

1 Act regarding the timing for use of funds and trans-
2 parency, oversight, reporting, and accountability, includ-
3 ing review by the Inspectors General, the Accountability
4 and Transparency Board, and Government Accountability
5 Office, consistent with the objectives of this Act.

6 SEC. 1611. HIRING AMERICAN WORKERS IN COMPA-
7 NIES RECEIVING TARP FUNDING. (a) SHORT TITLE.—

8 This section may be cited as the “Employ American Work-
9 ers Act”.

10 (b) PROHIBITION.—

11 (1) IN GENERAL.—Notwithstanding any other
12 provision of law, it shall be unlawful for any recipi-
13 ent of funding under title I of the Emergency Eco-
14 nomic Stabilization Act of 2008 (Public Law 110-
15 343) or section 13 of the Federal Reserve Act (12
16 U.S.C. 342 et seq.) to hire any nonimmigrant de-
17 scribed in section 101(a)(15)(h)(i)(b) of the Immi-
18 gration and Nationality Act (8 U.S.C.
19 1101(a)(15)(h)(i)(b)) unless the recipient is in com-
20 pliance with the requirements for an H-1B depend-
21 ent employer (as defined in section 212(n)(3) of
22 such Act (8 U.S.C. 1182(n)(3))), except that the
23 second sentence of section 212(n)(1)(E)(ii) of such
24 Act shall not apply.

1 (2) DEFINED TERM.—In this subsection, the
2 term “hire” means to permit a new employee to
3 commence a period of employment.

4 (c) SUNSET PROVISION.—This section shall be effec-
5 tive during the 2-year period beginning on the date of the
6 enactment of this Act.

7 SEC. 1612. During the current fiscal year not to ex-
8 ceed 1 percent of any appropriation made available by this
9 Act may be transferred by an agency head between such

*funded in
this Act*

10 appropriations, of that department or agency: *Provided*,
11 That such appropriations shall be merged with and avail-
12 able for the same purposes, and for the same time period,

shall notify

13 as the appropriation to which transferred: *Provided fur-*
14 *ther*, That the agency head notifies the Committees on Ap-
15 propriations of the Senate and House of Representatives

any transfer made

16 of the transfer 15 days in advance: *Provided further*, That
17 ~~notice of the transfer~~ pursuant to this authority be posted
18 on the website established by the Recovery Act Account-

such transfer

19 ability and Transparency Board 15 days following ~~notifi-~~
20 ~~cation of the Committees of Appropriations~~: *Provided fur-*
21 *ther*, That the authority contained in this section is in ad-

22 dition to transfer authorities otherwise available under
23 current law?

Insert 8A

provided by this Act to the state and its agencies. If funds made available to a state in any division of this Act are not accepted for use by its governor, then acceptance by the state legislature, by adoption of a concurrent resolution, shall be sufficient to provide funding to the state. After adoption of a concurrent resolution, funding to the State will be for distribution to local governments, councils of governments, public entities, and public-private entities within the State, either by formula or at the State's discretion.

Section 1608 amends section 107(b) of the Emergency Economic Stabilization Act of 2008 (relating to contracting procedures) to include individuals with disabilities and businesses owned by such individuals.

Section 1609 makes various findings regarding the National Environmental Policy Act (NEPA). In addition, this section provides that adequate resources within this Act must be devoted to ensuring that NEPA reviews are completed expeditiously. The President shall report quarterly to the appropriate congressional committees regarding NEPA requirements and documentation for projects funded in this Act.

Section 1610 prohibits the use of funds for contracts and grants not awarded in accordance with the Federal Property and Administration Services Act, or chapter 137 of title 10, United States Code and Federal Acquisition Regulation, or as otherwise authorized by statute. The provision is not intended to override other specific statutory authorizations for procurements, including the Small Business Act and the Javits-Wagner-O'Day Act.

Section 1611 provides that it shall be unlawful for any recipient of funding of Title I of the Emergency Economic Stabilization Act of 2008 or section 13 of the Federal Reserve Act to hire any nonimmigrant described in section 101(a)(15)(h)(i)(b) of the Immigration and Nationality Act unless the recipient is in compliance with the requirements for an ~~H-1B~~ dependent employer as defined in that Act. This requirement is effective for a two-year period beginning on the date of enactment of this Act. H-1B

Section 1612 provides limited transfer authority. The conferees recognize the challenges that the Administration will face in determining how best to respond to the current economic crisis. Accordingly, the Senate and House passed bills each included permissive authority to reprogram or transfer funds within certain agencies and programs to mitigate these concerns.