



<p><b>Topic</b></p>	<p><b>HR 1 – Conference Report</b>                  (made available February 13, 2009)  <i>details information most relevant to NARC member</i></p>
	<p>“American Recovery and Reinvestment Act of 2009”</p> <p>All funds appropriated are available for obligation until September 30, 2010.</p> <p>Enactment of this Act will have no effect on funds under the 2009 CR (PL 110-329) and is addition to amounts otherwise appropriated for the fiscal year involved.</p> <p>Bill is set up and funding designated as an emergency requirement to meet emergency needs.</p> <p>All applicable provisions in this Act are designated as an emergency for purposes of pay-as-you-go principles.</p> <p><a href="#">Click here</a> to access the full spending text  <a href="#">Click here</a> to access the full tax text.</p>
<p><b>GENERAL PRINCIPALS</b></p>	
<p>General Principals</p>	<ul style="list-style-type: none"> <li>• Preference given to activities that can be started and completed expeditiously, including a goal of using at least 50 percent of the funds for activities that can be initiated not later than 120 days after the date of the enactment of this Act</li> <li>• Funds made available for obligation until 9/30/2010 unless otherwise stated</li> </ul>
<p>Prohibited Uses</p>	<ul style="list-style-type: none"> <li>• No funds appropriated may be used by any State or local government or private entity for any casino or other gambling establishment, aquarium, zoo, golf course or swimming pool.</li> <li>• Funding cannot be used for nonimmigrant workers, unless in compliance with H-1B dependent employer</li> </ul>
<p>Requirements</p>	<ul style="list-style-type: none"> <li>• Funding recipients must register with the Central Contractor Registration database or complete other registration requirements as determined by OMB.</li> <li>• Must use American iron and steel for project construction, alternation, maintenance or repair of public building or public works effort, unless there is an insufficient amount available or overall project cost will increase by 25%. (included definition of “public building” and “public work”)</li> <li>• Must pay contractors or subcontractors the prevailing wage under Davis Bacon</li> <li>• Governor of each state must certify within 45 days that the state will request and use funds provided. The state legislature can also adopt a concurrent resolution to certify funds, which will allow 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.</li> <li>• National Environmental Policy Act (NEPA) - Adequate resources within this bill must be devoted to ensuring that applicable environmental reviews under the NEPA are completed on an expeditious basis and that the shortest existing applicable</li> </ul>



	<p>process under the NEPA shall be utilized. The President shall report to the Senate Environment and Public Works Committee and the House Natural Resources Committee every 90 days following the date of enactment until September 30, 2011 on the status and progress of projects and activities funded by this Act with respect to compliance with NEPA requirements and documentation.</p> <ul style="list-style-type: none"> <li>• contracts must be awarded using competitive procedures in accordance with the requirements of section 303 of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 253), section 2304 of title 10, United States Code, and the Federal Acquisition Regulation.</li> </ul>
<p><b>TRANSPARENCY/ACCOUNTABILITY:</b></p>	
<p>Certifications</p>	<p>Funds made available to State, or local government agencies for infrastructure investment, the Governor, mayor, or other chief executive, as appropriate, shall certify that the infrastructure investment has received the full review and vetting required by law and that the chief executive accepts responsibility that the infrastructure investment is an appropriate use of taxpayer dollars.</p> <p>Certification shall include:</p> <ul style="list-style-type: none"> <li>• A description of the investment</li> <li>• Estimated total cost</li> <li>• Amount of federal funds to be used</li> </ul> <p>Must be posted on a website and linked to Recovery.gov</p> <p>A State or local agency may not receive infrastructure investment funding from funds made available in this Act unless this certification is made.</p>
<p>Reports</p>	<p>“Jobs Accountability Act,”</p> <p><u>Recipient Reports</u>** (state or one who receives funds directly from the federal government) must, no later than 10 days after receiving funds, submit a report to the appropriate federal agency that contains:</p> <ul style="list-style-type: none"> <li>• Total amount of recovery funds received from said agency</li> <li>• Amount of funds received that were expended or obligated to projects</li> <li>• Detailed list of all projects or activities where funding was expended or obligated including:             <ul style="list-style-type: none"> <li>○ Name of project</li> <li>○ Description of project</li> <li>○ Evaluation of completion status</li> <li>○ Estimate number of jobs created or retained</li> <li>○ For infrastructure investments made by state and local governments, the purpose, total cost and rationale of the agency for funding and name of contact at agency if there are concerns with the investment</li> <li>○ Detailed information on any subcontracts or subgrants awarded by the recipient</li> </ul> </li> </ul> <p><u>Agency Reports</u> to be submitted no later than 30 days after the end of each calendar quarter shall make the information in reports submitted on recipient funding on the information website – recovery.gov.</p>



	<p><u>CBO &amp; GAO Reports</u> to comment on information in recipient reports within 45 days after such reports are submitted.</p> <p>**Within 180 days, federal agencies shall require any recipient of funds to provide the information required above in the Recipient Reports.</p> <p><u>Council of Economic Advisers Reports</u> in consultation with OMB, CEA shall submit quarterly reports to House and Senate Appropriations Committees on impact of programs funded on employment, estimated economic growth and other key economic indicators:</p> <ul style="list-style-type: none"> <li>• First report – no later than 45 days after first full quarter following enactment</li> <li>• Last report – required to be submitted by the last quarter</li> </ul>
<p>Set-Aside for State and Local Government Reporting and Recordkeeping</p>	<p>Federal agencies are to adjust applicable limits on administrative expenditures to help recipients defray costs of data collection requirements</p>
<p>Public Website</p>	<ul style="list-style-type: none"> <li>• <u>public website</u> Established within 30 days by the review board to provide transparency by posting information about recovery spending, including grants, contracts, and all oversight activities.</li> </ul>
<p>Review Boards</p>	<ul style="list-style-type: none"> <li>• Establishes “Recovery Act Accountability and Transparency Recovery Board” to conduct spending oversight and prevent waste, fraud and abuse; will submit “flash reports”             <ul style="list-style-type: none"> <li>○ Will have to review reporting contracts and grants meet applicable standards and specifies the purpose of the grant or contract and measures of performance</li> <li>○ Reviewing whether competition requirements applicable to contracts and grants were satisfied</li> <li>○ Auditing or reviewing funds to determine wasteful spending, poor contract or grant management, or other abuses and refer to the appropriate inspector general for investigation</li> <li>○ Review whether there are sufficient qualified acquisition and grant personnel overseeing funds</li> <li>○ Reviewing if personnel involved on grants have adequate training</li> <li>○ Reviewing if the appropriate mechanisms for interagency collaboration relating to funding</li> <li>○ Will have to submit to the Congress and President “flash” reports on potential management and funding problems</li> <li>○ Submit quarterly reports to the Congress and President on Inspector General agency findings</li> <li>○ Submit annual reports to President and Congress on use of funds</li> <li>○ All reports will be posted on recovery.gov</li> <li>○ Board shall make recommendations to agencies on measure to prevent fraud, waste and abuse</li> </ul> </li> <li>• Establishes an “Independent Advisory Panel” to advise the Board (see above)</li> </ul>



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- No later than 30 days after enactment, the Governor shall certify that the state will maintain its effort with regard to state funding for projects within this appropriation; submit to the appropriate federal agency a statement identifying the non-federal amount of funds the state planned to expend as of the date of enactment through 9/30/2010
- Each grant recipient shall submit periodic reports to the appropriate federal agency on how the funds were used. Reports will be collected and compiled by the federal agencies and transmitted to Congress.
- Periodic reports shall include:
  - Amount of federal funding appropriated, allocated, obligated and outlayed
  - Number of projects put out to bid under the funding and the amount of federal funding associated with such contracts
  - Number of projects awarded to contract and the total amounts of federal funding associated
  - Number of projects where work has begun and the federal funds associated
  - Number of projects completed and federal funds associated
  - Number of jobs created or sustained by the federal funds associated, including information on job sectors and pay levels
  - Actual aggregate expenditures by each grant recipient from non-federal sources as compared to the levels that were planned to occur from enactment through 9/30/10
- Report Timing:
  - First report is required no later than 30 days after enactment
  - Updated reports 60 days, 120 days, 180 days, 1 year and 3 years after enactment



**TITLE I AGRICULTURE, NUTRITION, and RURAL DEVELOPMENT**

<p>Natural Resources Conservation Services</p>	<p>\$290 million – Watershed and Flood Prevention Activities</p> <ul style="list-style-type: none"> <li>○ \$145 million for expenses to purchase and restore floodplain easements – no more than \$30 million for any one state</li> <li>○ Priority of funds given to projects that can be fully funded and completed</li> </ul> <p>\$50 million – Watershed Rehabilitation</p> <ul style="list-style-type: none"> <li>○ Priority of funds given to projects that can be fully funded and completed</li> </ul>
<p>Rural Community Advancement Program  Rural Utilities Services</p>	<ul style="list-style-type: none"> <li>• \$1.38 billion in Rural Water and Waste Disposal Direct loans and grants</li> <li>• \$2.5 billion in broadband infrastructure for grants, loans and loan guarantees             <ul style="list-style-type: none"> <li>○ At least 75% of areas served must be rural area without sufficient high speed broadband service to facilitate rural economic development</li> <li>○ Priority given to projects that will deliver end users a choice of more than one service</li> <li>○ Priority given to projects given to highest proportion of rural residents that do not have access to broadband</li> <li>○ Priority given to those project elements that can be fully funded</li> <li>○ Priority given to projects that can be completed with funds</li> <li>○ Priority given to activities that can commence promptly following approval</li> <li>○ Cannot receive funding from Broadband Technology Opportunities Program if receive funding from this pot</li> <li>○ USDA Secretary must submit a report on planned spending and actual obligations within 90 days of enactment and quarterly thereafter until all funds are obligated – to House and Senate Appropriations Committees</li> </ul> </li> <li>• At least 10% of all funds shall be allocated in persistent poverty counties – any county that has a 20% or more of its population living in poverty over the past 30 years (as measured by the census)</li> </ul>

**TITLE II COMMERCE, JUSTICE and SCIENCE**

<p>Economic Development Administration (EDA)</p>	<p>\$150 million Economic Development Assistance Programs</p> <ul style="list-style-type: none"> <li>○ \$50 million for Economic Adjustment Assistance – priority consideration to areas that have experienced sudden and severe economic dislocation and job loss due to corporate restructuring</li> <li>○ Up to \$50 million can be transferred to federally authorized regional economic development commissions</li> </ul>
<p>Bureau of Census</p>	<p>\$1 billion 2010 Decennial Census</p>



<p>National Telecommunications and Information Administration</p>	<p>\$4.7 billion State Broadband Data and Development Grant Program</p> <ul style="list-style-type: none"> <li>o No less than \$200 million is for competitive grant funding to expand public computer center capacity</li> <li>o not less than \$250,000,000 shall be available for competitive grants for innovative programs to encourage sustainable adoption of broadband service</li> <li>o \$350 million for creating and maintaining a broadband inventory map</li> <li>o Funding, if deemed appropriate by FCC and Commerce Secretary, can be transferred to the FCC to develop a national broadband plan</li> <li>o Not more than 3% can be used for administrative costs</li> </ul> <p>\$650 million for DTV Converter Box Program</p> <ul style="list-style-type: none"> <li>o \$90 million for education and outreach, including grants to organizations for programs to educate vulnerable populations</li> </ul>
<p><b>TITLE IV ENERGY &amp; WATER</b></p>	
<p>Corps of Engineers</p>	<ul style="list-style-type: none"> <li>• Funds to be used for projects that can be completed within the funds made available and that will not require new budget authority to complete</li> <li>• Expired funds appropriated may be used to pay the cost of associated supervision, inspection, overhead, engineering and design</li> <li>• Secretary of the Army shall submit a quarterly report to House and Senate Appropriations Committee detailing the allocation, obligation and expenditures, starting no later than 45 days after enactment</li> </ul> <p>\$2 billion Construction</p> <ul style="list-style-type: none"> <li>o not less than \$200 million shall be for water-related environmental infrastructure assistance</li> <li>o funding cannot be costshared with the Inland Waterways Trust Fund</li> </ul> <p>\$375 million Mississippi River and Tributaries (Corps of Engineers)– programs, projects or activities previously funded</p> <p>\$2.075 billion Operation and Maintenance</p> <p>\$25 million for Corp of Engineers “Regulatory Program”</p>
<p>Bureau of Reclamation</p>	<p>\$1 billion Water and Related Resources treatment facilities</p> <ul style="list-style-type: none"> <li>o not less than \$126 million for water reclamation and reuse projects authorized under Title XVI (PL 102-575)</li> <li>o funds used for projects that can be completed within these funding amounts and not create budgetary obligations in future fiscal years</li> <li>o \$50 million may be transferred to Dept. of Interior for projects authorized by the Central Utah Project Completion Act</li> <li>o \$50 million may be transferred to projects authorized by the California Bay-Delta Restoration Act</li> <li>o Not less than \$600 million shall be used for rural water projects and spent primarily on water intake and treatment facilities</li> <li>o not less than \$10 million shall be used for a bureau-wide inspection of canals program in urbanized areas</li> <li>o Secretary of Interior shall submit a quarterly report to House and Senate Appropriations Committees detailing the</li> </ul>



	allocation, obligation and expenditures of these funds, beginning no later than 45 days after enactment
<p>Department of Energy Energy Efficiency and Renewable Energy</p>	<p>\$16.8 billion for Energy Efficiency and Renewable Energy</p> <ul style="list-style-type: none"> <li>○ \$3.2 billion Energy Efficiency &amp; Conservation Block Grants                             <ul style="list-style-type: none"> <li>– \$2.8 billion available through the formula allocation –                                     <ul style="list-style-type: none"> <li>▪ 68% will be allocated to local governments</li> <li>▪ 28% to states</li> <li>▪ 2% to Indian tribes</li> <li>▪ 2% for competitive grants</li> </ul> </li> <li>– \$400 million through competitive grants</li> </ul> </li> <li>○ \$5 billion for Weatherization Assistance Program</li> <li>○ \$3.4 billion for State Energy Program under Part D, Title III 42 USC 6321                             <ul style="list-style-type: none"> <li>– For the Secretary of Energy to make grants only if the Governor of state:                                     <ul style="list-style-type: none"> <li>▪ ensures that state or applicable units of local government have the authority to adopt building codes that will improve energy efficiency</li> <li>▪ extent to which the state will prioritize the grants toward funding energy efficiency and renewable energy programs, including building retrofits</li> </ul> </li> <li>– no state match is necessary</li> <li>– no limitation on using funding for equipment purchases or installation of equipment and materials</li> </ul> </li> </ul>
<p>Electricity Delivery and Energy Reliability</p>	<p>\$4.4 billion for smart-grid related activities, including work to modernize the electric grid, enhance security and reliability, perform energy storage research, development, demonstration and deployment.</p> <ul style="list-style-type: none"> <li>○ \$100 million for worker training activities</li> <li>○ \$80 million for development of regional transmission plans</li> </ul>
<p>Non-Defense Environmental Clean up</p>	<p>\$483 million for Non-Defense Environmental Clean up</p>
<p>General Provisions</p>	<ul style="list-style-type: none"> <li>• Up to 0.5% of each amount appropriation may be used for expenses of management and oversight of programs, grants and activities funded</li> <li>• Funds set aside shall remain available for obligation until 9/30/12</li> </ul>



<p>2007 Energy Bill Technical Corrections</p>	<p>Energy Efficiency Block Grants Allocation of Funds: (relates to above 68% funding allocation)</p> <ul style="list-style-type: none"> <li>• 34% of funding is eligible to units of local governments that meet the following requirements of:                     <ul style="list-style-type: none"> <li>○ a city with a population—(I) of at least 35,000; or (II) that causes the city to be 1 of the 10 highest populated cities of the State in which the city is located; and</li> <li>○ a county with a population—(I) of at least 200,000; or (II) that causes the county to be 1 of the 10 highest populated counties of the State in which the county is located.</li> </ul> </li> <li>• 34% of funding is eligible to units of local governments that meet the following requirements of: a city with a population of at least 50,000; or a county with a population of at least 200,000.</li> </ul>
<p><b>TITLE VI DEPARTMENT OF HOMELAND SECURITY</b></p>	
<p>FEMA grants to State and local governments</p> <p>Disaster Assistance Direct Loan Program Account</p> <p>General Provisions</p>	<p>\$300 million in grants for state and local programs</p> <ul style="list-style-type: none"> <li>○ \$150 million for public transportation security assistance, railroad security assistance and systemwide Amtrak security upgrades</li> <li>○ \$150 million for port security grants</li> </ul> <p>Loans issued pursuant to the Stafford Act for major disasters occurring in CY2008 may exceed \$5 million and may be equal to no more than 50% of the annual operating budget of the local government that has suffered a loss of 25% of more in tax revenues</p> <ul style="list-style-type: none"> <li>• President shall establish an arbitration panel under FEMA public assistance program to expedite the recovery efforts from Hurricanes Katrina and Rita within the Gulf Coast Region</li> <li>• All items procured with this money under DHS is required to purchase items grown, processed, reused or produced in the US</li> </ul>
<p><b>TITLE VII INTERIOR and ENVIRONMENT</b></p>	
<p>Bureau of Land Management</p>	<p>\$125 million for management of lands and resources including maintenance, rehabilitation, and restoration of facilities, property, trails and lands for remediation of abandoned mines and wells</p> <p>\$180 million construction, reconstruction, decommissioning and repair of roads, bridges, trails, property and facilities, and for energy efficient retrofits</p>
<p>National Parks Service</p>	<p>\$589 million for projects to address repair and restoration of roads, construction of facilities including energy efficient retrofits, equipment replacement, preservation and repair of historical resources, and other critical infrastructure projects</p>



<p>Bureau of Indian Affairs</p>	<p>\$40 million for workforce training and housing improvement programs</p> <p>\$450 million for repair and restoration of roads, replacement, improvement and maintenance of schools</p>
<p>Environmental Protection Agency (EPA)</p>	<p>\$600 million Hazardous Substance Superfund</p> <ul style="list-style-type: none"> <li>• 3% for management and oversight</li> </ul> <p>\$200 million Leaking Underground Storage Tank Trust Fund Program</p> <ul style="list-style-type: none"> <li>• 1.5% for management and oversight</li> </ul>
<p>EPA State and Tribal Assistance Grants</p>	<p>\$6.4 billion Total:</p> <ul style="list-style-type: none"> <li>• <u>\$4 billion</u> for the Clean Water State Revolving Fund capitalization grants and <u>\$2 billion</u> for the Drinking Water State Revolving Fund capitalization grants             <ul style="list-style-type: none"> <li>○ 1% for management and oversight</li> <li>○ Funds are not subject to matching or cost sharing</li> <li>○ Projects must be under contract or construction within 12 months of enactment of bill or will be redistributed</li> <li>○ Priority for projects on state priority list and are ready to go to construction within 12 months</li> <li>○ State shall use no less than 50% of capitalization grants for additional subsidization to eligible recipients in the form of forgiveness of principal, negative interest loans or grants or any combination of</li> <li>○ No less than 20% of funds shall address green infrastructure, water or energy efficiency improvements or other environmentally innovative activities</li> <li>○ Up to 1.5% of funds from CWSRF is reserved for tribal grants and that up to 4% of tribal set-asides must be transferred to the Indian Health Service to support management and oversight of projects</li> <li>○ No funds can be used for the purchase of land easements</li> <li>○ Funds may be used to buy, refinance or restructure debt obligations of eligible recipients only where such debt was incurred on or after 10/1/2008</li> </ul> </li> <li>• \$100 million for brownfields             <ul style="list-style-type: none"> <li>○ Up to 3.5% may be reserved for management and oversight</li> <li>○ No funds are subject to cost share requirements</li> </ul> </li> <li>• \$300 million for Diesel Emission Reduction Act grants             <ul style="list-style-type: none"> <li>○ Up to 2% may be reserved for management and oversight</li> <li>○ No funds are subject to cost share requirements</li> </ul> </li> </ul>



<p>General Provisions</p>	<ul style="list-style-type: none"> <li>• Funds are available until 9/30/2011</li> </ul>
<p>Forest Service</p>	<p>\$650 million, an unspecified portion of which can be used for forest roads, bridges, trails, removal of fish passage barriers and watershed restoration.</p>
<p>General Provisions of Title</p>	<ul style="list-style-type: none"> <li>• Within 30 days each agency receiving funds shall submit a general plan for expenditure to House and Senate Appropriations Committees</li> <li>• Within 90 days each agency receiving funds shall submit to the Committees a report containing detailed project level information associated with the plan submitted previously</li> </ul>
<p><b>TITLE VIII LABOR, HEALTH and HUMAN SERVICES, and EDUCATION</b></p>	
<p>Employment and Training Administration</p>	<p>\$3.95 billion Workforce Investment Act Training and Employment Services</p> <ul style="list-style-type: none"> <li>• \$500 million for grants to States for adult employment and training activities</li> <li>• \$1.2 billion for grants to States for youth activities</li> <li>• \$1.25 billion for grants to States for dislocated worker employment and training activities</li> <li>• \$200 million for dislocated workers assistance national reserve</li> <li>• %50 million for YouthBuild activities</li> <li>• \$750 million for competitive grants for worker training and placement in high growth and emerging industry sectors                         <ul style="list-style-type: none"> <li>○ \$500 million shall be used for research, labor exchange and job training projects</li> <li>○ Priority given to projects that prepare workers for careers in the health care sector</li> </ul> </li> <li>• Funds are available through 6/30/2010</li> </ul> <p>\$120 million for Community Service Employment for Older Americans</p>
<p>Children and Families Services Programs</p>	<p>\$3.15 billion total:</p> <ul style="list-style-type: none"> <li>• \$1.1 billion for Head Start activities                         <ul style="list-style-type: none"> <li>○ Up to 10% is available for training and technical assistance</li> <li>○ Up to 3% available for monitoring operations</li> </ul> </li> <li>• \$1 billion for Community Services Block Grant Act</li> </ul>
<p>Aging Services Programs</p>	<p>\$100 million total:</p> <ul style="list-style-type: none"> <li>• \$65 million for Congregate Nutrition Services</li> <li>• \$32 million for Home-Delivered Nutrition Services</li> <li>• \$3 for Nutrition Services for Native Americans</li> </ul>



**TITLE XII TRANSPORTATION, and HOUSING and URBAN DEVELOPMENT**

Supplemental Discretionary Grants  
for National Surface Transportation  
System

\$1.5 billion for competitive discretionary grants for surface transportation infrastructure capital improvements

- Funding to remain available until 9/30/2011
- To be awarded to state and local governments or transit agencies
- For projects that will have a significant impact on the nation, metro areas or a region
- Projects eligible for funding include, but are not limited to highway or bridge projects under Title 23 USC:
  - Interstate rehabilitation
  - Improvements to rural collector road system
  - Reconstruction of overpasses and exchanges
  - Bridge replacements
  - Seismic retrofit projects for bridges
  - Road realignments
  - Public transportation projects under chapter 53, Title 49 USC – New Starts or Small Starts programs to expedite complete of projects and their entry into revenue service
  - Passenger and freight rail projects
  - Port infrastructure investments, including those that connect ports to other modes of transportation and improvement efficiency of freight movement
- USDOT Secretary may use an amount not to exceed \$200 million for paying subsidy and administrative project costs - TIFIA program and State Infrastructure Bank support
- eligible for federal credit assistance under chapter 6, Title 23 USC
- USDOT Secretary to ensure equitable geographic distribution of funds
- USDOT Secretary to ensure appropriate balance between addressing urban and rural communities needs
- Grants shall not be less than \$20 million and not greater than \$300 million
  - USDOT Secretary to waive the minimum grant sized cited for the purpose of funding significant projects in smaller cities, regions and States
- Not more than 20% of funds can be awarded to projects within a single state
- Federal share is 100%
- Priority given to projects that can be completed within 3 years
- Secretary to publish criteria on grant competition within 90 days
- Funding applications must be submitted within 180 days of criteria publication
- Projects selected must be announced no later than 1 year after enactment
- Secretary may retain up to \$1.5 million of funds to transfer to Federal Highway Administration, Federal Transit Administration, Federal Railroad Administration and Maritime Administration to fund the award and oversight of grants



<p>Aviation</p>	<ul style="list-style-type: none"> <li>• \$1.3 Billion total</li> <li>• \$200 million for FAA infrastructure distributed as competitive grants</li> <li>• \$1.1 billion for discretionary grants to airports under the Grants in Aid program.</li> <li>• Priority to projects that can be completed in 2 years</li> <li>• Federal share is 100 percent</li> <li>• Prevailing wage rate law applies</li> <li>• No use it or lose it provisions</li> </ul>
<p>Highway Funding</p>	<ul style="list-style-type: none"> <li>• \$27.5 billion total</li> <li>• Discretionary Set Asides:             <ul style="list-style-type: none"> <li>○ \$60 million for ferries</li> <li>○ \$310 million for Indian Reservation Roads</li> <li>○ \$170 million for Park Roads and Parkways</li> <li>○ \$60 million for Forest Highways</li> <li>○ \$10 million for Refuge Roads</li> <li>○ \$150 million for distribution to US Territories</li> <li>○ \$20 million for technology training</li> <li>○ \$20 million for DBE bonding assistance</li> <li>○ \$40 million for FHWA administrative expenses.</li> </ul> </li> <li>• Funds remain available until September 30, 2010</li> <li>• \$26.66 billion made available for projects eligible for funding under the Surface Transportation. Funds may also be used for:             <ul style="list-style-type: none"> <li>○ Passenger and Freight Rail</li> <li>○ Port Infrastructure</li> </ul> </li> <li>• Formula funds apportioned to states as follows:             <ul style="list-style-type: none"> <li>○ 50% according to STP State distribution formula (population, road miles, vmt)</li> <li>○ 50% according to FFY 2008 Obligation Limitation</li> </ul> </li> <li>• Funds will be apportioned to states within 21 days of enactment</li> <li>• Priority given to projects that can be completed in 3 years and are located in economically distressed areas as defined under the Public Works and Economic Development Act of 1965 (see below)</li> <li>• Federal share for the formula funds is up to 100% at the discretion of the recipient</li> <li>• Fund set aside requirement for planning purposes in the Lake Tahoe Region does not apply</li> <li>• Cannot use funds for Advance Construction             <ul style="list-style-type: none"> <li>○ SAFETEA LU DBE Requirements apply [Section 1101(B) of Public Law 109-59]]</li> </ul> </li> </ul>



<p>Highway Allocation and Suballocation</p> <p>Highway Use It Or Lose It</p>	<p><u>Economically Distressed</u> definition: the project shall be located in an area that, on the date of submission of the application, meets 1 or more of the following criteria: (1) Low per capita income The area has a per capita income of 80 percent or less of the national average. (2) Unemployment rate above national average The area has an unemployment rate that is, for the most recent 24-month period for which data are available, at least 1 percent greater than the national average unemployment rate. (3) Unemployment or economic adjustment problems The area is an area that the Secretary determines has experienced or is about to experience a special need arising from actual or threatened severe unemployment or economic adjustment problems resulting from severe short-term or long-term changes in economic conditions. (b) Political boundaries of areas An area that meets 1 or more of the criteria of subsection (a) of this section, including a small area of poverty or high unemployment within a larger community in less economic distress, shall be eligible for assistance under section 3141 or 3149 of this title without regard to political or other subdivisions or boundaries. (c) Documentation (1) In general A determination of eligibility under subsection (a) of this section shall be supported by the most recent Federal data available (including data available from the Bureau of Economic Analysis, the Bureau of Labor Statistics, the Census Bureau, the Bureau of Indian Affairs, or any other Federal source determined by the Secretary to be appropriate), or, if no recent Federal data is available, by the most recent data available through the government of the State in which the area is located. (2) Acceptance by Secretary The documentation shall be accepted by the Secretary unless the Secretary determines that the documentation is inaccurate. (d) Prior designations Any designation of a redevelopment area made before the effective date of the Economic Development Administration Reform Act of 1998 shall not be effective after that effective date.</p> <ul style="list-style-type: none"> <li>• 3% of the funds apportioned to each state are set aside for the purposes of the Transportation Enhancement Program</li> <li>• 30% of the funds are suballocated within each state under the population formulas of the STP program (23 USC 133(d)(3)(A), (B), and (C)).</li> </ul> <ul style="list-style-type: none"> <li>• States have 120 days after apportionment to obligate 50% of the funds awarded (except for suballocated funds) or the unobligated balance is redistributed to other states</li> <li>• 1 year after apportionment, the remaining unobligated balances are redistributed, except for suballocated funds</li> <li>• Secretary can grant a waiver for 1 year if he determines that there is cause</li> <li>• Net result – use it or lose it applies to State only</li> </ul>
<p>Transit Funding</p>	<ul style="list-style-type: none"> <li>• \$8.4 Billion Total             <ul style="list-style-type: none"> <li>○ investments that reduce energy consumption or greenhouse gases</li> </ul> </li> <li>• \$6.9 billion -- Transit Capital Assistance Formula Distribution:             <ul style="list-style-type: none"> <li>○ \$100 million set aside for discretionary grants for transit capital to assist in reducing energy consumption or greenhouse gases</li> <li>○ \$5.40 billion apportioned to states using the 5307 program distribution formula</li> <li>○ \$675 million apportioned to states using the Growing States distribution formula</li> <li>○ \$677 million apportioned to states using the 5311 program distribution formula</li> <li>○ \$16.9 million or 2% of the 5311 distribution is set aside for Indian Reservation Roads</li> <li>○ Balance of funds reserved for FTA Administration</li> </ul> </li> <li>• \$750 million -- Fixed Guideway Infrastructure (49 USC 53090(b)(2))</li> </ul>



<p>Transit Use It Or Lose It:</p>	<ul style="list-style-type: none"> <li>○ Apportioned within 21 days of enactment</li> <li>○ \$7.5 million set aside for FTA Administration</li> <li>○ Cannot commingle with funds from any prior year</li> <li>● \$750 million – Capital Investment Grants             <ul style="list-style-type: none"> <li>○ Discretionary grants under the New Starts and Small Starts programs</li> <li>○ Cannot commingle with funds from any prior year</li> <li>○ Priority to projects that are either                 <ul style="list-style-type: none"> <li>▪ Under construction, or</li> <li>▪ Able to obligate funds within 150 days of enactment</li> </ul> </li> </ul> </li> <li>● Disadvantaged Business Enterprise requirements of SAFETEA LU apply</li> <li>● Buy America requirement</li> <li>● The federal share is up to 100% at the discretion of the recipient.</li> </ul> <ul style="list-style-type: none"> <li>● If less than 50 percent of the funds are obligated within 180 days of apportionment, the remainder are redistributed to other states</li> <li>● After 1 year from the date of apportionment, any unused funds are withdrawn and redistributed through the discretionary grant program described in the Highway section of the bill</li> </ul>
<p>Rail Funding</p>	<p>\$9.3 billion total</p> <ul style="list-style-type: none"> <li>● \$8 billion for Capital Assistance for High Speed Rail Corridors and Intercity Rail – funds remain available until September 30, 2014             <ul style="list-style-type: none"> <li>○ Priority to intercity high speed rail projects</li> <li>○ US DOT Secretary has 60 days after enactment to present a strategic plan to Congress for use of the funds to deploy high speed passenger rail system</li> <li>○ Secretary has 120 days after enactment to issue guidance on grant competition</li> <li>○ State Rail Plan requirement is waived</li> <li>○ Federal share at option of recipient up to 100%</li> <li>○ Wage rate laws apply</li> <li>○ Buy America requirements apply</li> </ul> </li> <li>● \$1.3 billion for AMTRAK             <ul style="list-style-type: none"> <li>○ Funds remain available until September 30, 2010</li> <li>○ \$450 million set aside for capital security grants</li> <li>○ \$845 million set aside for repair, rehabilitation and upgrades</li> <li>○ Awarded within 30 days of enactment</li> <li>○ Projects completed within 2 years of enactment</li> <li>○ No more than 60 percent of the non-security funds may be used in the Northeast Corridor</li> <li>○ \$5 million reserved for the AMTRAK Inspector General</li> </ul> </li> </ul>



General Provisions – USDOT

- \$20 million to the Inspector General for audits and investigation in regard to the transportation provisions of the bill.
- Recipients are required to report the following:
  - Amount of funds allocated, obligated, and outlaid
  - Number of projects put bid, awarded and completed along with the amount of funds associated with them
  - Number of direct on-project jobs created or sustained by the federal funds provided and if possible, indirect jobs created or sustained in supplying agencies including total increase in employment since the date enactment
  - Actual aggregate expenditures for projects eligible under the program as compared to planned expenditures for the period from enactment to September 30, 2010
  - Reports due 90 days, 180 days, 1 year, 2 years, and 3 years after enactment
  - Grant recipients may ask FHWA, FTA, FRA and MARAD to prepare the reports on their behalf
- Language in General provisions requires similar information on a quarterly basis within 10 days of the end of each quarter.
- Creates an independent board with oversight and coordination responsibility for audits and fraud and waste prevention
- Creates an advisory panel to advise on fraud, waste and abuse. Includes “whistle blower” protections

Maintenance of Effort & Periodic Reporting

- Governor has 30 days after enactment to certify that:
  - The State will maintain its effort in regard to State funding for the types of projects that are funded by the appropriation
  - Must submit a statement the amount of funds the State planned to expend on the types of projects from the date of enactment through September 30, 2010
  - If the State fails to maintain its effort it cannot receive redistributions under the August Redistribution for FFY 2011
- Governor, mayor or appropriate Chief Executive is required to certify that the investment is appropriate and lawful
- Reporting – each recipient shall track and report on the following and submit periodic reports no later than 90 days after enactment, updated 180 days, 1 year, 2 years and 3 years:
  - Amount of federal funds appropriated, allocated, obligated and outlaid
  - Number of projects put out to bid and the amount of federal funds associated with such projects
  - Number of projects awarded contracts and amount of federal funds associated
  - Number of projects begun work under contracts and federal funds associated
  - Number of projects completed under contracts and federal funds associated
  - Number of direct and in-direct jobs created or sustained by federal funds provided under this appropriation and, to the extent possible, the estimated indirect jobs created or sustained in the associated supplying industries, including the number of job-years created and the total increase in employment since the date of enactment
  - Actual aggregate expenditures by each grant recipient for funding under the program from the enactment of this Act until 9/30/2010 as compared to the level of such expenditures that were planned to occur during such period





Community Development Fund

- \$1 billion Community Development Block Grants
  - o Remain available until 9/30/2010
  - o distributed through the existing formula used in FY08
  - o required to adhere to an accelerated timeframe
  - o does not require any additional plans
  - o priority given to projects that can award contracts within 120 days
  - o Secretary may waive any provisions to expedite funding

Neighborhood Stabilization Program

- \$2 billion in Emergency assistance for redevelopment of abandoned and foreclosed homes for assistance to States and units of general local government
  - o Remain available until 9/30/2010
  - o At least 50% must be spent within 2 years; and 100% within 3 years
  - o Funding allocated by competition to states, units of local government, and nonprofit entities or consortia of nonprofit entities
  - o HUD Secretary to ensure that grantees were in areas with the greatest number and percentage of foreclosures and can expend the money within the periods stated
  - o Secretary to establish criteria for awarding grants 75 days after enactment
  - o Grant applications are due to HUD no later than 150 days after enactment
  - o Secretary shall obligate all funding within 1 year
  - o Grantees cannot use more than 10% of grant for demolition activities unless Secretary deems appropriate response to local market conditions
  - o Secretary may use up to 10% of funds for grantees for capacity building of and support for local communities
  - o Secretary may waive any provisions to expedite funding
  - o Up to 1% available for staffing, training, technical assistance, technology, monitoring, travel, enforcement, research and evaluation activities

HOME Program

- \$2.25 billion HOME Program
  - o For capital investments in low-income housing tax credit projects
  - o To remain available until 9/30/2011



<b>DIVISION B TAXES</b>	
Increased limitation on issuance of new clean renewable energy bonds	<ul style="list-style-type: none"> <li>• authorizes up to \$1.6 billion in new "clean renewable energy bonds" (CREBs)</li> <li>• may be issued by:                             <ul style="list-style-type: none"> <li>▪ Public power providers;</li> <li>▪ Governmental bodies</li> <li>▪ Cooperative electric companies</li> </ul> </li> <li>• to finance qualified renewable energy facilities, which:                             <ul style="list-style-type: none"> <li>▪ qualify for the tax credit under section 45,</li> <li>▪ are owned by a public power provider, governmental body or cooperative electric company.</li> </ul> </li> </ul>
Increased limitation on issuance of qualified energy conservation bonds	<ul style="list-style-type: none"> <li>• authorizes \$2.4billion more of qualified energy conservation bonds</li> <li>• authorizes capital expenditures for green community programs to include grants, loans and other repayment mechanisms to implement these programs.</li> <li>• clarifies that the issuance of these bonds will not be treated as a private activity bond for purposes of determining whether the requirement that not less than 70% of allocations within a State or local government be used to designate bonds that are not private activity bonds (sec. 54D(e)(3)) has been satisfied.</li> </ul>
Build America Bonds	<p>The proposal would provide State and local governments with a new tax credit bond option for new capital projects. Because the market for tax credits is currently small given current economic conditions, the mark would allow the State or local government to elect to receive a direct payment from the Federal government equal to the subsidy that would have otherwise been delivered through the Federal tax credit for bonds issued in 2009, 2010, and 2011.</p>
Recovery Zone Bonds	<ul style="list-style-type: none"> <li>• a new type of tax-credit bond intended to spur investment in "national recovery zones"</li> <li>• authorizes \$10 billion in national recovery zone economic development bonds and \$15 billion in national recovery facility zone bonds.</li> <li>• For taxable governmental bonds that are designated recovery zone economic development bonds, the applicable percentage is 55%; the issuer of recovery zone economic development bonds can receive an advance tax credit up to 45% of the interest payable..</li> <li>• Recovery zones would be areas designated by a bond issuer, and would be required to have significant poverty, unemployment, home foreclosures, or general distress.</li> <li>• allows areas that have been designated as empowerment zone, renewal communities or economically distressed as the result of a closure or realignment of a military installation pursuant to BRAC, to be eligible for designation as recovery zones.</li> <li>• These bonds would be used to fund economic development expenditures intended to promote economic development or other activity, including capital expenditures paid or incurred with respect to property in a recovery zone, for public infrastructure and construction of public facilities, and expenditures for job training and educational programs.</li> <li>• required to comply with Davis-Bacon prevailing wage requirements.</li> <li>• would be used to finance certain facilities for certain types of businesses.</li> </ul>



	<ul style="list-style-type: none"> <li>would be allocated to states in the proportion that each State's employment decline bears to the national decline in employment. The Secretary will adjust each State's allocation for a calendar year so no State receives less than .9% of the national recovery zone facility bond limitation. A county or large municipality is also authorized to waive all or part of its allocation of the State bond limitations to allow for further allocation within that State.</li> <li>JCT estimates that the measure's recovery zone provisions would cost \$4.9 billion through FY 2019, of which \$2.3 billion would result from increased government outlays, rather than a reduction in federal tax revenue.</li> </ul>
<p>Tribal economic development bonds</p>	<ul style="list-style-type: none"> <li>authorizes Indian tribal governments to issue "tribal economic development bonds".</li> <li>National bond limitation \$2 billion , to be allocated as the Secretary determines appropriate, in consultation with the Secretary of the Interior.</li> <li>These bonds are treated as if such bond were issued by a State except that the State volume limitations do not apply.</li> <li>These bonds cannot be used to finance any portion of a building in which gaming is conducted, or housed, or any other property used in the conduct of such gaming.</li> <li>These bonds may not be used to finance any facility located outside of the Indian reservation</li> </ul>
<p>Modification to high speed intercity rail facility bonds</p>	<ul style="list-style-type: none"> <li>Clarifies that high speed intercity rail facility bonds be used on vehicles that are capable of attaining a maximum speed in excess of 150 miles/hr. This is a change from requiring vehicles to reasonably operate at speeds in excess of 150 miles/hr.</li> </ul>
<p>Delay in application of withholding tax on government contractors</p>	<p>Delays the implementation of the three percent withholding requirement by one year to apply to payments after December 31, 2011.</p>
<p>Increase in public debt limit</p>	<p>Increases the public debt ceiling to \$12.104 trillion dollars.</p>
<p>Trade adjustment assistance for communities</p>	<ul style="list-style-type: none"> <li>creates a new Trade Adjustment Assistance for Communities program allowing a community to apply for designation as a community affected by trade.</li> <li>a community may receive such designation from the Secretary of Commerce if the community demonstrates:</li> <li>The Secretary of Labor has certified a group of workers in the community as eligible for TAA for Workers benefits</li> <li>The Secretary of Commerce has certified a firm in the community as eligible for TAA for Firms benefits</li> <li>Or a group of agricultural producers in the community has been certified to receive benefits under the TAA for farmers and fishermen program</li> <li>And the Secretary of Commerce determines that the community is significantly affected by the threat to, or the loss of, jobs associated with that certification.</li> <li>authorizes \$150 million for fy09 and fy10, and \$37.5 million for 10/1/10-12/31/10 to carry out TAA for Communities program.</li> <li>a community affected by trade may develop a strategic plan for the community's economic adjustment and submit the</li> </ul>



plan to the Secretary.

- The plan should be developed, to the extent possible, with participation from local, county, and State governments, local firms, local workforce investment boards, labor organizations, and educational institutions.
- Of the funds appropriated, the Secretary may award up to \$25 million to assist with the development of these plans.