

## American Recovery and Reinvestment Act of 2009

Public Law 111-\_\_\_ (H.R. 1), February 17, 2009; 123 Stat. \_\_\_

Note: Below are excerpts from the text of H.R. 1, the "American Recovery and Reinvestment Act of 2009", as posted by the Government Printing Office at <http://www.conferencereport.gpoaccess.gov/DefaultN.aspx?AspxAutoDetectCookieSupport=1>. These excerpts are parts of the Act that relate to programs administered by the U.S. Department of Education (other than the State Fiscal Stabilization Fund, which is provided in a separate document). The U.S. Department of Education has posted this information as a courtesy to readers. The official (and controlling) text of H.R. 1 will be printed as a public law, and the official text of the conference report will be printed as House (Conference) Report 111-16.

The Act was signed into law February 17, 2009. This document was posted February 18, 2009.

### Education for the Disadvantaged

For an additional amount for "Education for the Disadvantaged" to carry out title I of the Elementary and Secondary Education Act of 1965 ("ESEA"), \$13,000,000,000: *Provided*, That \$5,000,000,000 shall be available for targeted grants under section 1125 of the ESEA: *Provided further*, That \$5,000,000,000 shall be available for education finance incentive grants under section 1125A of the ESEA: *Provided further*, That \$3,000,000,000 shall be for school improvement grants under section 1003(g) of the ESEA: *Provided further*, That each local educational agency receiving funds available under this paragraph shall be required to file with the State educational agency, no later than December 1, 2009, a school-by-school listing of per-pupil educational expenditures from State and local sources during the 2008-2009 academic year: *Provided further*, That each State educational agency shall report that information to the Secretary of Education by March 31, 2010.

### Impact Aid

For an additional amount for "Impact Aid" to carry out section 8007 of title VIII of the Elementary and Secondary Education Act of 1965, \$100,000,000, which shall be expended pursuant to the requirements of section 805.

### SEC. 805. Grants for Impact Aid Construction.

(a) RESERVATION FOR MANAGEMENT AND OVERSIGHT. From the funds appropriated to carry out this section, the Secretary may reserve up to 1 percent for management and oversight of the activities carried out with those funds.

(b) CONSTRUCTION PAYMENTS.

(1) FORMULA GRANTS.

(A) IN GENERAL. From 40 percent of the amount not reserved under subsection (a), the Secretary shall make payments in accordance with section 8007(a) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7707(a)), except that the amount of such payments shall be determined in accordance with subparagraph (B).

(B) AMOUNT OF PAYMENTS. The Secretary shall make a payment to each local educational agency eligible for a payment under section 8007(a) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7707(a)) in an amount that bears the same relationship to the funds made available under subparagraph (A) as the number of children determined under subparagraphs (B), (C), and (D)(i) of section 8003(a)(1) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7703(a)(1)(B), (C), and (D)(i)) who were in average daily attendance in the local educational agency for the most recent year for which such information is available bears to the number of such children in all the local educational agencies eligible for a payment under section 8007(a) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7707(a)).

(2) COMPETITIVE GRANTS. From 60 percent of the amount not reserved under subsection (a), the Secretary—

(A) shall award emergency grants in accordance with section 8007(b) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7707(b)) to eligible local educational agencies to enable the agencies to carry out emergency repairs of school facilities; and

(B) may award modernization grants in accordance with section 8007(b) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7707(b)) to eligible local educational agencies to enable the agencies to carry out the modernization of school facilities.

(3) PROVISIONS NOT TO APPLY. Paragraphs (2), (3), (4), (5)(A)(i), and (5)(A)(vi) of section 8007(b) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7707(b)(2), (3), (4), (5)(A)(i), and (5)(A)(vi)) shall not apply to grants made under paragraph (2).

(4) ELIGIBILITY. A local educational agency is eligible to receive a grant under paragraph (2) if the local educational agency—

(A) was eligible to receive a payment under section 8002 or 8003 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7702 and 7703) for fiscal year 2008; and

(B) has—

(i) a total taxable assessed value of real property that may be taxed for school purposes of less than \$100,000,000; or

(ii) an assessed value of real property per student that may be taxed for school purposes that is less than the average of the assessed value of real property per student that may be taxed for school purposes in the State in which the local educational agency is located.

(5) CRITERIA FOR GRANTS. In awarding grants under paragraph (2), the Secretary shall consider the following criteria:

(A) Whether the facility poses a health or safety threat to students and school personnel, including noncompliance with building codes and inaccessibility for persons with disabilities, or whether the existing building capacity meets the needs of the current enrollment and supports the provision of comprehensive educational services to meet current standards in the State in which the local educational agency is located.

- (B) The extent to which the new design and proposed construction utilize energy efficient and recyclable materials.
- (C) The extent to which the new design and proposed construction utilizes non-traditional or alternative building methods to expedite construction and project completion and maximize cost efficiency.
- (D) The feasibility of project completion within 24 months from award.
- (E) The availability of other resources for the proposed project.

### **School Improvement Programs**

For an additional amount for "School Improvement Programs" to carry out subpart 1, part D of title II of the Elementary and Secondary Education Act of 1965 ("ESEA"), and subtitle B of title VII of the McKinney-Vento Homeless Assistance Act, \$720,000,000: *Provided*, That \$650,000,000 shall be available for subpart 1, part D of title II of the ESEA: *Provided further*, That the Secretary shall allot \$70,000,000 for grants under McKinney-Vento to each State in proportion to the number of homeless students identified by the State during the 2007-2008 school year relative to the number of such children identified nationally during that school year: *Provided further*, That State educational agencies shall subgrant the McKinney-Vento funds to local educational agencies on a competitive basis or according to a formula based on the number of homeless students identified by the local educational agencies in the State: *Provided further*, That the Secretary shall distribute the McKinney-Vento funds to the States not later than 60 days after the date of the enactment of this Act: *Provided further*, That each State shall subgrant the McKinney-Vento funds to local educational agencies not later than 120 days after receiving its grant from the Secretary.

### **Innovation and Improvement**

For an additional amount for "Innovation and Improvement" to carry out subpart 1, part D of title V of the Elementary and Secondary Education Act of 1965 ("ESEA"), \$200,000,000: *Provided*, That these funds shall be expended as directed in the fifth, sixth, and seventh provisos under the heading "Innovation and Improvement" in the Department of Education Appropriations Act, 2008: *Provided further*, That a portion of these funds shall also be used for a rigorous national evaluation by the Institute of Education Sciences, utilizing randomized controlled methodology to the extent feasible, that assesses the impact of performance-based teacher and principal compensation systems supported by the funds provided in this Act on teacher and principal recruitment and retention in high-need schools and subjects: *Provided further*, That the Secretary may reserve up to 1 percent of the amount made available under this heading for management and oversight of the activities supported with those funds.

### **Special Education**

For an additional amount for "Special Education" for carrying out parts B and C of the Individuals with Disabilities Education Act ("IDEA"), \$12,200,000,000, of which \$11,300,000,000 shall be available for section 611 of the IDEA: *Provided*, That if every State, as defined by section 602(31) of the IDEA, reaches its maximum allocation under section 611(d)(3)(B)(iii) of the IDEA, and there are remaining funds, such funds shall be proportionally allocated to each State subject to the maximum amounts contained in section 611(a)(2) of the IDEA: *Provided further*, That by July 1, 2009, the Secretary of

Education shall reserve the amount needed for grants under section 643(e) of the IDEA, with any remaining funds to be allocated in accordance with section 643(c) of the IDEA: *Provided further*, That the total amount for each of sections 611(b)(2) and 643(b)(1) of the IDEA, under this and all other Acts, for fiscal year 2009, whenever enacted, shall be equal to the amounts respectively available for these activities under these sections during fiscal year 2008 increased by the amount of inflation as specified in section 619(d)(2)(B) of the IDEA: *Provided further*, That \$400,000,000 shall be available for section 619 of the IDEA and \$500,000,000 shall be available for part C of the IDEA.

### **Rehabilitation Services and Disability Research**

For an additional amount for "Rehabilitation Services and Disability Research" for providing grants to States to carry out the Vocational Rehabilitation Services program under part B of title I and parts B and C of chapter 1 and chapter 2 of title VII of the Rehabilitation Act of 1973, \$680,000,000: *Provided*, That \$540,000,000 shall be available for part B of title I of the Rehabilitation Act: *Provided further*, That funds provided herein shall not be considered in determining the amount required to be appropriated under section 100(b)(1) of the Rehabilitation Act of 1973 in any fiscal year: *Provided further*, That, notwithstanding section 7(14)(A), the Federal share of the costs of vocational rehabilitation services provided with the funds provided herein shall be 100 percent: *Provided further*, That \$140,000,000 shall be available for parts B and C of chapter 1 and chapter 2 of title VII of the Rehabilitation Act: *Provided further*, That \$18,200,000 shall be for State Grants, \$87,500,000 shall be for independent living centers, and \$34,300,000 shall be for services for older blind individuals.

### **Student Financial Assistance**

For an additional amount for "Student Financial Assistance" to carry out subpart 1 of part A and part C of title IV of the Higher Education Act of 1965 ("HEA"), \$15,840,000,000, which shall remain available through September 30, 2011: *Provided*, That \$15,640,000,000 shall be available for subpart 1 of part A of title IV of the HEA: *Provided further*, That \$200,000,000 shall be available for part C of title IV of the HEA. The maximum Pell Grant for which a student shall be eligible during award year 2009-2010 shall be \$4,860.

### **SEC. 806. Mandatory Pell Grants.**

Section 401(b)(9)(A) of the Higher Education Act of 1965 (20 U.S.C. 1070a(b)(9)(A)) is amended—

- (1) in clause (ii), by striking "\$2,090,000,000" and inserting "\$2,733,000,000"; and
- (2) in clause (iii), by striking "\$3,030,000,000" and inserting "\$3,861,000,000".

### **Student Aid Administration**

For an additional amount for "Student Aid Administration" to carry out part D of title I, and subparts 1, 3, and 4 of part A, and parts B, C, D, and E of title IV of the Higher Education Act of 1965, \$60,000,000.

### **Higher Education**

For an additional amount for "Higher Education" to carry out part A of title II of the Higher Education Act of 1965, \$100,000,000.

### **Institute of Education Sciences**

For an additional amount for "Institute of Education Sciences" to carry out section 208 of the Educational Technical Assistance Act, \$250,000,000, which may be used for Statewide data systems that include postsecondary and workforce information, of which up to \$5,000,000 may be used for State data coordinators and for awards to public or private organizations or agencies to improve data coordination.

### **Departmental Management**

#### **Office of the Inspector General**

For an additional amount for the "Office of the Inspector General", \$14,000,000, which shall remain available through September 30, 2012, for salaries and expenses necessary for oversight and audit of programs, grants, and projects funded in this Act.

## **GENERAL PROVISIONS – THIS TITLE**

### **SEC. 807.**

(a) IN GENERAL. Notwithstanding any other provision of law, and in order to begin expenditures and activities under this Act as quickly as possible consistent with prudent management, the Secretary of Education may—

(1) award fiscal year 2009 funds to States and local educational agencies on the basis of eligibility determinations made for the award of fiscal year 2008 funds; and

(2) require States to make prompt allocations to local educational agencies.

(b) INTEREST NOT TO ACCRUE. Notwithstanding sections 3335 and 6503 of title 31, United States Code, or any other provision of law, the United States shall not be liable to any State or other entity for any interest or fee with respect to any funds under this Act that are allocated by the Secretary of Education to the State or other entity within 30 days of the date on which they are available for obligation.

[END]