

Amendment Offered by
Mr. McDermott
to HR 1424

110TH CONGRESS
21ST SESSION

~~H. R. 7110~~

*-Insert where
appropriate*

~~AN ACT~~

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

1 any money in the Treasury not otherwise appropriated,
2 for the fiscal year ending September 30, 2009, and for
3 other purposes, namely:

4 TITLE I—INFRASTRUCTURE INVESTMENTS

5 CHAPTER 1—TRANSPORTATION

6 DEPARTMENT OF TRANSPORTATION

7 FEDERAL AVIATION ADMINISTRATION

8 GRANTS-IN-AID FOR AIRPORTS

9 (AIRPORT AND AIRWAY TRUST FUND)

10 For an additional amount for “Grants-in-Aid for Air-
11 ports”, to enable the Secretary of Transportation to make
12 discretionary grants as authorized by subchapter I of
13 chapter 471 and subchapter I of chapter 475 of title 49,
14 United States Code, \$600,000,000, to be derived from the
15 Airport and Airway Trust Fund and to remain available
16 until September 30, 2009: *Provided*, That in selecting
17 projects to be funded, priority shall be given to airport
18 projects that can award contracts based on bids within
19 120 days of enactment of this Act.

20 FEDERAL HIGHWAY ADMINISTRATION

21 HIGHWAY INFRASTRUCTURE INVESTMENT

22 For projects and activities eligible under section 133
23 of title 23, United States Code (without regard to sub-
24 section (d)), section 144 of such title (without regard to
25 subsection (g)), and sections 103, 119, 148, and 149 of

1 such title, \$12,800,000,000, to remain available until Sep-
2 tember 30, 2009: *Provided*, That funds made available
3 under this heading shall be distributed among the States,
4 including Puerto Rico, American Samoa, Guam, the Vir-
5 gin Islands, and the Commonwealth of the Northern Mar-
6 iana Islands, in the same ratio as the obligation limitation
7 for fiscal year 2008 was distributed among the States in
8 accordance with the formula specified in section 120(a)(6)
9 of division K of Public Law 110–161, but, in the case of
10 the Puerto Rico Highway Program and the Territorial
11 Highway Program, under section 120(a)(5) of such divi-
12 sion: *Provided further*, That in selecting projects to be
13 funded, priority shall be given to ready-to-go projects that
14 can award bids within 120 days of enactment of this Act:
15 *Provided further*, That funds made available under this
16 heading shall be administered as if apportioned under
17 chapter 1 of title 23, United States Code: *Provided further*,
18 That the Federal share payable on account of any project
19 or activity carried out with funds made available under
20 this heading shall be 100 percent of the total cost thereof:
21 *Provided further*, That amounts made available under this
22 heading that are not obligated within 180 days after the
23 date of enactment of this Act shall be redistributed, in
24 the manner described in section 120(e) of division K of
25 Public Law 110–161, to those States able to obligate

1 amounts in addition to those previously distributed: *Pro-*
2 *vided further*, That the amount made available under this
3 heading shall not be subject to any limitation on obliga-
4 tions for Federal-aid highways or highway safety construc-
5 tion programs set forth in any Act.

6 FEDERAL RAILROAD ADMINISTRATION

7 CAPITAL AND DEBT SERVICE GRANTS TO THE NATIONAL
8 RAILROAD PASSENGER CORPORATION

9 For an additional amount for "Capital and Debt
10 Service Grants to the National Railroad Passenger Cor-
11 poration", \$500,000,000, to remain available until Sep-
12 tember 30, 2009: *Provided*, That the Secretary of Trans-
13 portation may retain up to one-quarter of 1 percent of
14 the funds made available under this heading to fund the
15 oversight by the Federal Railroad Administration of the
16 design and implementation of capital projects funded by
17 grants made under this heading: *Provided further*, That
18 none of the funds made available under this heading may
19 be used to subsidize operating losses of Amtrak: *Provided*
20 *further*, That none of the funds made available under this
21 heading shall be for debt service obligations: *Provided fur-*
22 *ther*, That in selecting projects to be funded, priority shall
23 be given to Amtrak capital projects that can award con-
24 tracts based on bids within 120 days of enactment of this
25 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(c)(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 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-
2icaid 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-
7curity 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.

1 SUPPLEMENTAL APPROPRIATIONS

2 SEC. 5004. Unless otherwise expressly provided, each
3 amount in this Act is made available in addition to
4 amounts otherwise available for fiscal year 2009.

~~Passed the House of Representatives September 26,
2008.~~

~~Attest:~~

Clerk.

Title VI
Redesignate sections appropriately

1 SEC. 2. TEMPORARY GASOLINE STAMPS FOR VULNERABLE
2 FAMILIES.

3 (a) INCREASE IN FUNDING FOR THE SOCIAL SERV-
4 ICES BLOCK GRANT.—For purposes of subsections (a)
5 and (b) of section 2003 of the Social Security Act, the
6 amount specified in subsection (c) of such section for each
7 of fiscal year ~~2008~~ and 2009 is deemed to be the amount
8 that otherwise applies for purposes of such subsection plus
9 ~~\$2,500,000,000~~ 5,000,000,000.

10 (b) USE OF FUNDS.—To the extent that an amount
11 is paid to a State under section 2002 of the Social Secu-
12 rity Act by reason of subsection (a) of this section, the
13 State shall use the amount only to provide a subsidy to
14 assist individuals who operate motor vehicles and are
15 members of families with incomes that do not exceed 300
16 percent of the Federal poverty line to purchase gasoline,
17 and shall target the subsidy to individuals in families that
18 demonstrate the greatest need for the subsidy, which
19 should be used primarily to purchase gasoline for trans-
20 portation related to employment (including transportation
21 to child care facilities).

22 (c) ELIGIBILITY OF STATES FOR INCREASED FUND-
23 ING.—The Secretary may not make a payment to a State
24 under section 2002 of the Social Security Act by reason
25 of subsection (a), unless the State has submitted to the
26 Secretary a plan which—

1 (1) details the criteria the State will use to de-
2 termine eligibility for the subsidy referred to in sub-
3 section (b);

4 (2) ensures that the subsidy is provided to indi-
5 viduals with the greatest need for the subsidy;

6 (3) describes the procedures which the States
7 will use to reduce fraud or abuse in the provision of
8 the subsidy;

9 (4) prescribes the minimum and maximum
10 amount of the subsidy;

11 (5) describes how and when the subsidy will be
12 provided to eligible individuals; and

13 (6) the identity of the State agency which will
14 administer the program under which the subsidy is
15 to be provided.

16 (d) TREATMENT OF SUBSIDY.—A subsidy provided
17 to an individual pursuant to subsection (b) shall not be
18 considered to be income or a resource for purposes of any
19 Federal or federally assisted program the eligibility for
20 which, or the amount or type of benefits or services pro-
21 vided under which, is based, in whole or in part, on need,
22 shall not be included in gross income for purposes of the
23 Internal Revenue Code of 1986, and shall not be consid-
24 ered assistance provided under a State program funded
25 under part A of title IV of the Social Security Act.

1 (e) GUIDANCE.—The Secretary shall provide guid-
2 ance to assist States with developing the plan required by
3 subsection (c), and shall suggest best practices which the
4 States should use in administering the program under
5 which the subsidy referred to in subsection (b) is to be
6 provided.

○