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(Original Signature of Member)

110TH CONGRESS  
2D SESSION

**H. R.** \_\_\_\_\_

Making supplemental appropriations for job creation and preservation, infrastructure investment, and economic and energy assistance for the fiscal year ending September 30, 2009, and for other purposes.

\_\_\_\_\_  
IN THE HOUSE OF REPRESENTATIVES

Mr. OBEY introduced the following bill; which was referred to the Committee  
on \_\_\_\_\_  
\_\_\_\_\_

**A BILL**

Making supplemental appropriations for job creation and preservation, infrastructure investment, and economic and energy assistance for the fiscal year ending September 30, 2009, 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       That the following sums are appropriated, out of any  
4       money in the Treasury not otherwise appropriated, for the  
5       fiscal year ending September 30, 2009, and for other pur-  
6       poses, namely:

## 1 TITLE I—INFRASTRUCTURE INVESTMENTS

## 2 CHAPTER 1—TRANSPORTATION

## 3 DEPARTMENT OF TRANSPORTATION

## 4 FEDERAL AVIATION ADMINISTRATION

## 5 GRANTS-IN-AID FOR AIRPORTS

## 6 (AIRPORT AND AIRWAY TRUST FUND)

7 For an additional amount for “Grants-in-Aid for Air-  
8 ports”, to enable the Secretary of Transportation to make  
9 discretionary grants as authorized by subchapter I of  
10 chapter 471 and subchapter I of chapter 475 of title 49,  
11 United States Code, \$600,000,000, to be derived from the  
12 Airport and Airway Trust Fund and to remain available  
13 until September 30, 2009: *Provided*, That in selecting  
14 projects to be funded, priority shall be given to airport  
15 projects that can award contracts based on bids within  
16 120 days of enactment of this Act.

## 17 FEDERAL HIGHWAY ADMINISTRATION

## 18 HIGHWAY INFRASTRUCTURE INVESTMENT

19 For projects and activities eligible under section 133  
20 of title 23, United States Code (without regard to sub-  
21 section (d)), section 144 of such title (without regard to  
22 subsection (g)), and sections 103, 119, 148, and 149 of  
23 such title, \$12,800,000,000, to remain available until Sep-  
24 tember 30, 2009: *Provided*, That funds made available  
25 under this heading shall be distributed among the States,

1 including Puerto Rico, American Samoa, Guam, the Vir-  
2 gin Islands, and the Commonwealth of the Northern Mar-  
3 iana Islands, in the same ratio as the obligation limitation  
4 for fiscal year 2008 was distributed among the States in  
5 accordance with the formula specified in section 120(a)(6)  
6 of division K of Public Law 110–161, but, in the case of  
7 the Puerto Rico Highway Program and the Territorial  
8 Highway Program, under section 120(a)(5) of such divi-  
9 sion: *Provided further*, That in selecting projects to be  
10 funded, priority shall be given to ready-to-go projects that  
11 can award bids within 120 days of enactment of this Act:  
12 *Provided further*, That funds made available under this  
13 heading shall be administered as if apportioned under  
14 chapter 1 of title 23, United States Code: *Provided further*,  
15 That the Federal share payable on account of any project  
16 or activity carried out with funds made available under  
17 this heading shall be 100 percent of the total cost thereof:  
18 *Provided further*, That amounts made available under this  
19 heading that are not obligated within 180 days after the  
20 date of enactment of this Act shall be redistributed, in  
21 the manner described in section 120(c) of division K of  
22 Public Law 110–161, to those States able to obligate  
23 amounts in addition to those previously distributed: *Pro-*  
24 *vided further*, That the amount made available under this  
25 heading shall not be subject to any limitation on obliga-

1 tions for Federal-aid highways or highway safety construc-  
2 tion programs set forth in any Act.

3 FEDERAL RAILROAD ADMINISTRATION  
4 CAPITAL AND DEBT SERVICE GRANTS TO THE NATIONAL  
5 RAILROAD PASSENGER CORPORATION

6 For an additional amount for “Capital and Debt  
7 Service Grants to the National Railroad Passenger Cor-  
8 poration”, \$500,000,000, to remain available until Sep-  
9 tember 30, 2009: *Provided*, That the Secretary of Trans-  
10 portation may retain up to one-quarter of 1 percent of  
11 the funds made available under this heading to fund the  
12 oversight by the Federal Railroad Administration of the  
13 design and implementation of capital projects funded by  
14 grants made under this heading: *Provided further*, That  
15 none of the funds made available under this heading may  
16 be used to subsidize operating losses of Amtrak: *Provided*  
17 *further*, That none of the funds made available under this  
18 heading shall be for debt service obligations: *Provided fur-*  
19 *ther*, That in selecting projects to be funded, priority shall  
20 be given to Amtrak capital projects that can award con-  
21 tracts based on bids within 120 days of enactment of this  
22 Act.

## 1 FEDERAL TRANSIT ADMINISTRATION

## 2 TRANSIT CAPITAL ASSISTANCE

3 For transit capital assistance grants,  
4 \$3,600,000,000, to remain available until September 30,  
5 2009, of which \$3,240,000,000 shall be for grants under  
6 section 5307 of title 49, United States Code and shall be  
7 apportioned in accordance with section 5336 of such title  
8 (other than subsections (i)(1) and (j)) but may not be  
9 combined or commingled with any other funds apportioned  
10 under such section 5336, and of which \$360,000,000 shall  
11 be for grants under section 5311 of such title and shall  
12 be apportioned in accordance with such section 5311 but  
13 may not be combined or commingled with any other funds  
14 apportioned under that section: *Provided*, That in select-  
15 ing projects to be funded, priority shall be given to  
16 projects that can award contracts based on bids within  
17 120 days of enactment of this Act: *Provided further*, That  
18 the Federal share of the costs for which a grant is made  
19 under this heading shall be 100 percent.

## 20 TRANSIT ENERGY ASSISTANCE GRANTS

21 For transit energy assistance grants,  
22 \$1,000,000,000, to remain available until September 30,  
23 2009, of which \$800,000,000 shall be for grants under  
24 section 5307 of title 49, United States Code and shall be  
25 apportioned in accordance with section 5336 of such title

1 (other than subsections (i)(1) and (j)) but may not be  
2 combined or commingled with any other funds apportioned  
3 under such section 5336, and of which \$200,000,000 shall  
4 be for grants under section 5311 of such title and shall  
5 be apportioned in accordance with such section 5311 but  
6 may not be combined or commingled with any other funds  
7 apportioned under that section: *Provided*, That the Fed-  
8 eral share of the costs for which a grant is made under  
9 this heading shall be 100 percent: *Provided further*, That  
10 notwithstanding such sections 5307 and 5311, funds ap-  
11 propriated under this heading are available for only one  
12 or more of the following purposes:

13           (1) If the recipient of the grant is reducing, or  
14 certifies to the Secretary of Transportation within  
15 the time the Secretary prescribes that, during the  
16 term of the grant, the recipient will reduce, one or  
17 more fares the recipient charges for public transpor-  
18 tation, or in the case of subsection (f) of such sec-  
19 tion 5311, intercity bus service, those operating  
20 costs of equipment and facilities being used to pro-  
21 vide the public transportation, or in the case of sub-  
22 section (f) of such section 5311, intercity bus serv-  
23 ice, that the recipient is no longer able to pay from  
24 the revenues derived from such fare or fares as a re-  
25 sult of such reduction.

1           (2) If the recipient of the grant is expanding,  
2           or certifies to the Secretary within the time the Sec-  
3           retary prescribes that, during the term of the grant,  
4           the recipient will expand, public transportation serv-  
5           ice, or in the case of subsection (f) of such section  
6           5311, intercity bus service, those operating and cap-  
7           ital costs of equipment and facilities being used to  
8           provide the public transportation service, or in the  
9           case of subsection (f) of such section 5311, intercity  
10          bus service, that the recipient incurs as a result of  
11          the expansion of such service.

12          (3) To avoid increases in fares for public trans-  
13          portation, or in the case of subsection (f) of such  
14          section 5311, intercity bus service, or decreases in  
15          current public transportation service, or in the case  
16          of subsection (f) of such section 5311, intercity bus  
17          service, that would otherwise result from an increase  
18          in costs to the public transportation or intercity bus  
19          agency for transportation-related fuel or meeting ad-  
20          ditional transportation-related equipment or facility  
21          maintenance needs, if the recipient of the grant cer-  
22          tifies to the Secretary within the time the Secretary  
23          prescribes that, during the term of the grant, the re-  
24          cipient will not increase the fares that the recipient  
25          charges for public transportation, or in the case of

1 subsection (f) of such section 5311, intercity bus  
2 service, or, will not decrease the public transpor-  
3 tation service, or in the case of subsection (f) of  
4 such section 5311, intercity bus service, that the re-  
5 cipient provides.

6 (4) If the recipient of the grant is acquiring, or  
7 certifies to the Secretary within the time the Sec-  
8 retary prescribes that, during the term of the grant,  
9 the recipient will acquire, clean fuel or alternative  
10 fuel vehicle-related equipment or facilities for the  
11 purpose of improving fuel efficiency, the costs of ac-  
12 quiring the equipment or facilities.

13 (5) If the recipient of the grant is establishing  
14 or expanding, or certifies to the Secretary within the  
15 time the Secretary prescribes that, during the term  
16 of the grant, the recipient will establish or expand,  
17 commuter matching services to provide commuters  
18 with information and assistance about alternatives  
19 to single occupancy vehicle use, those administrative  
20 costs in establishing or expanding such services.

21 CHAPTER 2—CLEAN WATER  
22 ENVIRONMENTAL PROTECTION AGENCY  
23 STATE AND TRIBAL ASSISTANCE GRANTS

24 For an additional amount for “State and Tribal As-  
25 sistance Grants”, \$7,500,000,000, to remain available



1 until September 30, 2009, for capitalization grants for  
2 State revolving funds, which shall be used as follows:

3 (1) \$6,500,000,000 shall be for making capital-  
4 ization grants for the Clean Water State Revolving  
5 Funds under title VI of the Federal Water Pollution  
6 Control Act, except that the funds shall not be sub-  
7 ject to the state matching requirements in para-  
8 graphs (2) and (3) of section 602(b) of such Act.

9 (2) \$1,000,000,000 shall be for capitalization  
10 grants for the Drinking Water State Revolving  
11 Funds under section 1452 of the Safe Drinking  
12 Water Act, except that the funds shall not be subject  
13 to the state matching requirements of section  
14 1452(e) of such Act:

15 *Provided*, That a State shall agree to enter into binding  
16 commitments with the funds appropriated under this  
17 heading no later than 120 days after the date on which  
18 the State receives the funds: *Provided further*, That, not-  
19 withstanding the limitation on amounts specified in sec-  
20 tion 518(c) of the Federal Water Pollution Control Act,  
21 up to a total of 1.5 percent of the funds made available  
22 under paragraph (1) of this heading may be reserved by  
23 the Administrator of the Environmental Protection Agen-  
24 cy for grants under section 518(c) of such Act: *Provided*  
25 *further*, That section 1452(k) of the Safe Drinking Water

1 Act shall not apply to amounts made available under this  
2 heading.

3 CHAPTER 3—FLOOD CONTROL AND WATER  
4 RESOURCES  
5 DEPARTMENT OF DEFENSE—CIVIL  
6 DEPARTMENT OF THE ARMY  
7 CORPS OF ENGINEERS—CIVIL  
8 CONSTRUCTION

9 For an additional amount for “Construction”,  
10 \$2,500,000,000, to remain available until September 30,  
11 2010: *Provided*, That funds appropriated under this head-  
12 ing shall not be derived from the Inland Waterways Trust  
13 Fund: *Provided further*, That the Corps of Engineers is  
14 directed to prioritize funding for activities based on the  
15 ability to accelerate existing contracts or fully fund project  
16 elements and contracts for such elements in a time period  
17 of 2 years after the date of enactment of this Act and  
18 to give preference to those activities that are labor inten-  
19 sive.

20 MISSISSIPPI RIVER AND TRIBUTARIES

21 For an additional amount for “Mississippi River and  
22 Tributaries”, \$500,000,000, to remain available until Sep-  
23 tember 30, 2010: *Provided*, That the Corps of Engineers  
24 is directed to prioritize funding for activities based on the  
25 ability to accelerate existing contracts or fully fund project

1 elements and contracts for such elements in a time period  
2 of 2 years after the date of enactment of this Act and  
3 to give preference to those activities that are labor inten-  
4 sive.

5 OPERATION AND MAINTENANCE

6 For an additional amount for “Operation and Main-  
7 tenance”, \$2,000,000,000, to remain available until Sep-  
8 tember 30, 2010: *Provided*, That the Corps of Engineers  
9 is directed to prioritize funding for activities based on the  
10 ability to accelerate existing contracts or fully fund project  
11 elements and contracts for such elements in a time period  
12 of 2 years after the date of enactment of this Act and  
13 to give preference to those activities that are labor inten-  
14 sive.

15 DEPARTMENT OF THE INTERIOR

16 BUREAU OF RECLAMATION

17 WATER AND RELATED RESOURCES

18 For an additional amount for “Water and Related  
19 Resources”, \$300,000,000, to remain available until Sep-  
20 tember 30, 2010: *Provided*, That such sums shall be used  
21 for capital improvement projects, including authorized  
22 rural water projects: *Provided further*, That of the amount  
23 appropriated under this heading, \$126,000,000 shall be  
24 used for water reclamation and reuse projects authorized  
25 under title XVI of Public Law 102–575.

1       CHAPTER 4—21ST CENTURY GREEN HIGH-  
2       PERFORMING PUBLIC SCHOOL FACILITIES  
3               DEPARTMENT OF EDUCATION

4       SCHOOL MODERNIZATION, RENOVATION, AND REPAIR

5               For carrying out section 1401, \$3,000,000,000, to re-  
6       main available through September 30, 2009.

7               GENERAL PROVISIONS, THIS CHAPTER

8       SEC. 1401. (a) DEFINITIONS.—In this section:

9               (1) The term “Bureau-funded school” has the  
10       meaning given to such term in section 1141 of the  
11       Education Amendments of 1978 (25 U.S.C. 2021).

12              (2) The term “charter school” has the meaning  
13       given such term in section 5210 of the Elementary  
14       and Secondary Education Act of 1965.

15              (3) The term “local educational agency”—

16                      (A) has the meaning given to that term in  
17       section 9101 of the Elementary and Secondary  
18       Education Act of 1965, and shall also include  
19       the Recovery School District of Louisiana and  
20       the New Orleans Public Schools; and

21                      (B) includes any public charter school that  
22       constitutes a local educational agency under  
23       State law.

24              (4) The term “outlying area”—

1 (A) means the United States Virgin Is-  
2 lands, Guam, American Samoa, and the Com-  
3 monwealth of the Northern Mariana Islands;  
4 and

5 (B) includes the freely associated states of  
6 the Republic of the Marshall Islands, the Fed-  
7 erated States of Micronesia, and the Republic  
8 of Palau.

9 (5) The term “public school facilities” includes  
10 charter schools.

11 (6) The term “State” means each of the 50  
12 States, the District of Columbia, and the Common-  
13 wealth of Puerto Rico.

14 (7) The term “LEED Green Building Rating  
15 System” means the United States Green Building  
16 Council Leadership in Energy and Environmental  
17 Design green building rating standard referred to as  
18 the LEED Green Building Rating System.

19 (8) The term “Energy Star” means the Energy  
20 Star program of the United States Department of  
21 Energy and the United States Environmental Pro-  
22 tection Agency.

23 (9) The term “CHPS Criteria” means the  
24 green building rating program developed by the Col-  
25 laborative for High Performance Schools.

1           (10) The term “Green Globes” means the  
2           Green Building Initiative environmental design and  
3           rating system referred to as Green Globes.

4           (b) PURPOSE.—Grants under this section shall be for  
5           the purpose of modernizing, renovating, or repairing pub-  
6           lic school facilities, based on their need for such improve-  
7           ments, to be safe, healthy, high-performing, and up-to-  
8           date technologically.

9           (c) ALLOCATION OF FUNDS.—

10           (1) RESERVATION.—From the amount appro-  
11           priated to carry out this section, the Secretary of  
12           Education shall reserve 1 percent of such amount,  
13           consistent with the purpose described in subsection

14           (b)—

15                   (A) to provide assistance to the outlying  
16                   areas; and

17                   (B) for payments to the Secretary of the  
18                   Interior to provide assistance to Bureau-funded  
19                   schools.

20           (2) ALLOCATION TO STATES.—

21                   (A) STATE-BY-STATE ALLOCATION.—Of  
22                   the amount appropriated to carry out this sec-  
23                   tion, and not reserved under paragraph (1),  
24                   each State shall be allocated an amount in pro-  
25                   portion to the amount received by all local edu-

1           cational agencies in the State under part A of  
2           title I of the Elementary and Secondary Edu-  
3           cation Act of 1965 for fiscal year 2008 relative  
4           to the total amount received by all local edu-  
5           cational agencies in every State under such part  
6           for such fiscal year.

7           (B) STATE ADMINISTRATION.—A State  
8           may reserve up to 1 percent of its allocation  
9           under subparagraph (A) to carry out its respon-  
10          sibilities under this section, including—

11                 (i) providing technical assistance to  
12                 local educational agencies;

13                 (ii) developing, within 6 months of re-  
14                 ceiving its allocation under subparagraph  
15                 (A), a plan to develop a database that in-  
16                 cludes an inventory of public school facili-  
17                 ties in the State and the modernization,  
18                 renovation, and repair needs of, energy use  
19                 by, and the carbon footprint of such  
20                 schools; and

21                 (iii) developing a school energy effi-  
22                 ciency quality plan.

23           (C) GRANTS TO LOCAL EDUCATIONAL  
24           AGENCIES.—From the amount allocated to a  
25           State under subparagraph (A), each local edu-

1           cational agency in the State that meets the re-  
2           quirements of section 1112(a) of the Elemen-  
3           tary and Secondary Education Act of 1965  
4           shall receive an amount in proportion to the  
5           amount received by such local educational agen-  
6           cy under part A of title I of that Act for fiscal  
7           year 2008 relative to the total amount received  
8           by all local educational agencies in the State  
9           under such part for such fiscal year, except that  
10          no local educational agency that received funds  
11          under part A of title I of that Act for such fis-  
12          cal year shall receive a grant of less than  
13          \$5,000.

14                 (D) SPECIAL RULE.—Section 1122(e)(3)  
15                 of the Elementary and Secondary Education  
16                 Act of 1965 shall not apply to subparagraph  
17                 (A) or (C).

18                 (3) SPECIAL RULES.—

19                         (A) DISTRIBUTIONS BY SECRETARY.—The  
20                         Secretary of Education shall make and dis-  
21                         tribute the reservations and allocations de-  
22                         scribed in paragraphs (1) and (2) not later than  
23                         30 days after the date of the enactment of this  
24                         Act.



1                   (B) DISTRIBUTIONS BY STATES.—A State  
2                   shall make and distribute the allocations de-  
3                   scribed in paragraph (2)(C) within 30 days of  
4                   receiving such funds from the Secretary.

5           (d) ALLOWABLE USES OF FUNDS.—A local edu-  
6           cational agency receiving a grant under this section shall  
7           use the grant for modernization, renovation, or repair of  
8           public school facilities, including—

9                   (1) repairing, replacing, or installing roofs, in-  
10                  cluding extensive, intensive or semi-intensive green  
11                  roofs, electrical wiring, plumbing systems, sewage  
12                  systems, lighting systems, or components of such  
13                  systems, windows, or doors, including security doors;

14                  (2) repairing, replacing, or installing heating,  
15                  ventilation, air conditioning systems, or components  
16                  of such systems (including insulation), including in-  
17                  door air quality assessments;

18                  (3) bringing public schools into compliance with  
19                  fire, health, and safety codes, including professional  
20                  installation of fire/life safety alarms, including mod-  
21                  ernizations, renovations, and repairs that ensure  
22                  that schools are prepared for emergencies, such as  
23                  improving building infrastructure to accommodate  
24                  security measures;

1           (4) modifications necessary to make public  
2 school facilities accessible to comply with the Ameri-  
3 cans with Disabilities Act of 1990 (42 U.S.C. 12101  
4 et seq.) and section 504 of the Rehabilitation Act of  
5 1973 (29 U.S.C. 794), except that such modifica-  
6 tions shall not be the primary use of the grant;

7           (5) asbestos or polychlorinated biphenyls abate-  
8 ment or removal from public school facilities;

9           (6) implementation of measures designed to re-  
10 duce or eliminate human exposure to lead-based  
11 paint hazards through methods including interim  
12 controls, abatement, or a combination of each;

13           (7) implementation of measures designed to re-  
14 duce or eliminate human exposure to mold or mil-  
15 dew;

16           (8) upgrading or installing educational tech-  
17 nology infrastructure to ensure that students have  
18 access to up-to-date educational technology;

19           (9) modernization, renovation, or repair of  
20 science and engineering laboratory facilities, librar-  
21 ies, and career and technical education facilities, in-  
22 cluding those related to energy efficiency and renew-  
23 able energy, and improvements to building infra-  
24 structure to accommodate bicycle and pedestrian ac-  
25 cess;

1           (10) renewable energy generation and heating  
2 systems, including solar, photovoltaic, wind, geo-  
3 thermal, or biomass, including wood pellet, systems  
4 or components of such systems;

5           (11) other modernization, renovation, or repair  
6 of public school facilities to—

7                 (A) improve teachers' ability to teach and  
8 students' ability to learn;

9                 (B) ensure the health and safety of stu-  
10 dents and staff;

11                (C) make them more energy efficient; or

12                (D) reduce class size; and

13           (12) required environmental remediation related  
14 to public school modernization, renovation, or repair  
15 described in paragraphs (1) through (11).

16           (e) IMPERMISSIBLE USES OF FUNDS.—No funds re-  
17 ceived under this section may be used for—

18                 (1) payment of maintenance costs; or

19                 (2) stadiums or other facilities primarily used  
20 for athletic contests or exhibitions or other events  
21 for which admission is charged to the general public.

22           (f) SUPPLEMENT, NOT SUPPLANT.—A local edu-  
23 cational agency receiving a grant under this section shall  
24 use such Federal funds only to supplement and not sup-  
25 plant the amount of funds that would, in the absence of

1 such Federal funds, be available for modernization, ren-  
2 ovation, or repair of public school facilities.

3 (g) PROHIBITION REGARDING STATE AID.—A State  
4 shall not take into consideration payments under this sec-  
5 tion in determining the eligibility of any local educational  
6 agency in that State for State aid, or the amount of State  
7 aid, with respect to free public education of children.

8 (h) SPECIAL RULE ON CONTRACTING.—Each local  
9 educational agency receiving a grant under this section  
10 shall ensure that, if the agency carries out modernization,  
11 renovation, or repair through a contract, the process for  
12 any such contract ensures the maximum number of quali-  
13 fied bidders, including local, small, minority, and women-  
14 and veteran-owned businesses, through full and open com-  
15 petition.

16 (i) SPECIAL RULE ON USE OF IRON AND STEEL PRO-  
17 DUCED IN THE UNITED STATES.—

18 (1) IN GENERAL.—A local educational agency  
19 shall not obligate or expend funds received under  
20 this section for a project for the modernization, ren-  
21 ovation, or repair of a public school facility unless all  
22 of the iron and steel used in such project is pro-  
23 duced in the United States.

1           (2) EXCEPTIONS.—The provisions of paragraph  
2           (1) shall not apply in any case in which the local  
3           educational agency finds that—

4                   (A) their application would be inconsistent  
5                   with the public interest;

6                   (B) iron and steel are not produced in the  
7                   United States in sufficient and reasonably  
8                   available quantities and of a satisfactory qual-  
9                   ity; or

10                   (C) inclusion of iron and steel produced in  
11                   the United States will increase the cost of the  
12                   overall project contract by more than 25 per-  
13                   cent.

14           (j) APPLICATION OF GEPA.—The grant program  
15           under this section is an applicable program (as that term  
16           is defined in section 400 of the General Education Provi-  
17           sions Act (20 U.S.C. 1221)) subject to section 439 of such  
18           Act (20 U.S.C. 1232b).

19           (k) GREEN SCHOOLS.—

20                   (1) IN GENERAL.—A local educational agency  
21                   shall use not less than 25 percent of the funds re-  
22                   ceived under this section for public school mod-  
23                   ernization, renovation, or repairs that are certified,  
24                   verified, or consistent with any applicable provisions  
25                   of—

- 1 (A) the LEED Green Building Rating Sys-  
2 tem;  
3 (B) Energy Star;  
4 (C) the CHPS Criteria;  
5 (D) Green Globes; or  
6 (E) an equivalent program adopted by the  
7 State or another jurisdiction with authority over  
8 the local educational agency.

9 (2) TECHNICAL ASSISTANCE.—The Secretary,  
10 in consultation with the Secretary of Energy and the  
11 Administrator of the Environmental Protection  
12 Agency, shall provide outreach and technical assist-  
13 ance to States and school districts concerning the  
14 best practices in school modernization, renovation,  
15 and repair, including those related to student aca-  
16 demic achievement and student and staff health, en-  
17 ergy efficiency, and environmental protection.

18 (1) REPORTING.—

19 (1) REPORTS BY LOCAL EDUCATIONAL AGEN-  
20 CIES.—Local educational agencies receiving a grant  
21 under this section shall compile, and submit to the  
22 State educational agency (which shall compile and  
23 submit such reports to the Secretary), a report de-  
24 scribing the projects for which such funds were used,  
25 including—

1 (A) the number of public schools in the  
2 agency, including the number of charter  
3 schools;

4 (B) the total amount of funds received by  
5 the local educational agency under this section  
6 and the amount of such funds expended, includ-  
7 ing the amount expended for modernization,  
8 renovation, and repair of charter schools;

9 (C) the number of public schools in the  
10 agency with a metro-centric locale code of 41,  
11 42, or 43 as determined by the National Center  
12 for Education Statistics and the percentage of  
13 funds received by the agency under this section  
14 that were used for projects at such schools;

15 (D) the number of public schools in the  
16 agency that are eligible for schoolwide programs  
17 under section 1114 of the Elementary and Sec-  
18 ondary Education Act of 1965 and the percent-  
19 age of funds received by the agency under this  
20 section that were used for projects at such  
21 schools;

22 (E) the cost of each project, which, if any,  
23 of the standards described in subsection (k)(1)  
24 the project met, and any demonstrable or ex-

1           pected academic, energy, or environmental ben-  
2           efits as a result of the project;

3           (F) if flooring was installed, whether—

4                   (i) it was low- or no-VOC (Volatile  
5           Organic Compounds) flooring;

6                   (ii) it was made from sustainable ma-  
7           terials; and

8                   (iii) use of flooring described in clause  
9           (i) or (ii) was cost effective; and

10           (G) the total number and amount of con-  
11           tracts awarded, and the number and amount of  
12           contracts awarded to local, small, minority-  
13           owned, women-owned, and veteran-owned busi-  
14           nesses.

15           (2) REPORTS BY SECRETARY.—Not later than  
16           December 31, 2010, the Secretary of Education  
17           shall submit to the Committees on Education and  
18           Labor and Appropriations of the House of Rep-  
19           resentatives and the Committees on Health, Edu-  
20           cation, Labor, and Pensions and Appropriations of  
21           the Senate a report on grants made under this sec-  
22           tion, including the information described in para-  
23           graph (1), the types of modernization, renovation,  
24           and repair funded, and the number of students im-  
25           pacted, including the number of students counted



1 under section 1113(a)(5) of the Elementary and  
2 Secondary Education Act of 1965.

3 CHAPTER 5—HOUSING  
4 DEPARTMENT OF HOUSING AND URBAN  
5 DEVELOPMENT

6 PUBLIC AND INDIAN HOUSING

7 PUBLIC HOUSING CAPITAL FUND

8 For an additional amount for the “Public Housing  
9 Capital Fund” to carry out capital and management ac-  
10 tivities for public housing agencies, as authorized under  
11 section 9 of the United States Housing Act of 1937 (42  
12 U.S.C. 1437g), \$1,000,000,000, to remain available until  
13 September 30, 2009: *Provided*, That this additional  
14 amount shall be allocated to public housing agencies ac-  
15 cording to the same funding formula used for other  
16 amounts already made available in fiscal year 2008, and  
17 not later than 120 days after enactment of this Act: *Pro-*  
18 *vided further*, That in selecting projects to be funded, pub-  
19 lic housing agencies shall give priority to capital projects  
20 for which contract awards based on competitive bids can  
21 be executed within 120 days of enactment of this Act.

## 1 CHAPTER 6—ENERGY DEVELOPMENT

## 2 DEPARTMENT OF ENERGY

## 3 ENERGY EFFICIENCY AND RENEWABLE ENERGY

4 For an additional amount for “Energy Efficiency and  
5 Renewable Energy”, \$500,000,000, to remain available  
6 until September 30, 2009: *Provided*, That funds shall be  
7 available for expenses necessary for energy efficiency and  
8 renewable energy research and development and dem-  
9 onstration activities to accelerate the development of tech-  
10 nologies that will diversify the nation’s energy portfolio  
11 and contribute to a reliable, domestic energy supply.

## 12 ELECTRICITY DELIVERY AND ENERGY RELIABILITY

13 For an additional amount for “Electricity Delivery  
14 and Energy Reliability”, \$100,000,000, to remain avail-  
15 able until September 30, 2009: *Provided*, That funds shall  
16 be available for expenses necessary for electricity delivery  
17 and energy reliability activities to modernize the electric  
18 grid, enhance security and reliability of the energy infra-  
19 structure, and facilitate recovery from disruptions to the  
20 energy supply.

## 21 ADVANCED BATTERY LOAN GUARANTEE PROGRAM

## 22 ACCOUNT

23 For the cost of guaranteed loans as authorized by  
24 section 135 of the Energy Independence and Security Act  
25 of 2007 (Public Law 110–140; 42 U.S.C. 17012),

1 \$1,000,000,000 to remain available until expended: *Pro-*  
2 *vided*, That of such amount, \$5,000,000 shall be used for  
3 administrative expenses in carrying out the guaranteed  
4 loan program: *Provided further*, That commitments for  
5 guaranteed loans using such amount shall not exceed  
6 \$3,333,000,000 in total loan principal: *Provided further*,  
7 That the cost of such loans, including the cost of modi-  
8 fying such loans, shall be as defined in section 502 of the  
9 Congressional Budget Act of 1974.

10 TITLE II—UNEMPLOYMENT COMPENSATION

11 AND JOB TRAINING

12 CHAPTER 1—EXTENSION OF UNEMPLOYMENT

13 COMPENSATION

14 ADDITIONAL FIRST-TIER BENEFITS

15 SEC. 2101. Section 4002(b)(1) of the Supplemental  
16 Appropriations Act, 2008 (26 U.S.C. 3304 note) is  
17 amended—

18 (1) in subparagraph (A), by striking “50” and  
19 inserting “80”; and

20 (2) in subparagraph (B), by striking “13” and  
21 inserting “20”.

22 SECOND-TIER BENEFITS

23 SEC. 2102. Section 4002 of the Supplemental Appro-  
24 priations Act, 2008 (26 U.S.C. 3304 note) is amended by  
25 adding at the end the following:

26 “(c) SPECIAL RULE.—

1           “(1) IN GENERAL.—If, at the time that the  
2           amount established in an individual’s account under  
3           subsection (b)(1) is exhausted or at any time there-  
4           after, such individual’s State is in an extended ben-  
5           efit period (as determined under paragraph (2)),  
6           such account shall be augmented by an amount  
7           equal to the lesser of—

8                   “(A) 50 percent of the total amount of  
9                   regular compensation (including dependents’ al-  
10                  lowances) payable to the individual during the  
11                  individual’s benefit year under the State law, or

12                   “(B) 13 times the individual’s average  
13                  weekly benefit amount (as determined under  
14                  subsection (b)(2)) for the benefit year.

15           “(2) EXTENDED BENEFIT PERIOD.—For pur-  
16           poses of paragraph (1), a State shall be considered  
17           to be in an extended benefit period, as of any given  
18           time, if—

19                   “(A) such a period is then in effect for  
20                  such State under the Federal-State Extended  
21                  Unemployment Compensation Act of 1970;

22                   “(B) such a period would then be in effect  
23                  for such State under such Act if section 203(d)  
24                  of such Act—

1 “(i) were applied by substituting ‘4’  
2 for ‘5’ each place it appears; and

3 “(ii) did not include the requirement  
4 under paragraph (1)(A) thereof; or

5 “(C) such a period would then be in effect  
6 for such State under such Act if—

7 “(i) section 203(f) of such Act were  
8 applied to such State (regardless of wheth-  
9 er the State by law had provided for such  
10 application); and

11 “(ii) such section 203(f)—

12 “(I) were applied by substituting  
13 ‘6.0’ for ‘6.5’ in paragraph (1)(A)(i)  
14 thereof; and

15 “(II) did not include the require-  
16 ment under paragraph (1)(A)(ii)  
17 thereof.

18 “(3) LIMITATION.—The account of an indi-  
19 vidual may be augmented not more than once under  
20 this subsection.”.

21 PHASEOUT PROVISIONS

22 SEC. 2103. Section 4007(b) of the Supplemental Ap-  
23 propriations Act, 2008 (26 U.S.C. 3304 note) is amend-  
24 ed—

25 (1) in paragraph (1), by striking “paragraph  
26 (2),” and inserting “paragraphs (2) and (3),”; and

1           (2) by striking paragraph (2) and inserting the  
2 following:

3           “(2) NO AUGMENTATION AFTER MARCH 31,  
4 2009.—If the amount established in an individual’s  
5 account under subsection (b)(1) is exhausted after  
6 March 31, 2009, then section 4002(c) shall not  
7 apply and such account shall not be augmented  
8 under such section, regardless of whether such indi-  
9 vidual’s State is in an extended benefit period (as  
10 determined under paragraph (2) of such section).

11           “(3) TERMINATION.—No compensation under  
12 this title shall be payable for any week beginning  
13 after August 27, 2009.”.

14                               EFFECTIVE DATE

15       SEC. 2104. (a) IN GENERAL.—The amendments  
16 made by this chapter shall apply as if included in the en-  
17 actment of the Supplemental Appropriations Act, 2008,  
18 subject to subsection (b).

19       (b) ADDITIONAL BENEFITS.—In applying the amend-  
20 ments made by sections 2101 and 2102, any additional  
21 emergency unemployment compensation made payable by  
22 such amendments (which would not otherwise have been  
23 payable if such amendments had not been enacted) shall  
24 be payable only with respect to any week of unemployment  
25 beginning on or after the date of the enactment of this  
26 Act.

1                   CHAPTER 2—JOB TRAINING  
2                   DEPARTMENT OF LABOR  
3           EMPLOYMENT AND TRAINING ADMINISTRATION  
4           TRAINING AND EMPLOYMENT SERVICES  
5           For an additional amount for “Training and Employ-  
6 ment Services” for activities under the Workforce Invest-  
7 ment Act of 1998, \$400,000,000, to remain available  
8 through June 30, 2009, of which \$200,000,000 is for  
9 grants to the States for dislocated worker employment and  
10 training activities and \$200,000,000 is for grants to the  
11 States for youth activities: *Provided*, That no portion of  
12 such funds shall be reserved to carry out section  
13 127(b)(1)(A) or section 128(a) of such Act: *Provided fur-*  
14 *ther*, That the work readiness performance indicator de-  
15 scribed in section 136(b)(2)(A)(ii)(I) of such Act shall be  
16 the only measure of performance used to assess the effec-  
17 tiveness of youth activities provided with such funds: *Pro-*  
18 *vided further*, That, with respect to the youth activities  
19 provided with such funds, section 101(13)(A) of such Act  
20 shall be applied by substituting “age 24” for “age 21”.  
21           STATE UNEMPLOYMENT INSURANCE AND EMPLOYMENT  
22           SERVICE OPERATIONS  
23           For an additional amount for “State Unemployment  
24 Insurance and Employment Service Operations” for  
25 grants to the States for reemployment services in accord-

1 ance with section 6 of the Wagner-Peyser Act,  
2 \$100,000,000, which may be expended from the Employ-  
3 ment Security Administration Account in the Unemploy-  
4 ment Trust Fund, and which shall remain available  
5 through September 30, 2009: *Provided*, That, with respect  
6 to such funds, section 6(b)(1) of such Act shall be applied  
7 by substituting “one-third” for “two-thirds” in subpara-  
8 graph (A), with the remaining one-third of the sums to  
9 be allotted in accordance with section 132(b)(2)(B)(ii)(III)  
10 of the Workforce Investment Act of 1998.

11 TITLE III—TEMPORARY INCREASE IN  
12 MEDICAID MATCHING RATE

13 TEMPORARY INCREASE OF MEDICAID FMAP FOR 14  
14 MONTHS

15 SEC. 3001. (a) PERMITTING MAINTENANCE OF FIS-  
16 CAL YEAR 2008 OR 2009 FMAP.—Subject to subsections  
17 (d), (e), and (f), if the FMAP determined without regard  
18 to this section for a State for—

19 (1) fiscal year 2009 is less than the FMAP as  
20 so determined for fiscal year 2008, the FMAP for  
21 the State for fiscal year 2008 shall be substituted  
22 for the State’s FMAP for fiscal year 2009, before  
23 the application of this section; or

24 (2) fiscal year 2010 is less than the FMAP as  
25 so determined for fiscal year 2009, the FMAP for



1 the State for fiscal year 2009 shall be substituted  
2 for the State's FMAP for fiscal year 2010, before  
3 the application of this section, but only for the por-  
4 tion of the first calendar quarter in fiscal year 2010  
5 before December 1, 2009.

6 (b) GENERAL 1 PERCENTAGE POINT INCREASE.—

7 (1) IN GENERAL.—Subject to subsections (d),  
8 (e), and (f), for each State for fiscal year 2009 and  
9 the portion of the first calendar quarter in fiscal  
10 year 2010 before December 1, 2009, the FMAP  
11 (taking into account the application of subsection (a)  
12 and before the application of subsection (c)) shall be  
13 increased by 1 percentage point.

14 (2) INCREASE IN CAP ON MEDICAID PAYMENTS  
15 TO TERRITORIES.—Subject to subsections (e) and  
16 (f), with respect to fiscal year 2009 and with respect  
17 to fiscal year 2010 in proportion to the portion of  
18 the fiscal year that occurs during the first calendar  
19 quarter before December 1, 2009, the amounts oth-  
20 erwise determined for Puerto Rico, the Virgin Is-  
21 lands, Guam, the Northern Mariana Islands, and  
22 American Samoa under subsections (f) and (g) of  
23 section 1108 of the Social Security Act (42 U.S.C.  
24 1308) shall each be increased by 4 percent.

1           (c) ADDITIONAL PERCENTAGE POINTS INCREASE  
2 FOR QUALIFYING STATES.—

3           (1) IN GENERAL.—Subject to subsections (d),  
4 (e), and (f), in the case of a State that is 1 of the  
5 50 States or the District of Columbia, if the State  
6 is awarded a total of—

7           (A) 3 or more points under paragraph (2)  
8 for a calendar quarter in fiscal year 2009 or for  
9 the first calendar quarter in fiscal year 2010,  
10 then for that calendar quarter or, in the case  
11 the State is awarded such points for the cal-  
12 endar quarter in fiscal year 2010, for the por-  
13 tion of such quarter before December 1, 2009,  
14 (and each succeeding calendar quarter, if any,  
15 in fiscal year 2009 and the portion of the first  
16 calendar quarter in fiscal year 2010 before De-  
17 cember 1, 2009) the FMAP (taking into ac-  
18 count the application of subsections (a) and  
19 (b)(1)) shall be further increased by 3 percent-  
20 age points; or

21           (B) 2 points under paragraph (2) for a  
22 calendar quarter in fiscal year 2009 or in the  
23 first calendar quarter in fiscal year 2010 and  
24 has not been awarded 3 or more points under  
25 such paragraph for a previous calendar quarter

1 in fiscal year 2009, then for that calendar quar-  
2 ter or, in the case the State is awarded such  
3 points for the calendar quarter in fiscal year  
4 2010, for the portion of such quarter before  
5 December 1, 2009, (and each succeeding cal-  
6 endar quarter, if any, in fiscal year 2009 and  
7 the portion of the first calendar quarter in fis-  
8 cal year 2010 before December 1, 2009) the  
9 FMAP (taking into account the application of  
10 subsections (a) and (b)(1)) shall be further in-  
11 creased by 1 percentage point.

12 (2) AWARDING OF POINTS BASED ON QUALI-  
13 FYING CRITERIA.—For purposes of paragraph (1),  
14 each State shall be awarded points for a calendar  
15 quarter equal to the total of the points awarded  
16 under each of the following subparagraphs:

17 (A) REDUCTION IN EMPLOYMENT.—

18 (i) IN GENERAL.—A State shall be  
19 awarded under this subparagraph—

20 (I) 2 points if the State's employ-  
21 ment for the quarter decreased or if  
22 such employment for the quarter in-  
23 creased but by not more than 0.25  
24 percent; or

1 (II) 1 point if the State's employ-  
2 ment for the quarter increased by  
3 more than 0.25 percent but by less  
4 than 2.0 percent.

5 (ii) MEASUREMENT OF EMPLOY-  
6 MENT.—For purposes of clause (i), an in-  
7 crease or decrease in a State's employment  
8 for a quarter shall be measured by com-  
9 paring—

10 (I) the average total nonfarm em-  
11 ployment for the State in the 3 most  
12 recent months, as determined based  
13 on the most recent monthly publica-  
14 tions of the Current Employer Statis-  
15 tics Survey of the Bureau of Labor  
16 Statistics available as of the first day  
17 of the quarter; to

18 (II) the average total nonfarm  
19 employment for the State in the same  
20 months two years earlier, as so deter-  
21 mined.

22 (B) INCREASE IN FOOD STAMPS OR SUP-  
23 PLEMENTAL NUTRITION ASSISTANCE PROGRAM  
24 PARTICIPATION.—

1 (i) IN GENERAL.—A State shall be  
2 awarded under this subparagraph 1 point  
3 if the State’s food stamp or Supplemental  
4 Nutrition Assistance Program participation  
5 for the quarter increased by more than 4  
6 percent.

7 (ii) FOOD STAMP OR SUPPLEMENTAL  
8 NUTRITION ASSISTANCE PROGRAM PARTICI-  
9 PATION.—For purposes of clause (i), an in-  
10 crease in a State’s food stamp or Supple-  
11 mental Nutrition Assistance Program par-  
12 ticipation for a quarter shall be measured  
13 by comparing—

14 (I) the average monthly partici-  
15 pation by persons in food stamps or  
16 the Supplemental Nutrition Assist-  
17 ance Program under the Food and  
18 Nutrition Act of 2008 (7 U.S.C. 2011  
19 et seq.) for the State in the 3 most re-  
20 cent months, as determined based on  
21 the most recent monthly publications  
22 of Food and Nutrition Service Data of  
23 the Department of Agriculture avail-  
24 able as of the first day of the quarter,  
25 adjusted for participation in disaster

1 programs under section 5(h) of the  
2 Food and Nutrition Act of 2008 (7.  
3 U.S.C. 2014(h)); to

4 (II) the average monthly partici-  
5 pation by persons in food stamps or  
6 the Supplemental Nutrition Assist-  
7 ance Program for the State in the  
8 same months two years earlier, as so  
9 determined.

10 (C) INCREASE IN FORECLOSURES.—

11 (i) IN GENERAL.—A State shall be  
12 awarded under this subparagraph —

13 (I) 2 points if the State's fore-  
14 closure rate for the quarter increased  
15 by greater than 200 percent; or

16 (II) 1 point if the State's fore-  
17 closure rate increased by greater than  
18 60 percent, but not more than 200  
19 percent.

20 (ii) FORECLOSURE RATE.—For pur-  
21 poses of clause (i), an increase in a State's  
22 foreclosure rate for a quarter shall be  
23 measured by comparing—

24 (I) the percentage of total mort-  
25 gages in foreclosure for the State for

1 the most recent quarter, as deter-  
2 mined by the Board of Governors of  
3 the Federal Reserve System based on  
4 the most recent satisfactory data  
5 available to such Board available as of  
6 the first day of the quarter; to

7 (II) such percentage for the  
8 State for the same quarter two years  
9 earlier, as so determined.

10 (d) SCOPE OF APPLICATION.—The increases in the  
11 FMAP for a State under this section shall apply only for  
12 purposes of title XIX of the Social Security Act and shall  
13 not apply with respect to—

14 (1) disproportionate share hospital payments  
15 described in section 1923 of such Act (42 U.S.C.  
16 1396r-4);

17 (2) payments under title IV or XXI of such Act  
18 (42 U.S.C. 601 et seq. and 1397aa et seq.); or

19 (3) any payments under title XIX of such Act  
20 that are based on the enhanced FMAP described in  
21 section 2105(b) of such Act (42 U.S.C. 1397ee(b)).

22 (e) STATE INELIGIBILITY.—

23 (1) IN GENERAL.—Subject to paragraph (2), a  
24 State is not eligible for an increase in its FMAP  
25 under subsection (b)(1) or (c), or an increase in a

1 cap amount under subsection (b)(2), if eligibility  
2 standards, methodologies, or procedures under its  
3 State plan under title XIX of the Social Security Act  
4 (including any waiver under such title or under sec-  
5 tion 1115 of such Act (42 U.S.C. 1315)) are more  
6 restrictive than the eligibility standards, methodolo-  
7 gies, or procedures, respectively, under such plan (or  
8 waiver) as in effect on July 1, 2008.

9 (2) STATE REINSTATEMENT OF ELIGIBILITY  
10 PERMITTED.—A State that has restricted eligibility  
11 standards, methodologies, or procedures under its  
12 State plan under title XIX of the Social Security Act  
13 (including any waiver under such title or under sec-  
14 tion 1115 of such Act (42 U.S.C. 1315)) after July  
15 1, 2008, is no longer ineligible under paragraph (1)  
16 beginning with the first calendar quarter in which  
17 the State has reinstated eligibility standards, meth-  
18 odologies, or procedures that are no more restrictive  
19 than the eligibility standards, methodologies, or pro-  
20 cedures, respectively, under such plan (or waiver) as  
21 in effect on July 1, 2008.

22 (3) RULE OF CONSTRUCTION.—Nothing in  
23 paragraph (1) or (2) shall be construed as affecting  
24 a State's flexibility with respect to benefits offered  
25 under the State Medicaid program under title XIX



1 of the Social Security Act (42 U.S.C. 1396 et seq.)  
2 (including any waiver under such title or under sec-  
3 tion 1115 of such Act (42 U.S.C. 1315)).

4 (f) REQUIREMENT FOR CERTAIN STATES.—In the  
5 case of a State that requires political subdivisions within  
6 the State to contribute toward the non-Federal share of  
7 expenditures under the State Medicaid plan required  
8 under section 1902(a)(2) of the Social Security Act (42  
9 U.S.C. 1396a(a)(2)), the State is not eligible for an in-  
10 crease in its FMAP under subsection (b)(1) or (c), or an  
11 increase in a cap amount under subsection (b)(2), if it  
12 requires that such political subdivisions pay a greater per-  
13 centage of the non-Federal share of such expenditures for  
14 fiscal year 2009, than the percentage that would have been  
15 required by the State under such plan on September 30,  
16 2008, prior to application of this section.

17 (g) DEFINITIONS.—In this section:

18 (1) FMAP.—The term “FMAP” means the  
19 Federal medical assistance percentage, as defined in  
20 section 1905(b) of the Social Security Act (42  
21 U.S.C. 1396d(b)).

22 (2) STATE.—The term “State” has the mean-  
23 ing given such term for purposes of title XIX of the  
24 Social Security Act (42 U.S.C. 1396 et seq.).

1 (h) REPEAL.—Effective as of October 1, 2010, this  
2 section is repealed.

3 ADJUSTMENT IN COMPUTATION OF MEDICAID FMAP TO  
4 DISREGARD AN EXTRAORDINARY EMPLOYER PEN-  
5 SION CONTRIBUTION

6 SEC. 3002. (a) IN GENERAL.—Only for purposes of  
7 computing the FMAP (as defined in subsection (e)) for  
8 a State for a fiscal year (beginning with fiscal year 2006)  
9 and applying the FMAP under title XIX of the Social Se-  
10 curity Act, any significantly disproportionate employer  
11 pension or insurance fund contribution described in sub-  
12 section (b) shall be disregarded in computing the per cap-  
13 ita income of such State, but shall not be disregarded in  
14 computing the per capita income for the continental  
15 United States (and Alaska) and Hawaii.

16 (b) SIGNIFICANTLY DISPROPORTIONATE EMPLOYER  
17 PENSION AND INSURANCE FUND CONTRIBUTION.—

18 (1) IN GENERAL.—For purposes of this section,  
19 a significantly disproportionate employer pension  
20 and insurance fund contribution described in this  
21 subsection with respect to a State is any identifiable  
22 employer contribution towards pension or other em-  
23 ployee insurance funds that is estimated to accrue to  
24 residents of such State for a calendar year (begin-  
25 ning with calendar year 2003) if the increase in the  
26 amount so estimated exceeds 25 percent of the total

1 increase in personal income in that State for the  
2 year involved.

3 (2) DATA TO BE USED.—For estimating and  
4 adjusting a FMAP already calculated as of the date  
5 of the enactment of this Act for a State with a sig-  
6 nificantly disproportionate employer pension and in-  
7 surance fund contribution, the Secretary of Health  
8 and Human Services shall use the personal income  
9 data set originally used in calculating such FMAP.

10 (3) SPECIAL ADJUSTMENT FOR NEGATIVE  
11 GROWTH.—If in any calendar year the total personal  
12 income growth in a State is negative, an employer  
13 pension and insurance fund contribution for the pur-  
14 poses of calculating the State's FMAP for a cal-  
15 endar year shall not exceed 125 percent of the  
16 amount of such contribution for the previous cal-  
17 endar year for the State.

18 (c) HOLD HARMLESS.—No State shall have its  
19 FMAP for a fiscal year reduced as a result of the applica-  
20 tion of this section.

21 (d) REPORT.—Not later than 3 months after the date  
22 of the enactment of this Act, the Secretary of Health and  
23 Human Services shall submit to Congress a report on the  
24 problems presented by the current treatment of pension  
25 and insurance fund contributions in the use of Bureau of

1 Economic Affairs calculations for the FMAP and for Med-  
2 icaid and on possible alternative methodologies to mitigate  
3 such problems.

4 (e) FMAP DEFINED.—For purposes of this section,  
5 the term “FMAP” means the Federal medical assistance  
6 percentage, as defined in section 1905(b) of the Social Se-  
7 curity Act (42 U.S.C. 1396(d)).

8 TITLE IV—TEMPORARY INCREASE IN FOOD  
9 ASSISTANCE

10 TEMPORARY INCREASE IN BENEFITS UNDER THE  
11 SUPPLEMENTAL NUTRITION ASSISTANCE PROGRAM

12 SEC. 4001. (a) MAXIMUM BENEFIT INCREASE.—

13 (1) IN GENERAL.—Beginning the first month  
14 that begins not less than 25 days after the date of  
15 enactment of this Act, the value of benefits deter-  
16 mined under section 8(a) of the Food and Nutrition  
17 Act of 2008 and consolidated block grants for Puer-  
18 to Rico and American Samoa determined under sec-  
19 tion 19(a) of such Act shall be calculated using 105  
20 percent of the June 2008 value of the thrifty food  
21 plan as specified under section 3(o) of such Act.

22 (2) TERMINATION.—The authority provided by  
23 this subsection shall terminate after September 30,  
24 2009.

1 (b) REQUIREMENTS FOR THE SECRETARY.—In car-  
2 rying out this section, the Secretary shall—

3 (1) consider the benefit increases described in  
4 subsection (a) to be a “mass change”;

5 (2) require a simple process for States to notify  
6 households of the increase in benefits;

7 (3) consider section 16(c)(3)(A) of the Food  
8 and Nutrition Act of 2008 (7 U.S.C. 2025(c)(3)(A))  
9 to apply to any errors in the implementation of this  
10 section, without regard to the 120-day limit de-  
11 scribed in that section; and

12 (4) have the authority to take such measures as  
13 necessary to ensure the efficient administration of  
14 the benefits provided in this section.

15 (c) STATE ADMINISTRATIVE EXPENSES.—

16 (1) IN GENERAL.—For the costs of State ad-  
17 ministrative expenses associated with carrying out  
18 this section, the Secretary shall make available  
19 \$50,000,000.

20 (2) AVAILABILITY OF FUNDS.—Funds described  
21 in paragraph (1) shall be made available as grants  
22 to State agencies based on each State’s share of  
23 households that participate in the Supplemental Nu-  
24 trition Assistance Program as reported to the De-

1       partment of Agriculture for the 12-month period  
2       ending with June, 2008.

3       (d) FUNDING.—There is appropriated to the Sec-  
4       retary of Agriculture such sums as are necessary to carry  
5       out this section.

## 6                   TITLE V—GENERAL PROVISIONS

### 7                                   SHORT TITLE

8       SEC. 5001. This Act may be cited as the “Job Cre-  
9       ation and Unemployment Relief Act of 2008”.

### 10                                   PROHIBITION

11       SEC. 5002. Notwithstanding any other provision of  
12       this Act, none of the funds made available in this Act may  
13       be used to employ workers in violation of section 274A  
14       of the Immigration and Nationality Act (8 U.S.C. 1324a).

### 15                                   EMERGENCY DESIGNATION

16       SEC. 5003. Each amount in each title of this Act is  
17       designated as an emergency requirement and necessary to  
18       meet emergency needs pursuant to section 204(a) of S.  
19       Con. Res. 21 (110th Congress) and section 301(b)(2) of  
20       S. Con. Res. 70 (110th Congress), the concurrent resolu-  
21       tions on the budget for fiscal years 2008 and 2009.

### 22                                   SUPPLEMENTAL APPROPRIATIONS

23       SEC. 5004. Unless otherwise expressly provided, each  
24       amount in this Act is made available in addition to  
25       amounts otherwise available for fiscal year 2009.