and exchange of health information and assess to whom these benefits and costs accrue; and (6) estimate and publish resources required annually to reach the goal of utilization of an electronic health record for each person in the United States by 2014.

Authorizes the National Coordinator to provide financial assistance to defray the costs to consumer advocacy groups and not-for-profit entities that work in the public interest of participating under the National Technology Transfer Act of 1995.

Requires the National Coordinator to establish a governance mechanism for the nationwide health information network.

Provides for the detail of federal employees to the Office.

Directs the Secretary of Health and Human Services (the Secretary in this title) to appoint a Chief Privacy Officer of the Office of the National Coordinator to advise the National Coordinator on privacy, security, and data stewardship of electronic health information and to coordinate with other federal agencies, state and regional efforts, and foreign countries with regard to the privacy, security, and data stewardship of electronic individually identifiable health information.

Establishes a HIT Policy Committee to make policy recommendations to the National Coordinator relating to the implementation of a nationwide health information technology infrastructure. Requires the HIT Policy Committee to: (1) recommend a policy framework for the development and adoption of a nationwide health information technology infrastructure; (2) recommend the areas in which standards, implementation specifications, and certification criteria are needed for the electronic exchange and use of health information; (3) recommend an order or priority for the development, harmonization, and recognition of such standards, specifications, and criteria; and (4) ensure that recommendations are consistent with the evaluations of disparities in health care services and performance on the basis of race, ethnicity, and gender conducted under the Social Security Act. Requires the National Coordinator to take a leading position in the establishment and operations of the HIT Policy Committee.

Establishes the HIT Standards Committee to: (1) recommend to the National Coordinator for adoption standards, implementation specifications, and certification criteria for the electronic exchange and use of health information; (2) recognize harmonized or updated standards to achieve uniform and consistent implementation of the standards and implementation specifications; and (3) provide for testing of such standards and specifications by the National Institute of Standards and Technology (NIST). Requires the National Coordinator to ensure that the relevant and available recommendations and comments from the National Committee on Vital and Health Statistics are considered in the development of standards. Requires the National Coordinator to take a leading position in the establishment and operations of the HIT Standards Committee.

Requires the Secretary to review and determine whether to adopt such standards, specifications, and criteria. Provides that any standard or implementation specification adopted shall be voluntary with respect to private entities.

Directs the National Coordinator to support the development and routine updating of, and make available, qualified electronic health record technology unless the Secretary determines that the needs and demands of providers are being substantially and adequately met through the marketplace. Authorizes the National Coordinator to impose a nominal fee for the adoption by a health care provider of the health information technology system developed and certified.

Transfers functions, personnel, assets, and liabilities of the National Coordinator for Health Information Technology appointed under Executive Order No. 13335 to the National Coordinator appointed under this Act.

Provides that this title has no effect on the authorities of the Secretary under Health Insurance Portability and Accountability Act of 1996 (HIPAA) privacy and security laws.

(Sec. 13102) Amends title XI of the Social Security Act to make a technical change to the definition of "health plan."

**Part 2: Application and Use of Adopted Health Information Technology Standards; Reports - (Sec.13111)**

Requires each federal agency, as it implements, acquires, or upgrades health information technology systems, to utilize systems and products that meet adopted standards and implementation specifications.

Directs the President to take measures to ensure that federal activities involving the broad collection and submission of health information are consistent with standards or implementation specifications within three years of adoption.

(Sec. 13112) Directs each agency to require in contracts or agreements that health care providers, health plans, or health insurance issuers, as they implement, acquire, or upgrade health information technology systems, utilize systems and products that meet standards and implementation specifications.

(Sec. 13113) Requires the Secretary to report to the appropriate congressional committees on: (1) actions taken by the federal government and private entities to facilitate the adoption of a nationwide system for the electronic use and exchange of health information; (2) barriers to the adoption of such a nationwide system; and (3) recommendations to achieve full implementation of a such a nationwide system.

Provides for studies and reports to Congress on: (1) methods to create efficient reimbursement incentives for improving health care quality in federally qualified health centers, rural health clinics, and free clinics; and (2) the potential use of new aging services technology to assist seniors, individuals with disabilities, and their caregivers throughout the aging process.

**Subtitle B: Testing of Health Information Technology - (Sec. 13201)** Requires the Director of NIST to: (1) test standards and implementation specifications developed under this Act to ensure their efficient implementation and use; and (2) support the establishment of a conformance testing infrastructure that may include a program to accredit independent, nonfederal laboratories to perform testing.

(Sec. 13202) Requires the Director of NIST to establish a program of assistance to institutions of higher education to establish multidisciplinary Centers for Health Care Information Enterprise Integration.

Directs the National High-Performance Computing Program to include federal research and development programs related to health information technology.

**Subtitle C: Grants and Loans Funding - (Sec. 13301)** Requires the Secretary to invest in the infrastructure necessary to allow for and promote the electronic exchange and use of health information for each individual in the United States consistent with the goals outlined in the strategic plan. Directs the Secretary to invest funds through different agencies

with expertise in such goals to support: (1) health information technology architecture that will support the nationwide electronic exchange and use of health information; (2) the development and adoption of appropriate certified electronic health records; (3) training on best practices to integrate health information technology; and (4) infrastructure and tools for the promotion of telemedicine.

Requires the Secretary to ensure that funds are expended for the acquisition of health information technology that meets applicable standards.

Directs the Secretary, acting through the Office of the National Coordinator, to establish a health information technology extension program to provide health information technology assistance services.

Requires the Secretary to: (1) create a Health Information Technology Research Center to provide technical assistance and develop or recognize best practices to support health information technology; and (2) provide assistance for the creation of regional centers to provide technical assistance and information to support health information technology. Authorizes the Secretary to provide financial support to any such regional center.

Requires the Secretary, acting through the National Coordinator, to establish a program to facilitate and expand the electronic movement and use of health information among organizations according to nationally recognized standards. Allows the Secretary to award planning and implementation matching grants to a state or qualified state-designated entity.

Authorizes the National Coordinator to award grants to states or Indian tribes for the establishment of programs for loans to health care providers to support certified electronic health record technology.

Authorizes the Secretary to award matching grants to carry out demonstration projects to develop academic curricula integrating qualified health information technology in the clinical education of health professionals.

Directs the Secretary to provide assistance to institutions of higher education to establish or expand medical health informatics education programs for both health care and information technology students to ensure the rapid and effective utilization and development of health information technologies.

Requires the National Coordinator to evaluate activities under this subtitle annually and implement the lessons learned.

**Subtitle D: Privacy - Part 1: Improved Privacy Provisions and Security Provisions** - (Sec. 13401) Applies regulations establishing safeguards for the protection of electronic protected health information to business associates of a covered entity.

Applies to business associates penalties for failure to comply with requirements regarding protection of health information.

Requires the Secretary to issue guidance annually on the most effective and appropriate technical safeguards and security standards for use in protecting health information.

(Sec. 13402) Requires an entity that handles unsecured protected health information to notify each individual of any security breach of such information. Applies such requirements to business associates of such entities. Sets forth requirements for notifications, including requirements concerning timeliness, method, and content. Requires notice to the Secretary of breaches, including immediate notice of breaches involving 500 or more individuals.

Requires the Secretary to report to Congress annually on breaches of protected health information.

(Sec. 13403) Requires the Secretary to designate an individual in each HHS regional office to offer guidance and education to covered entities, business associates, and individuals on their rights and responsibilities related to federal privacy and security requirements for protected health information.

Directs the Office for Civil Rights within HHS to develop and maintain a national education initiative to enhance public transparency regarding the uses of protected health information.

(Sec. 13404) Treats business associates in the same manner as covered entities for purposes of the protection of health information.

(Sec. 13405) Requires a covered entity to comply with an individual's request to restrict the disclosure of protected health information if: (1) the disclosure is to a health plan for purposes of carrying out payment or health care operations; and (2) the protected health information pertains solely to a health care item or service for which the health care provider involved has been paid out of pocket in full.

Requires covered entities to limit the use, disclosure, or request of protected health information to the limited data set or the minimum necessary to accomplish the intended purpose.

Gives individuals a right to an accounting of the disclosures of their electronic health record, including disclosures to carry out treatment, payment, and health care operations.

Prohibits the sale of any protected health information of an individual unless the covered entity obtained from the individual a valid authorization that includes a specification of whether the protected health information can be further exchanged for remuneration by the entity receiving the individual's information. Sets forth exceptions, including for information used for: (1) public health activities; (2) research; (3) treatment of the individual; or (4) health care operations.

Gives individuals the right to obtain their electronic medical records in an electronic format.

(Sec. 13406) Sets forth exceptions to prohibitions against a covered entity receiving payment in exchange for marketing communications.

Requires the Secretary to provide that any written fundraising communication that is a health care operation shall provide an opportunity for the recipient to elect not to receive any further such communication.

(Sec. 13407) Sets forth requirements for notification of individuals and the Federal Trade Commission (FTC) following the discovery of a breach of security of identifiable health information in a personal health record. Deems a violation of such requirements an unfair and deceptive act or practice in violation of the Federal Trade Commission Act.

(Sec. 13408) Requires organizations that provide data transmission of protected health information and that require routine access to such information to enter into written contracts and to be treated as a business associate. Applies such requirement to vendors that allow a covered entity to offer a personal health record to patients as part of its electronic health record.

(Sec. 13409) Amends title XI (General Provisions, Peer Review, and Administrative Simplification) of the Social Security Act to consider a person (including an employee or other individual) to have obtained or disclosed individually identifiable health information in violation of HIPAA if the information is maintained by a covered entity and the individual obtained or

disclosed such information without authorization.

(Sec. 13410) Requires the Secretary to: (1) impose a penalty for violations of HIPAA privacy provisions due to willful neglect; and (2) formally investigate any complaint of a violation if a preliminary investigation indicates a possible violation due to willful neglect. Subjects such violations to enforcement under HIPAA enforcement and penalty provisions.

Directs the Comptroller General to submit to the Secretary a report including recommendations for a methodology under which an individual who is harmed by a HIPAA violation may receive a percentage of any civil monetary penalty or monetary settlement collected with respect to such offense. Directs the Secretary to establish such a methodology.

Sets forth varying financial penalties for HIPAA violations based on culpability.

Provides for enforcement of HIPAA provisions by state attorneys general through civil action. Sets forth damages for such a suit. Requires prior written notice of any such action to the Secretary.

(Sec. 13411) Requires the Secretary to provide for periodic audits to ensure that covered entities and business associates are complying with privacy requirements.

**Part 2: Relationship to Other Laws; Regulatory References; Effective Date; Reports** - (Sec. 13421) Applies HIPAA preemption of state law provisions to this Act. Provides that the standards governing the privacy and security of individually identifiable health information promulgated by the Secretary under HIPAA remain in effect to the extent they are consistent with this Act.

(Sec. 13424) Requires the Secretary to prepare an annual report concerning complaints of alleged violations of health information provisions that are received by the Secretary.

Directs the Secretary to submit to Congress recommendations to: (1) identify requirements relating to security, privacy, and notification in the case of a breach of security or privacy that should be applied to various entities, including vendors of personal health records; and (2) determine which federal agency is best equipped to enforce such requirements.

Requires the Secretary to issue guidance on how best to implement the requirements for the de-identification of protected health information.

Directs the Comptroller General to report to Congress on the best practices related to the disclosure among health care providers of protected health information of an individual for purposes of treatment.

Requires the Government Accountability Office (GAO) to report to Congress and the Secretary on the impact of any of the provisions of this title on health insurance premiums, overall health care costs, adoption of electronic health records by providers, and reduction in medical errors and other quality improvements.

Directs the Secretary to study, and revise as necessary, the definition of "psychotherapy notes" with regard to including test data that are a part of a mental health evaluation.

**Title XIV: State Fiscal Stabilization Fund** - Appropriates \$53.6 billion for a State Fiscal Stabilization Fund, which is to be administered by the Secretary of Education.

(Sec. 14001) Allocates the bulk of such Fund for grants to states pursuant to a formula that considers each state's share of individuals age 5 through 24 and each state's share of the nation's total population.



(Sec. 14002) Requires states to use at least 81.8% of their allocation to: (1) restore their funding of elementary, secondary, and postsecondary education for each fiscal year from FY2009-FY2011 to the greater of their FY2008 or FY2009 levels; and (2) supplement school improvement funds provided to local educational agencies (LEAs) under the Elementary and Secondary Education Act of 1965. Allows states to use their allocation to implement scheduled increases in their elementary and secondary education funding for FY2010-2011.

Authorizes states to use up to 18.2% of their allocation for public safety and other government services.

(Sec. 14004) Requires public institutions of higher education to use any funds they receive from states under this title for: (1) education and general expenditures that mitigate their need to raise tuition and fees for instate students; or (2) the modernization, renovation, or repair of facilities that are primarily used for instruction, research, or student housing. Prohibits the use of such funds for school endowments.

(Sec. 14005) Requires state grantees to: (1) maintain their level of support for elementary, secondary, and postsecondary education at least at FY2006 levels; (2) address inequities in the distribution of highly qualified teachers between high- and low-poverty schools; (3) establish longitudinal data systems that include the elements required by the America COMPETES Act; (4) improve their academic content and achievement standards, and the quality and inclusiveness of their assessments of student progress toward such achievement standards; and (5) ensure that LEAs are implementing corrective actions or implementing alternative governance arrangements for certain failing schools.

(Sec. 14006) Directs the Secretary of Education to reserve \$5 billion from such Fund for: (1) incentive grants to states that make significant progress in addressing inequities in teacher distribution, establishing longitudinal education data systems, improving educational standards and assessments, and ensuring the improvement of failing schools; and (2) the creation of an Innovation Fund to award LEAs, or partnerships between nonprofit organizations and LEAs or schools, that make significant progress in closing student achievement gaps.

(Sec. 14008) Requires reports on, and evaluations of, Stabilization Fund programs.

(Sec. 14012) Authorizes the Secretary of Education to waive or modify, for those states that experience a precipitous decline in financial resources, this title's requirement that they maintain at least their FY2006 level of support for education.

**Title XV: Accountability and Transparency - Subtitle A: Transparency and Oversight Requirements - (Sec. 1511)** Requires the chief executive of a recipient governmental entity to certify that: (1) federal funds received for infrastructure investment have received full review and vetting; and (2) the chief executive accepts responsibility that such investment is an appropriate use of taxpayer dollars.

(Sec. 1512) Jobs Accountability Act - Requires: (1) each recipient of federal recovery funds to submit specified quarterly reports to the appropriate federal agency; (2) each federal agency that made recovery funds available to post such reports on a publicly available website; (3) the Congressional Budget Office and the Government Accountability Office (GAO) to comment on such information; (4) funding recipients to register with the Central Contractor Registration database; and (5) the Council of Economic Advisers to report quarterly to certain congressional committees on the impact of programs funded under this Act upon key economic indicators.

(Sec. 1514) Requires any federal Inspector General (IG) to: (1) review concerns raised by the public about specific investments using funds under this Act; (2) relay the findings to the head of the department or agency concerned; and (3) post such findings upon the IG's website, along with related audits.

(Sec. 1515) Authorizes any representative of the appropriate inspector general, with respect to each contract or grant awarded using covered funds, to: (1) examine the records of the contractor or grantee, and of any subcontractor or subgrantee; and (2) interview any of their officers or employees.

**Subtitle B: Recovery Accountability and Transparency Board** - (Sec. 1521) Establishes the Recovery Accountability and Transparency Board to conduct oversight of covered funds to prevent fraud, waste, and abuse.

(Sec. 1526) Requires the Board to: (1) establish a user-friendly, public-facing website to foster accountability and transparency in the use of covered funds; and (2) publish all Board reports. Prescribes other website contents, including accountability information and findings from audits, IGs, and the Government Accountability Office.

(Sec. 1527) Retains the independent authority of an IG to determine whether to conduct an audit or investigation of covered funds.

(Sec. 1529) Authorizes appropriations.

(Sec. 1530) Terminates the Board on September 30, 2013.

**Subtitle C: Recovery Independent Advisory Panel** - (Sec. 1541) Establishes the Recovery Independent Advisory Panel to make recommendations to the Board on actions to prevent fraud, waste, and abuse relating to covered funds.

(Sec. 1545) Terminates the Board on September 30, 2013.

(Sec. 1546) Authorizes appropriations.

**Subtitle D: Additional Accountability and Transparency Requirements** - (Sec. 1551) Directs the Secretary of the Treasury to ensure that all funds appropriated in this Act shall be established in separate Treasury accounts.

(Sec. 1552) Authorizes federal agencies receiving funds under this Act to adjust applicable limits on administrative expenditures for federal awards to help award recipients defray the costs of data collection requirements initiated pursuant to this Act.

(Sec. 1253) Prohibits reprisals against state and local government and contractor whistleblowers.

Prescribes requirements for: (1) the appropriate IG's investigation and report of such complaints; and (2) the appropriate agency's remedy and enforcement authority upon receipt of such report.

(Sec. 1554) Requires contracts funded under this Act to be awarded as fixed-price contracts using competitive procedures.

Requires posting in a special section of the website established by the Recovery Accountability and Transparency Board of summaries of any contracts funded under this Act which are neither fixed-price nor awarded using competitive procedures.

**Title XVI: General Provisions** - (Sec. 1601) Declares each amount appropriated or made available in this Act to be in addition to amounts otherwise appropriated for the fiscal year involved. Prohibits enactment of this Act from having an effect on the availability of amounts under the Continuing Appropriations Resolution, 2009 (division A of Public Law 110-329).

(Sec. 1602) Requires recipients of funds for infrastructure investment activities to: (1) give preference to quick-start activities; and (2) use such funds in a manner that maximizes job creation and economic benefit.

(Sec. 1603) Makes all funds appropriated in this Act available for obligation through FY2010, unless expressly provided otherwise.

(Sec. 1604) Prohibits the use of funds appropriated or otherwise made available in this Act for casino or other gambling establishments, aquariums, zoos, golf courses, or swimming pools.

(Sec. 1605) Prohibits the use of funds appropriated or otherwise made available in this Act for a project for the construction, alteration, maintenance, or repair of a public building or public work unless all of the iron, steel, and manufactured goods used in the project are domestic. Allows waiver of this prohibition if the department or agency involved finds that: (1) applying it would be inconsistent with the public interest; (2) domestic iron, steel, and the relevant manufactured goods are not produced in sufficient and reasonably available quantities and of a satisfactory quality; or (3) inclusions of such products will increase the cost of the overall project by more than 25%.

Requires publication of a detailed written justification for any such waiver in the Federal Register.

(Sec. 1606) Requires that the locally prevailing wage rate be paid to all laborers and mechanics employed by contractors and subcontractors of federally-funded or federally-assisted projects in accordance with the Davis-Bacon Act (which requires that the locally prevailing wage rate be paid to various classes of laborers and mechanics employed for such projects).

(Sec. 1607) Sets forth requirements governing additional funding distribution and assurance of appropriate use of funds provided by this Act to a state or its agencies.

(Sec. 1608) Amends the Emergency Economic Stabilization Act of 2008 to require the Secretary of the Treasury, with respect to waiver of the Federal Acquisition Regulation pertaining to minority contracting by the federal government, to develop and implement standards and procedures to ensure, to the maximum extent practicable, the inclusion and utilization of individuals with disabilities and businesses owned by such persons.

(Sec. 1609) Requires the devotion of adequate resources in this Act to ensuring that: (1) applicable environmental reviews under the National Environmental Policy Act (NEPA) are completed on an expeditious basis; and (2) the shortest existing applicable process under NEPA be utilized.

Requires the President to report to specified congressional committees every 90 days through FY2011 on the NEPA-compliance of projects and activities funded by this Act.

(Sec. 1610) Prohibits the use of funds under this Act by an executive agency to enter into any federal contract for new projects except in accordance with the Federal Property and Administrative Services Act, Armed Forces procurement law, and the Federal Acquisition Regulation, unless otherwise authorized by law.

Prescribes requirements for all projects conducted under the authority of the Indian Self-Determination and Education Assistance Act, the Tribally-Controlled Schools Act, the Sanitation and Facilities Act, the Native American Housing and Self-determination Assistance Act and the Buy-Indian Act.

(Sec. 1611) Employ American Workers Act - Makes it unlawful for any recipient of Troubled Asset Relief Program (TARP) funding under the Emergency Economic Stabilization Act of 2008 or under the Federal Reserve Act to hire any

nonimmigrant with an H-1B visa unless the recipient is in compliance with the requirements for an H-1B dependent employer.

(Sec. 1612) Permits an agency head, during FY2009, and subject to specified requirements, to transfer up to 1% of any appropriation made available by this Act between the agency's appropriations.

**Division B: Tax, Unemployment, Health, State Fiscal Relief, and Other Provisions - Title I: Tax Provisions -**

American Recovery and Reinvestment Tax Act of 2009 - **Subtitle A: Tax Relief for Individuals and Families - Part I:**

**General Tax Relief** - (Sec. 1001) Amends the Internal Revenue Code to allow individual taxpayers a refundable tax credit for the lesser of 6.2% of earned income or \$400 (\$800 for married couples filing jointly). Reduces the amount of such credit for taxpayers with adjusted gross income exceeding \$75,000 (\$150,000 for married couples filing jointly) and by the amount of economic recovery payments received under this Act. Disqualifies nonresident aliens, dependents, estates and trusts, and taxpayers who do not include a social security number on their tax return. Terminates such credit after 2010.

Sets forth rules for the payment of credit amounts in 2009 and 2010 to residents of U.S. possessions.

Disregards tax refunds attributable to this tax credit for purposes of determining eligibility for federal assistance programs.

(Sec. 1002) Increases to 45% in 2009 and 2010 the rate of the earned income tax credit for taxpayers with three or m

## Actions Timeline

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- **Feb 17, 2009:** Signed by President.
- **Feb 17, 2009:** Became Public Law No: 111-5.
- **Feb 16, 2009:** Presented to President.
- **Feb 13, 2009:** Rules Committee Resolution H. Res. 168 Reported to House. Rule provides for consideration of the conference report to H.R. 1. The resolution provides 90 minutes of debate on the conference report. The resolution waives all points of order against consideration of the conference report except those arising under clause 9 of rule XXI and provides that the conference report be considered as read. The resolution waives all points of order against the conference report. The waiver does not affect the point of order available under clause 9 of rule XXI. Finally, the resolution provides one motion to recommit, if applicable.
- **Feb 13, 2009:** Rule H. Res. 168 passed House.
- **Feb 13, 2009:** Mr. Obey brought up conference report H. Rept. 111-16 for consideration under the provisions of H. Res. 168. (consideration: CR H1536-1588)
- **Feb 13, 2009:** PRELIMINARY ACTION - The Chair stated that the conference report to accompany the bill (H.R. 1) contains an emergency designation for purposes of pay-as-you-go principles. Accordingly, the Chair must put the question of consideration under clause 10(c)(3) of rule 21.
- **Feb 13, 2009:** On question of consideration of conference report Agreed to by the Yeas and Nays: 232 - 195 (Roll no. 68). (consideration: CR H1537)
- **Feb 13, 2009:** DEBATE - Pursuant to the provisions of H. Res. 168, the House proceeded with ninety minutes of debate on the conference report to accompany H.R. 1.
- **Feb 13, 2009:** The previous question was ordered pursuant to the rule. (consideration: CR H1586)
- **Feb 13, 2009:** Mrs. Miller (MI) moved to recommit with instructions to the conference committee. (consideration: CR H1586-1587; text: CR H1586)
- **Feb 13, 2009:** The previous question on the motion to recommit with instructions to conference committee was ordered without objection. (consideration: CR H1586)
- **Feb 13, 2009:** On motion to recommit with instructions to conference committee Failed by the Yeas and Nays: 186 - 244 (Roll no. 69). (consideration: CR H1587)
- **Feb 13, 2009:** Conference report agreed to in House: On agreeing to the conference report Agreed to by the Yeas and Nays: 246 - 183, 1 Present (Roll no. 70).
- **Feb 13, 2009:** On agreeing to the conference report Agreed to by the Yeas and Nays: 246 - 183, 1 Present (Roll no. 70).
- **Feb 13, 2009:** Motions to reconsider laid on the table Agreed to without objection.
- **Feb 13, 2009:** Conference papers: Senate report and manager's statement and message on House action held at the desk in Senate.
- **Feb 13, 2009:** Conference report considered in Senate. (consideration: CR S2288-2313)
- **Feb 13, 2009:** Point of order that an emergency designation within the conference report violates the CBA (Sec. 204(a)(5)(A) of S.Con.Res. 21, 110th Congress) raised in Senate with respect to the conference report to accompany H.R. 1.
- **Feb 13, 2009:** Motion to waive the Budget Act (Sec. 204(a)(5)(A) of S.Con.Res. 21, 110th Congress) with respect to the conference report to accompany H.R. 1 (the section within the conference report regarding the emergency designation) agreed to in Senate by Yea-Nay Vote. 60 - 38. Record Vote Number: 63.
- **Feb 13, 2009:** Conference report agreed to in Senate: Senate agreed to conference report by Yea-Nay Vote. 60 - 38. Record Vote Number: 64.
- **Feb 13, 2009:** Senate agreed to conference report by Yea-Nay Vote. 60 - 38. Record Vote Number: 64.
- **Feb 13, 2009:** Message on Senate action sent to the House.
- **Feb 13, 2009:** Cleared for White House.
- **Feb 12, 2009:** Conference report filed: Conference report H. Rept. 111-16 filed.(text of conference report: CR H1307-1516)
- **Feb 12, 2009:** Conference report H. Rept. 111-16 filed. (text of conference report: CR H1307-1516)
- **Feb 10, 2009:** Considered by Senate. (consideration: CR S2039-2069)
- **Feb 10, 2009:** Passed/agreed to in Senate: Passed Senate with an amendment by Yea-Nay Vote. 61 - 37. Record Vote Number: 61.
- **Feb 10, 2009:** Passed Senate with an amendment by Yea-Nay Vote. 61 - 37. Record Vote Number: 61.
- **Feb 10, 2009:** Senate insists on its amendment, asks for a conference, appoints conferees Inouye; Baucus; Reid;

Cochran; Grassley.

- **Feb 10, 2009:** Message on Senate action sent to the House.
- **Feb 10, 2009:** Mr. Obey moved that the House disagree to the Senate amendment, and agree to a conference. (consideration: CR H1090-1102)
- **Feb 10, 2009:** DEBATE - The House proceeded with one of debate on the motion to agree to a conference with the Senate.
- **Feb 10, 2009:** The previous question was ordered without objection. (consideration: CR H1096)
- **Feb 10, 2009:** On motion that the House disagree to the Senate amendment, and agree to a conference Agreed to by voice vote.
- **Feb 10, 2009:** Mr. Lewis (CA) moved that the House instruct conferees. (consideration: CR H1096)
- **Feb 10, 2009:** DEBATE - The House proceeded with one hour of debate of the Lewis (CA) motion to instruct conferees. The instructions contained in the motion require the conferees to not record their approval of the final conference agreement unless the text of the agreement has been available at least 48 hours.
- **Feb 10, 2009:** The previous question was ordered without objection. (consideration: CR H1101)
- **Feb 10, 2009:** On motion that the House instruct conferees Agreed to by the Yeas and Nays: 403 - 0 (Roll no. 54). (consideration: CR H1101-1102)
- **Feb 10, 2009:** Motion to reconsider laid on the table Agreed to without objection.
- **Feb 10, 2009:** The Speaker appointed conferees: Obey, Rangel, Waxman, Lewis (CA), and Camp.
- **Feb 9, 2009:** Considered by Senate. (CR S1992-2024)
- **Feb 7, 2009:** S.Amdt.570 in the nature of a substitute ordered to be printed.
- **Feb 7, 2009:** Considered by Senate. (consideration: CR S1885-1906, S1906-1907)
- **Feb 6, 2009:** Considered by Senate. (consideration: CR S1774-1840, S1841-1859)
- **Feb 5, 2009:** Considered by Senate. (consideration: CR S1617-1676)
- **Feb 4, 2009:** Considered by Senate. (consideration: CR S1474-1538)
- **Feb 3, 2009:** Considered by Senate. (consideration: CR S1371-1387, S1387-1427)
- **Feb 2, 2009:** Measure laid before Senate by unanimous consent. (consideration: CR S1237-1243, S1266-1273)
- **Jan 30, 2009:** S.Amdt.98 in the nature of a substitute ordered to be printed.
- **Jan 29, 2009:** Received in the Senate, read twice.
- **Jan 28, 2009:** Rule H. Res. 92 passed House.
- **Jan 28, 2009:** Considered as unfinished business. (consideration: CR H620-749)
- **Jan 28, 2009:** The House resolved into Committee of the Whole House on the state of the Union for further consideration.
- **Jan 28, 2009:** GENERAL DEBATE - The Committee of the Whole proceeded with one hour of general debate on H.R. 1.
- **Jan 28, 2009:** Pursuant to the provisions of H. Res. 92, an amendment printed in part A of House Report 111-9, is considered as adopted. The bill, as amended, shall be considered as the original bill for purpose of further amendment.
- **Jan 28, 2009:** DEBATE - Pursuant to the provisions of H.Res. 92, the Committee of the Whole proceeded with 10 minutes of debate on the Oberstar amendment.
- **Jan 28, 2009:** DEBATE - Pursuant to the provisions of H.Res. 92, the Committee of the Whole proceeded with 10 minutes of debate on the Markey (MA) amendment.
- **Jan 28, 2009:** DEBATE - Pursuant to the provisions of H.Res. 92, the Committee of the Whole proceeded with 10 minutes of debate on the Shuster amendment.
- **Jan 28, 2009:** DEBATE - Pursuant to the provisions of H.Res. 92, the Committee of the Whole proceeded with 10 minutes of debate on the Nadler amendment.
- **Jan 28, 2009:** DEBATE - Pursuant to the provisions of H.Res. 92, the Committee of the Whole proceeded with 10 minutes of debate on the Neugebauer amendment.
- **Jan 28, 2009:** POSTPONED PROCEEDINGS - At the conclusion of debate on the Neugebauer amendment, the Chair put the question on adoption of the amendment and by voice vote announced the noes had prevailed. Mr. Neugebauer demanded a recorded vote and the Chair postponed further proceedings on the question of adoption of the amendment until a time to be announced.
- **Jan 28, 2009:** DEBATE - Pursuant to the provisions of H.Res. 92, the Committee of the Whole proceeded with 10 minutes of debate on the Waters amendment.
- **Jan 28, 2009:** DEBATE - Pursuant to the provisions of H.Res. 92, the Committee of the Whole proceeded with 10

minutes of debate on the Flake amendment.

- **Jan 28, 2009:** POSTPONED PROCEEDINGS - At the conclusion of debate on the Flake amendment, the Chair put the question on adoption of the amendment and by voice vote announced the noes had prevailed. Mr. Flake demanded a recorded vote and the Chair postponed further proceedings on the question of adoption of the amendment until a time to be announced.
- **Jan 28, 2009:** DEBATE - Pursuant to the provisions of H.Res. 92, the Committee of the Whole proceeded with 10 minutes of debate on the Kissel amendment.
- **Jan 28, 2009:** DEBATE - Pursuant to the provisions of H.Res. 92, the Committee of the Whole proceeded with 10 minutes of debate on the Platts amendment.
- **Jan 28, 2009:** DEBATE - Pursuant to the provisions of H.Res. 92, the Committee of the Whole proceeded with 10 minutes of debate on the Teague amendment.
- **Jan 28, 2009:** DEBATE - Pursuant to the provisions of H.Res. 92, the Committee of the Whole proceeded with 60 minutes of debate on the Camp amendment in the nature of a substitute.
- **Jan 28, 2009:** POSTPONED PROCEEDINGS - At the conclusion of debate on the Camp amendment in the nature of a substitute, the Chair put the question on adoption of the amendment and by voice vote announced the noes had prevailed. Mr. Camp demanded a recorded vote and the Chair postponed further proceedings on the question of adoption of the amendment in the nature of a substitute until later in the legislative day.
- **Jan 28, 2009:** The Committee of the Whole rose informally.
- **Jan 28, 2009:** Subsequently, the Committee resumed its sitting.
- **Jan 28, 2009:** UNFINISHED BUSINESS - The Chair announced that the unfinished business was the question of adoption of amendments which had been debated earlier and on which further proceedings had been postponed.
- **Jan 28, 2009:** The House rose from the Committee of the Whole House on the state of the Union to report H.R. 1.
- **Jan 28, 2009:** The previous question was ordered pursuant to the rule. (consideration: CR H746)
- **Jan 28, 2009:** The House adopted the amendments en gross as agreed to by the Committee of the Whole House on the state of the Union.
- **Jan 28, 2009:** Mr. Lewis (CA) moved to recommit with instructions to Appropriations. (consideration: CR H746-748; text CR H746)
- **Jan 28, 2009:** DEBATE - The House proceeded with ten minutes of debate on the Lewis (CA) motion to recommit with instructions. The instructions contained in the motion seek to require the bill to be reported back to the House with sundry amendments.
- **Jan 28, 2009:** The previous question on the motion to recommit with instructions was ordered without objection. (consideration: CR H748)
- **Jan 28, 2009:** On motion to recommit with instructions Failed by recorded vote: 159 - 270 (Roll no. 45). (consideration: CR H748)
- **Jan 28, 2009:** Passed/agreed to in House: On passage Passed by the Yeas and Nays: 244 - 188 (Roll no. 46).(text: CR H642-711)
- **Jan 28, 2009:** On passage Passed by the Yeas and Nays: 244 - 188 (Roll no. 46). (text: CR H642-711)
- **Jan 28, 2009:** Motion to reconsider laid on the table Agreed to without objection.
- **Jan 28, 2009:** The Clerk was authorized to correct section numbers, punctuation, and cross references, and to make other necessary technical and conforming corrections in the engrossment of H.R. 1.
- **Jan 27, 2009:** Rule H. Res. 88 passed House.
- **Jan 27, 2009:** QUESTION OF CONSIDERATION - Pending any declaration of the House into the Committee of the Whole pursuant to H. Res. 88 for consideration of H.R. 1--which contains an emergency designation for purposes of pay-as-you-go principles--the Chair announced that it must put the question of consideration of H.R. 1 under clause 10(c)(3) of rule 21.
- **Jan 27, 2009:** On question of consideration of the bill Agreed to by recorded vote: 224 - 199 (Roll no. 38). (consideration: CR H556-557)
- **Jan 27, 2009:** Considered under the provisions of rule H. Res. 88. (consideration: CR H557-583)
- **Jan 27, 2009:** Rule provides for consideration of H.R. 1 with 3 hours and 30 minutes of general debate. All points of order against consideration of the bill except those arising under clause 9 or 10 of rule XXI, are waived. After general debate, the Committee shall rise without motion and no further consideration of the bill shall occur except pursuant to a subsequent order of the House.
- **Jan 27, 2009:** House resolved itself into the Committee of the Whole House on the state of the Union pursuant to H. Res. 88 and Rule XVIII.

- Jan 27, 2009:** The Speaker designated the Honorable John F. Tierney to act as Chairman of the Committee.
- **Jan 27, 2009:** GENERAL DEBATE - The Committee of the Whole proceeded with 3 hours and 30 minutes of general debate on H.R. 1.
  - **Jan 27, 2009:** Committee of the Whole House on the state of the Union rises leaving H.R. 1 as unfinished business.
  - **Jan 27, 2009:** Rules Committee Resolution H. Res. 92 Reported to House. Rule provides for consideration of H.R. 1 with 1 hour of general debate. Previous question shall be considered as ordered without intervening motions except motion to recommit with or without instructions. Measure will be considered read. Specified amendments are in order. Resolution provides for further consideration of H.R. 1. Further general debate shall continue for not to exceed one hour, equally divided and controlled and shall be limited to the bill and amendments made in order by this resolution. Upon the adoption of this resolution, the amendment printed in Part A of the report of the Committee on Rules accompanying this resolution shall be considered as adopted.
  - **Jan 26, 2009:** Introduced in House
  - **Jan 26, 2009:** Referred to House Appropriations
  - **Jan 26, 2009:** Referred to the Committee on Appropriations, and in addition to the Committee on the Budget, 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.
  - **Jan 26, 2009:** Referred to House Budget
  - **Jan 26, 2009:** Rules Committee Resolution H. Res. 88 Reported to House. Rule provides for consideration of H.R. 1 with 3 hours and 30 minutes of general debate. All points of order against consideration of the bill except those arising under clause 9 or 10 of rule XXI, are waived. After general debate, the Committee shall rise without motion and no further consideration of the bill shall occur except pursuant to a subsequent order of the House.