



The following FAQs were developed in consultation with U.S. Citizenship and Immigration Services (USCIS) in the U.S. Department of Homeland Security.

Q: What is the EAWA?

A: The Employ American Workers Act (EAWA) was enacted on February 17, 2009. The EAWA applies certain requirements described below to recipients of funding under the Troubled Asset Relief Program (TARP) or section 13 of the Federal Reserve Act related to hiring new employees who are in H-1B nonimmigrant status.

Q: What is the purpose of these FAQs?

A: These FAQs provide guidance on how the EAWA applies to recipients of funding under section 13 of the Federal Reserve Act. These FAQs do not address recipients of TARP funding. This guidance should be read in conjunction with guidance issued by USCIS.

Q: Who is a “recipient” of funding under section 13?

A: The recipient is the entity or person that enters into the borrowing arrangement with a Federal Reserve Bank. In situations where the relationship involves a tri-party agreement, the recipient is the entity or person that receives the funds and against whom the Federal Reserve Bank has recourse. If the recipient is a Special Purpose Vehicle (SPV), the EAWA applies to the SPV and to any entity that owns or controls 25% or more of the total equity of the SPV.

Q: Are indirect beneficiaries covered?

A: No, only direct recipients are covered. For example, if a bank holding company receives funds under the Asset-Backed Commercial Paper Money Market Mutual Fund Liquidity Facility (AMLF) and uses those funds to purchase asset-backed commercial paper from a money market mutual fund, neither the issuers nor sellers of the commercial paper are recipients.

Q: Is a company considered a recipient after it repays the section 13 funding it received?

A: No, a company that has repaid its obligation under section 13 is no longer subject to the EAWA by virtue of that loan.

Q: What programs of the Federal Reserve constitute funding under section 13 of the Federal Reserve Act and thus are subject to the EAWA?

