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**The American Recovery and Reinvestment Act of 2009:**  
*A Guide for State and Local Governments*

Prepared for The Council of State Governments by:  
Latham & Watkins LLP

*As of February 2009*



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*\*Admitted only in Texas; DC bar application pending. Supervised by principals of Latham & Watkins.*



# The American Recovery and Reinvestment Act of 2009:

A Guide for State and Local Governments

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**LATHAM & WATKINS** LLP

*The contents of this document constitutes legal information not legal advice. Persons or individuals seeking guidance on specific facts and circumstances related to this memorandum should seek counsel.*

## Introduction

*President Obama signed the American Recovery and Reinvestment Act of 2009 (the ARRA) into law on February 17, 2009, advancing an ambitious plan to revitalize the nation's economy. This \$787 billion package seeks to stimulate economic growth through federal spending on such programs as education, energy, health care, housing, and transportation.*

*The ARRA provides funds for a wide array of public and private actors, including federal entities. This paper summarizes key opportunities for state, local, territorial, and tribal governments to secure federal support through the ARRA. This includes direct funding as well as opportunities to act as a conduit for funds to constituents. Many of the provisions in the ARRA increase funding for existing programs. This paper summarizes current law where appropriate, but assumes familiarity with such existing programs.*

*This paper is not intended as a comprehensive guide to any particular program, but is intended as a general summary of the law to help identify funding opportunities for further inquiry. Any organization or entity interested in a specific program or opportunity referenced in this paper should seek additional information from the relevant government agencies, and consult with competent counsel to determine applicable legal requirements in a specific situation.*

*Time is an important consideration in evaluating opportunities under the ARRA. By 45 days after the date of enactment (April 3, 2009), state governors (or in some cases, state legislatures) must certify that their states will request and use funds and that these activities will create jobs and economic growth. The ARRA emphasizes rapid expenditure by imposing deadlines for application and disbursement and granting priority to projects that can use funds quickly. Therefore, authorities that are able to take quick action will benefit most from the new funding. Any date contained in this paper is either explicitly set forth in the text of the ARRA or is calculated based on the number of calendar days from the enactment thereof. Dates determined by calculating the number of days from enactment of the ARRA are determined without regard to whether the date falls on a weekend or federal holiday and, therefore, are necessarily estimates. Legal counsel should be consulted to determine these dates with certainty.*

*Many provisions of the ARRA do not provide guidance on the distribution of funds provided therein. In the coming weeks, relevant government agencies will issue guidance regarding application and disbursement of funds under their jurisdiction.*

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## 1. EDUCATION AND FISCAL STABILIZATION

### A. Fiscal Stabilization Fund - \$53.6 billion

State Allocations - **\$48.318 billion**  
[A.XIV]<sup>1</sup>

- The ARRA provides funds, awarded by the Secretary of Education, for grants to states based on their relative populations, for elementary, secondary, and higher education, public safety, and other government services. The Secretary will award 61 percent of the funds to states based on their relative populations of individuals aged 5 through 24, and will award the remaining 39 percent of the funds based on states' relative total populations. The Secretary can reserve up to \$14 million of these funds for administration and oversight of the program.
- **Fiscal Stabilization Funds for Education.** State must dedicate **\$39.5 billion** (81.8 percent) of these funds to elementary, secondary, and higher education. These funds must be used first to restore state support of primary, secondary, and higher education through 2011 to the greater of 2008 or 2009 levels, and also must follow existing formula increases for elementary and secondary fiscal support for 2010 and 2011.
- **General Fiscal Stabilization Funds.** States may use the remaining **\$8.8 billion** (18.2 percent) of the funds to support any public safety or other government service, including education. *States have total discretion in the use of these funds, so long as their use is for some government service and is not otherwise prohibited by law.*
- Funds that are not subgranted or otherwise committed within two years must be returned to the Secretary of Education to be reallocated to the remaining states based on the proportion set forth above.
- If states choose to dedicate a portion of their grants to institutions of higher education, states cannot consider the mission or type of institution in making awards. An institution is eligible so long as it is an "institution of higher education" under the Higher Education Act of 1965 (HEA); 42 U.S.C. §§ 2751 *et seq.*, and if it continues to be eligible to participate in programs under Title IV of that Act.
- Each governor must apply for his or her State's allotment of funds under this program. Applications must describe how the funds will be used and make five required assurances (Allocation Assurances) to the Secretary of Education that, in accordance with various other statutes, the state will: (1) maintain fiscal support of elementary, secondary, and higher education through 2011 at least at 2006 levels; (2) improve teacher effectiveness and equity in teacher distribution;<sup>2</sup> (3) establish a longitudinal data system;<sup>3</sup> (4) enhance academic standards and assessments;<sup>4</sup> and (5) support struggling schools.<sup>5</sup>

<sup>1</sup> References are to Division, Title, and, where available, Section of the ARRA.

<sup>2</sup> See Elementary and Secondary Education Act of 1965 (ESEA), § 1111(b)(8)(C); 20 U.S.C. § 6311.

<sup>3</sup> See America COMPETES Act, § 6401(e)(2)(D).

<sup>4</sup> See ESEA, § 1111(b)(3); 20 U.S.C. § 6311; Individuals with Disabilities in Education Act (IDEA),

§ 612(a)(16); 20 U.S.C. § 1412; America COMPETES Act, § 6401(e)(1)(9)(A)(ii); 20 U.S.C. § 9871.

<sup>5</sup> See ESEA, § 1116(a)(7)(C)(iv), (8)(B); 20 U.S.C. § 6311.

*State Incentive Grants/Innovation Funds - \$5 billion*  
[A.XIV]

- The ARRA provides \$5 billion to fund state incentive grants and an Innovation Fund. Of the total amount, the Secretary of Education may dedicate up to \$650 million to local educational agencies through the Innovation Fund.
- **State Incentive Grants.** The Secretary of Education has discretion to award grants in FY 2010 to states that make significant progress in fulfilling and improving upon the goals identified in Allocation Assurances 2 through 5 made in connection with the state's application for its allocation of funds under this program. State applications for incentive grants must, in addition to satisfying the requirements of applications for state allocations under this program, show how such grants will help the state further meet the goals of Allocation Assurances 2 through 5.
- The Secretary of Education can evaluate applications under Allocation Assurances 2 through 5 and under any other criteria chosen by the Secretary, such as a state's financial need to meet such assurances.
- States that receive incentive grants must give at least 50 percent of the grants to local educational agencies in subgrants based on the local agencies' relative shares of funding under part A of title I of the Elementary and Secondary Education Act of 1965 (ESEA); 20 U.S.C. §§ 6301 *et seq.* for the most recent fiscal year.
- **Innovation Fund.** The ARRA provides that the Secretary of Education has discretion to award innovation grants to local education agencies or partnerships between non-profit organizations and local educational agencies or schools, so that grantees can expand their work, partner with private sector and philanthropic community organizations, and document best practices.
- To be eligible for an award, an entity must: (1) have made significant gains in closing the achievement gap as described in section 1111(b)(2) of the ESEA; 20 U.S.C. § 6311(b)(2)(B); (2) have exceeded the state's annual objectives from section 1111(b)(2) of the ESEA for two consecutive years or have increased student achievement for all student groups described in that section through another measure such as those described in 1111(c)(2) of the ESEA; 20 U.S.C. § 6311(b)(2)(C)(v); (3) have made significant improvements demonstrated by data in other areas such as graduation rates or teacher recruitment; and (4) demonstrate partnerships with private sector or philanthropic groups which agree to match the innovation grant funds.
- If a local educational agency cannot meet the above criteria for eligibility, the agency can partner with an eligible philanthropic organization.

*Fiscal Stabilization Funds for Outlying Areas - \$268 million*  
[A.XIV]

- The Secretary of Education will also award grants to outlying areas for educational purposes after consultation with the Secretary of the Interior. There is no specified application process. Grants will be awarded based on each area's respective needs as determined at the discretion of the Secretary of Education.

#### *Fiscal Stabilization General Rules and Restrictions*

- These rules and restrictions apply to the Fiscal Stabilization funds, Division A, Title XIV, including the three areas outlined immediately above.
- The Secretary of Education may determine the time, manner, and information required for applications. The governor shall submit all applications on behalf of a state. Each state receiving funds under this title must file annual reports in the manner and containing the information as determined by the Secretary, including the uses of funds, distribution of funds, estimated job creation, estimated tax increases averted, and state progress in specified education initiatives.
- No funds can be used for financial assistance (vouchers) for students to attend private elementary or secondary schools.
- If necessary to relieve fiscal burdens on states and local agencies, the Secretary may waive or modify any requirement of this title relating to maintenance of fiscal effort.

#### *Uses of Funds by Local Educational Agencies*

- **Allowed.** Any activity authorized by the ESEA, the Individuals with Disabilities in Education Act (IDEA), the Adult and Family Literacy Act, or the Perkins Act; and modernization, renovation, or repair of public school facilities, including projects consistent with a recognized green building rating system.
- **Prohibited.** Maintenance costs; modernization; renovation, or repair of stadiums; purchasing vehicles; and improvements to stand-alone non-educational facilities.

#### *Uses of Funds by Public Institutions of Higher Education*

- **Allowed.** Uses that mitigate the need to raise tuition and fees for in-state students and modernization, renovation, or repair of public school facilities—including projects consistent with a recognized green building rating system.
- **Prohibited.** Increases to an institution's endowment; maintenance of systems, equipment, or facilities; and modernization, renovation, or repair of sports or religious facilities.

#### **B. Other Educational Funds**

#### *Education for the Disadvantaged - \$13 billion* [A.VIII]

- The ARRA provides:
  - **\$5 billion** in additional funds for targeted grants to local educational agencies under section 1125 of the ESEA, to be distributed as set forth in 20 U.S.C. § 6337. Local educational agencies are eligible to receive targeted grants as set forth in 20 U.S.C. § 6335.

- **\$5 billion** in additional funds for education finance incentive grants to states under section 1125A of the ESEA. See 20 U.S.C. § 6337.
- **\$3 billion** in additional funds for school improvement grants to states under section 1003(g) of the ESEA (20 U.S.C. § 6303(g)) for distribution as subgrants to local educational agencies to assist in school improvements satisfying the requirements set forth in 20 U.S.C. § 6316.
- Local educational agencies receiving funds are required to file with the state educational agency a school-by-school listing of per-pupil expenditures from state and local sources during the 2008-2009 academic year no later than December 1, 2009. In turn, the state educational agency must report that information to the Secretary of Education by March 31, 2010.

*Special Education - \$12.2 billion*  
[A.VIII]

- The ARRA provides additional funding for grants to states to carry out parts B and C of the IDEA: **\$11.3 billion** for section 611 of the IDEA; **\$400 million** for section 619 of the IDEA; and **\$500 million** for part C of the IDEA. See generally 20 U.S.C. §§ 1400 *et seq.*; 34 C.F.R. §§ 300 *et seq.*
- If every state reaches its maximum allocation under section 611(d)(3)(B)(iii) of the IDEA, remaining funds will be proportionally allocated to each state subject to the maximum amounts contained in section 611(a)(2) of the IDEA.
- By July 1, 2009, the Secretary of Education will reserve the amount needed for state Incentive Grants under section 643(e) of the IDEA, with any remaining funds to be allocated to the states in accordance with section 643(c) of the IDEA.
- The total amount, under this and all other acts, available for each of sections 611(b)(2) and 643(b)(1) of the IDEA ("Outlying Areas and Freely Associated States; Secretary of the Interior" under Part B and "Payments to Indians" under Part C) must be equal to the amount available for that section during FY 2008 increased by the amount of inflation as specified in section 619(d)(2)(B) of the IDEA.

*School Improvement Programs - \$720 million*  
[A.VIII]

- The ARRA provides:
  - **\$650 million** in additional funds to states for subgrants to local educational agencies and local entities pursuant to the Enhancing Education through Technology program. See generally ESEA, Title II, Part D, Subpart 1; 20 U.S.C. § 6761 *et seq.*
  - **\$70 million** in additional funds for grants under subtitle B of title VII of the McKinney-Vento Homeless Assistance Act to each state in proportion to the number of homeless students identified by the state during the 2007-2008 school year relative to the number of such children identified nationally during that period. The Secretary of Education must distribute the McKinney-Vento funds to states within 60 days of the date of enactment (by April 18, 2009).

- Each state must award the McKinney-Vento funds as subgrants to local educational agencies no later than 120 days after receiving such funds from the Secretary of Education. State educational agencies must subgrant such funds to local educational agencies on a competitive basis or according to a formula based on the number of homeless students identified by the local educational agencies in the state.

*Innovation and Improvement - \$200 million*  
[A.VIII]

- The ARRA provides \$200 million for distribution to states, local educational agencies, institutions of higher learning and other public and private agencies for educational innovation and improvement pursuant to the Fund for the Improvement of Education. See generally ESEA, Title V, Part D, Subpart 1; 20 U.S.C. §§ 7243 *et seq.* Funds must be expended as directed in the fifth, sixth, and seventh provisos under the heading "Innovation and Improvement" in the Department of Education Appropriations Act, 2008.

*Impact Aid - \$100 million*  
[A.VIII]

- The ARRA provides that the Secretary of Education will make construction payments and will award school facility emergency and modernization grants to local educational agencies as set forth in section 8007 of title VIII of the ESEA. See 20 U.S.C. § 7707. No further details are provided.

*Pell Grants - \$15.64 billion*  
[A.VIII]

- The ARRA provides additional funds to address program shortfalls and increase the maximum grant allowed.

*Student Financial Assistance - \$200 million*  
[A.VIII]

- The ARRA provides funding for grants to institutions of higher education to assist in the operation of work-study programs under the HEA.

*Higher Education - \$100 million*  
[A.VIII]

- The ARRA provides additional funding for teacher quality enhancement grants to states and eligible partnerships on a competitive basis under part A of title II of the HEA. See generally 20 U.S.C. §§ 1021 *et seq.*

*NSF Research and Related Activities - \$2.5 billion*  
[A.II]

- See [Technology and Science](#).

*National Institute of Standards and Technology Research Facilities - \$360 million*  
[A.II]

- See [Technology and Science](#).

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*Institute of Education Sciences - \$250 million*  
[A.VIII]

- The ARRA provides additional funding for competitive grants to state educational agencies for statewide longitudinal data systems as set forth in section 208 of the Educational Technical Assistance Act. See 20 U.S.C. § 9607.
- Funds may be used for statewide data systems that include postsecondary and workforce information, of which up to \$5 million may be used for state data coordinators and for awards to public or private organizations or agencies to improve data coordination.

**2. EMERGENCY MANAGEMENT**

*Firefighter Assistance Grants - \$210 million*  
[A.VI]

- Federal Emergency Management Agency (FEMA) administers grants to fire stations through the Assistance to Firefighters Grants (AFGs). The ARRA adds an additional \$210 million in the form of AFGs for construction or modification of state and local fire authorities. FEMA can reserve \$5 million for program administration.
- To ensure that FEMA distributes these grants to as many fire stations as possible, FEMA cannot award an AFG for over \$15 million.

*Federal Fire Prevention and Control Act Grants*  
[A.VI]

- The ARRA waives the cost-sharing requirements for all grants under the Federal Fire Prevention and Control Act (15 U.S.C. § 2229(a)) for FY 2009 and FY 2010.

*Public Transportation and Railroad Security Assistance - \$150 million*  
[A.VI]

- The ARRA provides an additional \$150 million for Public Transportation and Railroad Security Assistance. The FEMA currently awards grants to state and local governments, among other entities, for security-related expenses under the Implementing Recommendations of the 9/11 Commission Act (the 9/11 Act). See 6 U.S.C. §§ 1135, 1163.
- Public Transportation Security Assistance grants are available for public transportation agencies, but agencies must first develop a security plan or undergo a security assessment under section 1135 of the 9/11 Act.
- State and local governments will have to compete for Railroad Security Assistance grants with railroad carriers, owners of railroad cars, Amtrak, the Alaska Railroad, and offerors of security-sensitive materials who ship by railroad.

*Port Security Grants - \$150 million*

[A.VI]

- FEMA currently awards risk-based grants to port authorities, facility operators, and state and local governments. See 46 U.S.C. § 70107. The ARRA provides an additional \$150 million for Port Security Grants, and waives state and local cost-sharing requirements for these additional funds.

*Emergency Food and Shelter Grants - \$100 million*

[A.VI]

- FEMA administers grants for state and local governments, and non-profit institutions, to provide food and shelter to homeless individuals, under the McKinney-Vento Homeless Assistance Act. See 42 U.S.C. § 11331. The ARRA provides an additional \$100 million for this program. The Emergency Food and Shelter Program National Board, which consists of directors of national charities, distributes the funds.

*Disaster Assistance Direct Loan Program*

[A.VI]

- FEMA provides loans to local governments under the Robert T. Stafford Disaster Relief and Emergency Assistance Act. See 42 U.S.C. § 5121. For loans in response to 2008 disasters, the ARRA amends the ceiling for disaster assistance loans from 25 percent of a local government's annual operating budget to 50 percent, and allows loans to exceed \$5 million, provided the local government has experienced a 25 percent or greater loss in tax revenue.
- The ARRA provides that the cost of such loans is to be determined based on the definitions provided in the Congressional Budget Act. See 2 U.S.C. § 661(a).

*Wildland Fire Management Grants - \$250 million*

[A.VII]

- The ARRA provides an additional \$250 million to the Forest Service to be distributed as grants to state and private organizations for hazardous fuel reduction, forest health, and ecosystem improvement projects on state and private forests. (Another \$250 million is designated for federal lands.) Up to \$50 million can be used to make wood-to-energy grants to promote increased utilization of biomass from federal, state, and private lands.
- These additional grants are not subject to matching or cost sharing requirements.

### 3. EMPLOYMENT AND FAMILY SERVICES

#### A. Unemployment Compensation

##### *Extension of Emergency Unemployment Compensation Program* [B.II]

- The ARRA extends the period for which individuals can be eligible for extended unemployment benefits under the Unemployment Compensation Extension Act of 2008 (Public Law 110-252; 26 U.S.C. § 3304 note) from March 31, 2009, to December 31, 2009. Pursuant to the ARRA, states can receive funds, as directed by the Secretary of Labor, to cover the extended unemployment benefits and the administrative costs of the extension. Benefits may be paid as late as May 31, 2010. The funds provided under this section need not be repaid.

##### *Increase in Unemployment Compensation Benefits* [B.II]

- The ARRA provides an additional, federally funded, \$25 weekly unemployment benefit available to all individuals receiving any form of state unemployment compensation benefit. States must distribute this benefit on the same weekly basis as any regular unemployment compensation otherwise payable, and without changing their benefit formulas in a way that would subsume this additional benefit. Also, the additional benefit must be disregarded in determining income eligibility for Medicaid and State Children's Health Insurance Program (SCHIP).
- Under the ARRA, a state will be eligible to pay the additional compensation to individuals upon entering into an agreement with the Secretary of Labor, for weeks of unemployment beginning at the agreement and ending before January 1, 2010. In turn, the state will receive funds for the total amount permitted under the agreement and for administrative expenses. Payments will be made to states on a monthly basis, and the funds need not be repaid. A state can terminate an agreement with 30 days' written notice.

##### *Special Transfers for Unemployment Compensation Modernization - Up to **\$7 billion*** [B.II]

- The ARRA provides "incentive payments" to states which agree to amend their unemployment compensation laws to provide more generous base-period calculations and adopt less restrictive grounds for disqualifications based on availability of and applicants' search for work. The maximum incentive payment allowable for a state will be calculated by multiplying \$7 billion by the same ratio as required for excess funds under the Reed Act, 42 U.S.C. § 1103.

- This section of the ARRA provides that one-third of the incentive payment will be contingent on the state's adoption of a more generous base period for determining eligibility for unemployment benefits. This revised base-period calculation would include the most recently completed calendar quarter before the start of the benefit year for at least those individuals that would not otherwise be eligible for unemployment compensation (UC) under state law by using a different base period. If a state qualifies for the first one-third of the ARRA incentive payment, it will be eligible for the remaining two-thirds of the payment if it adopts more lenient disqualification standards for unemployment compensation and pays higher allowances to eligible UC recipients with dependents, as specified under ARRA § 2003.
- The Secretary of Labor is required to issue rules regarding state law modernization provisions within 60 days after enactment (by April 18, 2009). The Secretary has 30 days after receiving a complete application to determine if states are eligible for modernization incentive payments.
- States must have permanent laws in place, or set to take effect within 12 months, that contain the revised provisions. The Secretary of Labor will determine whether a state's laws meet the stated requirements. All incentive payments must be made before October 1, 2011, and all applications must be submitted after the date of enactment but not later than the date necessary for final payment to be made before October 1, 2011.

*Special Transfers for Unemployment Compensation Modernization - Up to \$500 million*  
*Special Transfer in FY 2009 for Administration*  
[B.II]

- In addition to any other amounts awarded, states agreeing to make changes to their laws receive funds for administrative costs of carrying out the changes, for improved outreach of UC-eligible individuals, for improvement of unemployment benefit or unemployment tax operations, and for staff-assisted reemployment services for UC claimants. The states' portion of the \$500 million, calculated by a statutory formula, is transferred to the states' accounts in the Unemployment Trust Fund within 30 days of the date of enactment (by March 19, 2009).
- The Secretary of Labor may set rules for carrying out this subsection.

*Full Federal Funding of Extended Unemployment Compensation for a Limited Period*  
[B. II]

- The Federal-State Extended Unemployment Compensation Act of 1970 (EUCA) established an Extended Benefit (EB) program that extends receipt of Unemployment Benefits (UB) at the state level if certain economic conditions exist within the state. The ARRA temporarily eliminates state cost-sharing for extended unemployment compensation benefits for states that are eligible for EB under the EUCA, from the date of enactment through January 1, 2010. States may opt to extend eligibility until June 1, 2010, with respect to those workers who receive extended compensation after enactment and before January 1, 2010.
- This provision of the ARRA temporarily allows states to award EB to individuals who qualified for, but exhausted, benefits under the 2008 Extended Unemployment Compensation Act, even if the individual has received benefits past the state-determined benefit year (usually 52 weeks). The existing one-week waiting period for extended benefit compensation remains suspended until the week ending before May 30, 2010.

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**B. Temporary Assistance for Needy Families (TANF)**

*Emergency Fund for TANF Program - \$5 billion*  
[B.II]

- The ARRA provides \$5 billion in new funds over two years to the TANF block-grant program to states and tribes experiencing increased cash welfare caseloads. States with separate state programs funded with TANF state maintenance of effort dollars are also eligible for grants from the fund, as are states with increased short-term non-recurrent benefit expenditures or increased subsidized employment expenditures under TANF and separate state programs. Grantees are subject to funding caps from the emergency fund, which is repealed as of October 1, 2010.

*Extension of TANF Supplemental Grants*  
[B.II]

- The ARRA extends through FY 2010 \$319 million in supplemental grants to 17 states that have high rates of population growth or historically low federal welfare allocations relative to their existing poverty levels. The ARRA extends these supplemental grants by amending section 7101(a) of the Deficit Reduction Act of 2005, as amended by section 301(a) of the Medicare Improvements for Patients and Providers Act of 2008. 42 U.S.C. §§ 1305 *et seq.*
- The 17 states that qualify for supplemental grants are: Alabama (\$11.1 million); Alaska (\$6.9 million); Arizona (\$23.9 million); Arkansas (\$6.2 million); Colorado (\$13.6 million); Florida (\$60.0 million); Georgia (\$37.3 million); Idaho (\$3.5 million); Louisiana (\$17.0 million); Mississippi (\$9.0 million); Montana (\$1.1 million); Nevada (\$3.7 million); New Mexico (\$6.6 million); North Carolina (\$36.1 million); Tennessee (\$21.6 million); Texas (\$52.7 million); and Utah (\$8.7 million).

*Clarification of Authority of States to Use TANF Funds Carried Over From Prior Years to Provide TANF Benefits and Services*  
[B.II]

- The ARRA allows states to use reserve TANF funds for any TANF benefit, service, or activity.

**C. Trade Act Provisions**

*Administrative and Case Management Funds for Trade Act Training*  
[B.I]

- The ARRA provides additional funds for states to defray administrative and case management expenses incurred in providing training under section 236 of the Trade Act of 1974 (Trade Act). States will receive an additional payment equal to 15 percent of the funds they would normally receive.
- The ARRA also provides a lump sum payment of \$350,000 to each state for the same purposes described above. States may decline this payment and return the funds to the Secretary of Labor.

*Training Funding - \$853.75 million*  
[B.I]

- The ARRA amends section 236 of the Trade Act by increasing funds to states for training as defined in section 236(a)(2) of that act. The ARRA provides \$575 million for FY 2009 and FY 2010, and \$143.75 million for the period beginning October 1, 2010 and ending December 31, 2010.
- The Secretary of Labor must make an initial distribution of training funds to the states as soon as practicable based on: (1) the trend in numbers of certified workers (as defined in the Trade Act); (2) the trend in numbers of workers participating in training; (3) the number of workers enrolled in training; (4) the estimated amount of funding needed to provide approved training; and (5) other factors the Secretary determines are appropriate. The initial distribution must not be less than 25 percent of the initial distribution to any individual state in the previous fiscal year.
- In making an initial distribution of funds, the Secretary of Labor must hold in reserve 35 percent of the funds for that fiscal year in order to provide for additional distributions. However, not less than 90 percent of the available funds must be distributed by July 15 of that fiscal year.
- Upon a state's request, the Secretary of Labor may distribute funds held in reserve if additional training funds are deemed necessary. The Secretary will establish procedures for the distribution of additional funds. These procedures must be issued not later than one year after the date of enactment (by February 17, 2010).

*Trade Adjustment Assistance for Communities - \$150 million*  
[B.I]

- The ARRA provides grants for "eligible communities" (those affected by trade) to undertake projects to adjust to the impact of trade. Grant application is a two-step process:
  - First, a community (city, county, other state political subdivision, or consortium thereof) must petition the Secretary of Commerce to be designated as an "eligible community" and will be so designated if (1) there is a certification that workers, firms, or agriculture commodity producers are eligible for adjustment assistance under the Trade Act, 19 U.S.C. § 2371; and (2) the community is significantly affected by the threat to, or the loss of, jobs associated with that certification. See ARRA § 1872 (amending Trade Act § 273(b)(3)).
  - Second, an eligible community may apply for a grant (not exceeding \$5 million) by submitting a description of its strategic plan to adjust to trade and the particular project therein to be funded. The community itself must fund at least 5 percent of the project. Priority will be given to small and medium-sized communities.
- Communities may also apply for grants (\$56.25 million out of the \$150 million authorized) to help develop the strategic plan, which must contain several enumerated components, such as an analysis of the community's economic development and its capacity for adjustment. See ARRA § 1872 (amending Trade Act § 276(b)-(c)).
- The Secretary of Commerce will establish additional rules for grant applications.

*Community College and Career Training Grants - \$90 million*  
[B.I]

- The ARRA amends chapter 4, subchapter B of the Trade Act, and authorizes the Secretary of Labor to award Community College and Career Training grants to eligible institutions (as defined in section 102 of the Higher Education Act (20 U.S.C. § 1002)). The provision authorizes, but does not appropriate, \$90 million for the program. Institutions are eligible for only one grant, not to exceed \$1 million.
- No later than June 1, 2009, the Secretary of Labor will issue guidelines for the submission of grant proposals. Proposals must include a detailed description of: (1) the specific project for which the proposal is submitted, including the manner in which the funds will be used to develop, offer, or improve an education or career training program that is suited to workers eligible for training under section 236 of the Trade Act; (2) the extent to which the project will meet the education and career training needs of workers in the community served by the eligible institution who are eligible for training under section 236 of the Trade Act; (3) the extent to which the project fits within any overall strategic plan developed by an eligible community under section 276 of the Trade Act; (4) the extent to which the project relates to any project funded by a Sector Partnership Grant awarded under section 279A of the Trade Act; and (5) any previous experience of the institution in providing education or career training programs to workers eligible for training under section 236 of the Trade Act.
- The absence of any previous experience in providing training to section 236 workers will not automatically disqualify an institution from receiving a grant.
- In order to be considered by the Secretary of Labor for a grant, the eligible institution must demonstrate that it has reached out to employers described in section 276(a)(2)(B) of the Trade Act to identify any shortcomings in existing training opportunities within the community, and has reached out to similarly situated institutions or eligible partnerships in the community to identify appropriate best practices and to avoid duplication of efforts. Institutions must provide a detailed description of such efforts.

*Industry or Sector Partnership Grant Program for Communities Impacted by Trade - \$90 million*  
[B.I]

- The ARRA amends chapter 4, subchapter C of the Trade Act and authorizes, but does not appropriate, \$90 million for grants to facilitate efforts by industry or sector partnerships to strengthen and revitalize industries and create employment opportunities for workers in communities impacted by trade.
- The program contemplates the establishment of partnerships between a private industry or sector within the community, state and local governments, local workforce investment boards (as established under section 117 of the Workforce Investment Act of 1998 (29 U.S.C. § 2832)), labor organizations, and educational institutions. The partnership is to be directed by a "lead entity," defined as an entity designated by the partnership to be responsible for submitting a grant proposal, or as a state agency designated by the governor of a state.

- The lead entity of a partnership must submit a grant proposal to the Secretary of Labor. Proposals must: (1) identify the members of the partnership; (2) identify the targeted industry or sector for which the partnership intends to carry out projects; (3) describe the partnership's goals; (4) describe the projects the partnership will undertake to achieve its goals; (4) demonstrate that the eligible partnership has the organizational capacity to carry out such projects; (5) explain whether the community impacted by trade has sought or received a community grant under section 275 of the Trade Act, a Community College and Career Training Grant under section 278, or funds pursuant to any other federally funded training project, and explain how the partnership will coordinate the use of Sector Partnership Grants with the use of other grants to avoid duplication of effort; and (6) include performance measures, based on those issued by the Secretary.
- Only one grant may be awarded to a partnership. The grant must not exceed \$2.5 million, unless the partnership is located in a community impacted by trade that is not served by an institution receiving a Community College and Career Training Grant, in which case the maximum grant is \$3 million.
- Projects eligible for grant awards must be carried out within three years. No later than one year after receiving a Sector Partnership Grant, and three years thereafter, the lead entity must submit to the Secretary of Labor a report containing a detailed description of the progress made toward achieving the goals elaborated in the original grant proposal, and a detailed description of the expenditure of grant funds.

**D. Other Employment and Family Service Provisions**

*Workforce Investment Programs - \$3.95 billion*  
[A.VIII]

- The Department of Labor, Employment and Training Administration administers funds under the Workforce Investment Act (29 U.S.C. § 2801). The ARRA adds \$3.95 billion to these funds, which are available in the form of grants to state and local governments, in addition to non-profits, between the date of enactment (February 17, 2009) and June 30, 2010. The ARRA allows local workforce investment boards to contract with institutions of higher education if this would boost enrollment in training programs for high-demand occupations. Of the additional funds provided by the ARRA:
  - **\$500 million** is designated for adult employment and training programs. States must give priority for inclusion in these programs to recipients of public assistance and other low-income individuals, as defined in 29 U.S.C. § 2864.
  - **\$1.2 billion** is designated for youth job training programs. The maximum age is increased to twenty-four. None of these funds are to be reserved for youth opportunity grants pursuant to 29 U.S.C. § 2852.
  - **\$1.25 billion** is designated for employment and training programs for dislocated workers.
  - **\$200 million** is designated for the national reserve for assistance to dislocated workers.

- **\$50 million** is designated for the YouthBuild program, which provides housing-construction skills to at-risk youth. In 2009, YouthBuild programs can include high school drop-outs who have enrolled in an alternative school.
- **\$750 million** is designated for competitive grants for worker training and placement in high-growth and emerging industry sectors. Of this total, \$500 million is designated for training and placement in energy efficiency and renewable energy jobs, as defined in 29 U.S.C. § 2916. The Secretary of Labor shall give priority in awarding the remaining \$250 million for programs that train and place workers in the health care sector.

*Children and Family Services Programs - \$3.15 billion*  
[A.VIII]

- The ARRA provides \$3.15 billion for children and family services programs as follows:
  - **\$1 billion** for Head Start grants under the Head Start Act (42 U.S.C. § 9831). Grants are available to state and local governments, as well as for-profit and non-profit organizations.
  - **\$1.1 billion** for Early Head Start, which provides funding for infants and toddlers under § 645(A) of the Head Start Act (42 U.S.C. § 9840a). Grants are available for state and local governments and for-profit and non-profit organizations.
  - **\$1 billion** for Community Service Block Grant programs under the Community Service Block Grant Act (42 U.S.C. § 9901). For such grants provided by the ARRA during FY 2009 and FY 2010, states can increase the income eligibility ceiling for receipt of services from 125 percent to 200 percent of the federal poverty level.
  - **\$50 million** for unspecified spending under section 110 of the Social Security Act (42 U.S.C. § 1310), which provides grants to states and local organizations.

*Child Care and Development Block Grants - \$2 billion*  
[A.VIII]

- The ARRA makes additional funds available for grants to state programs that provide low-income families and public-assistance recipients with child care so that parents can work or attend work-training or education classes. The ARRA requires that such grants be used to supplement, not supplant, state funding for child care assistance to low-income families.
- Of the total, **\$255,186,000** is designated for activities such as programs to improve consumer education, parental choice, and the quality and availability of child care. **\$93,587,000** of this amount is designated for programs that improve the quality of infant and toddler care.
- The grants are administered by the Department of Health and Human Services, Administration for Children and Families, under the Child Care and Development Block Grant Act (42 U.S.C. § 9858).

*Rehabilitation Services and Disability Research - \$680 million*  
[A.VIII]

- The ARRA provides additional funding for grants to states to carry out the Vocational Rehabilitation Services program under the Rehabilitation Act of 1973 (Rehabilitation Act):
  - **\$540 million** for grants to state vocational rehabilitation agencies under part B of title I of the Rehabilitation Act. *See generally* 29 U.S.C. §§ 720 *et seq.*
  - **\$140 million** for Independent Living programs, per parts B and C of chapter 1 and chapter 2 of title VII of the Rehabilitation Act, including \$18.2 million for grants to states; \$87.5 million for independent living centers; and \$34.3 million for services for older blind individuals. *See generally* 29 U.S.C. §§ 796 *et seq.*
- The ARRA eliminates state cost-sharing for the use of these additional funds for vocational rehabilitation services.

*State Unemployment Insurance and Employment Services Grants - \$400 million*  
[A.VIII]

- The ARRA provides funds for grants for unemployment insurance and employment services made available to the states through September 30, 2010, by the Department of Labor, Employment and Training Administration.
- Grants will be distributed according to the formula found in section 6 of the Wagner-Peyser Act (29 U.S.C. § 49). This formula allots two-thirds of grant monies based on the ratio of civilian laborers in each state to the total in all the states; the remaining one-third is allotted based on the ratio of the unemployed in each state to the total in all states.
- The Secretary of Labor must designate \$250 million of the total for reemployment services for unemployment insurance claimants.

*Job Corps Centers - \$250 million*  
[A.VIII]

- The Department of Labor, Office of Jobs Corps, currently oversees Job Corps Centers, which provide education and vocational training for eligible individuals between the ages of 16 and 24. Pursuant to section 147 of the Workforce Investment Act (29 U.S.C. § 2887), the Secretary of Labor currently selects operators for Jobs Corps Centers from applications submitted by federal, state, local, and private entities.
- The ARRA allocates an additional \$250 million to the Office of Job Corps for the construction, rehabilitation, and acquisition of these Job Corps Centers. The Secretary of Labor may allocate up to 15 percent of these funds to Jobs Corps Centers for operation, which may include training for careers in energy efficiency, renewable energy, and for environmental protection agencies.
- These funds are available from the date of enactment (February 17, 2009) and remain available for obligation through June 30, 2010.

*Corporation for National and Community Service Programs - \$154 million*  
[A.VIII]

- The Corporation for National and Community Service (CNCS) manages a series of volunteer programs, including AmeriCorps and Senior Corps, under the Domestic Volunteer Service Act (42 U.S.C. § 4950) and the National and Community Service Act (42 U.S.C. § 12501). In addition, the CNCS provides grants to national, state, and local governments, as well as non-profits, for performing volunteer programs.
- The ARRA provides an additional **\$89 million** for existing AmeriCorps grantees, including state and local governments, and allows these funds to be used for increases in grants made prior to September 30, 2010, if the Chief Executive Officer for CNCS deems it appropriate to waive the cost-sharing requirements.
- The ARRA provides an additional **\$65 million** for the AmeriCorps Volunteers in Service to America (VISTA) program. State and local governments, as well as non-profit organizations, can obtain this money by applying for grants for local service projects.

*Community Service Employment for Older Americans Grants - \$120 million*  
[A.VIII]

- The ARRA increases the amount available for grants to state and local governments and non-profit organizations that provide work training to Americans over age 55, administered by the Department of Labor, Employment and Training Administration, under the Older Americans Act (42 U.S.C. § 3001). Funds are available only to existing 2008 grantees.
- The Department of Labor will automatically increase the amount of 2008 grants within 30 days of the date of enactment (by March 19, 2009). Grantees must spend additional amounts before July 1, 2010, or unspent funds may be recaptured and reallocated by the Secretary.

*Temporary Resumption of Prior Child Support Law*  
[B.II]

- Under current law, the federal government provides incentive payments to states to encourage them to develop and implement effective child support enforcement (CSE) programs. See 42 U.S.C. § 655(a)(1). The ARRA temporarily provides federal matching for federal CSE incentive funds that are reinvested back into state CSE programs or related activities. Federal matching funds for child support incentive payments are to be provided for FY 2009 and FY 2010.

#### 4. ENERGY

##### *Weatherization Assistance Program - \$5 billion* [A.IV]

- The Department of Energy currently provides grants to states for distribution to low-income homes to purchase and install materials and implement other weatherization measures to improve energy efficiency under the Weatherization Assistance Program, 42 U.S.C. §§ 6861 *et seq.* The ARRA expands the number of households eligible for assistance by increasing eligibility levels to households at or below 200 percent of the federal poverty level and increasing maximum assistance to \$6,500. States can also receive funding for the administrative costs of retaining technical professionals to develop strategies to implement their weatherization program.
- Under the existing program, states must submit an annual application to the Department of Energy requesting available funds and identifying the number of dwelling units to be weatherized, relevant climate conditions, and other factors. 42 U.S.C. § 6864. A state also must provide reasonable assurances to the Department that it has: (1) established a broadly-representative policy advisory council with appropriate qualifications to channel funding for weatherization projects; (2) established priorities to govern the provision of weatherization assistance to low-income persons, and established methods to prioritize assistance to elderly and handicapped low-income persons; and (3) has selected non-profits and other agencies to undertake weatherization activities in an open, public process. Although there is no maintenance of effort provision tied to fiscal year, states applying for weatherization funds are required to make certain additional assurances regarding the level of state and local funding to be provided. 42 U.S.C. § 6864.
- If a state fails to submit an application to the Department of Energy for weatherization assistance, any unit of general purpose local government or a community action agency carrying out weatherization programs may submit an application in lieu of the state. 42 U.S.C. § 6864(c).
- The Secretary of Energy may impose reporting requirements on funding recipients.

##### *Energy Efficiency and Conservation Block Grants - \$3.2 billion* [A.IV]

- The ARRA will provide \$3.2 billion for grants to states and local governments to develop and implement energy efficiency and conservation strategies. The Department of Energy will distribute the funds to states participating in the Energy Efficiency and Conservation Block Grants Program. See Energy Independence and Security Act of 2007, 42 U.S.C. §§ 17151-58. The Department has not yet published rules governing this program.
- Of the funds provided by the ARRA, **\$2.8 billion** will be automatically distributed by statutory formula, which takes into account population and other factors. 42 U.S.C. § 17153. The remaining \$400 million is available through a competitive grant program.

- Funding can be used to conduct energy audits, perform energy efficiency retrofits, implement more efficient energy distribution technologies, develop or install renewable energy technologies, and incentivize energy efficiency improvements in the private sector. Grantees may use up to the greater of 20 percent or \$250,000 of funds to establish revolving loan funds and the same amount to provide subgrants to assisting non-government organizations.
- Applicants must provide DOE with a proposed energy efficiency and conservation strategy within one year of receiving funding. DOE must approve the proposed plan within 120 days or return it to the community for revision.
- Grantees must provide DOE with a report detailing the implementation of its Energy Efficiency and Conservation Strategy, as well as realized energy efficiency gains, no later than two years after the date on which funds were initially provided.

*State Energy Programs - \$3.1 billion*  
[A.IV]

- The ARRA provides \$3.1 billion in additional funds for the Department of Energy to distribute as grants to applicant states to assist in preparing and implementing comprehensive state energy conservation plans (State Energy Programs), pursuant to the Energy Policy and Conservation Act of 1975. 42 U.S.C. § 6321; 10 C.F.R. §§ 420.1-.38.
- The ARRA conditions grants to a state upon certification by the governor that: (1) the state utility commission will implement polices that ensure the state-regulated electric and gas utilities have appropriate financial incentives to help their customers reduce energy use (i.e., the "decoupling" of a utility's revenues from energy consumption);<sup>6</sup> and (2) the state, or the applicable unit of local government, will implement energy codes for residential and commercial buildings that meet or exceed certain conservation and efficiency standards. States also are required to prioritize funding to energy efficiency and renewable energy projects, such as building retrofits.

*Alternative Fueled Vehicles Pilot Grant Program - \$300 million*  
[A.IV]

- The ARRA provides an additional \$300 million to the Department of Energy's Energy Efficiency and Renewable Energy program for an existing Alternative Fueled Vehicles Pilot Grant program for state and local governments or metropolitan transportation authorities.

*Wildland Fire Management Grants - \$265 million*  
[A.VII]

- See [Emergency Management](#).

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<sup>6</sup> Whereas the House version of the bill provided a clear mandate to decouple, the ARRA is less definite, merely requiring the governor to certify that the state *will* take certain actions that seem to amount to decoupling.

*Workforce Investment Programs: Energy Efficiency and Renewable Energy Jobs - \$500 million*  
[A.VIII]

- See [Employment and Family Services](#).

## 5. ENVIRONMENT AND NATURAL RESOURCES

*Clean and Drinking Water State Revolving Funds - \$6 billion*  
[A.VII]

- The Environmental Protection Agency currently provides capitalization grants to states and tribal organizations to fund water quality protection projects and infrastructure improvements in drinking-water systems under the Federal Water Pollution Control Act (FWPCA) (33 U.S.C. § 1251) and the Safe Drinking Water Act (SDWA) (42 U.S.C. § 300), respectively. The ARRA provides an additional \$4 billion for the Clean Water State Revolving Fund and an additional \$2 billion for the Drinking Water State Revolving Fund, and waives state and local matching and cost-sharing requirements for these additional grants under the program.
- Priority will be given to projects that are ready to begin construction within 12 months of the date of enactment (by February 17, 2010). Projects must be under contract or construction within 12 months; otherwise, the Administrator will recapture and reallocate funds under this program.
- Each state must use 20 percent of its grants for green infrastructure, water and energy efficiency, water quality improvements, wastewater treatment, storm water runoff mitigation, or water conservation, unless a state lacks sufficient applications from eligible projects.
- These grants cannot be used to purchase either land or easements. They can, however, be used to restructure the debt obligations of grant recipients, but only if this debt was incurred on or after October 1, 2008.

*Bureau of Reclamation Water Resources Projects - \$1 billion*  
[A.IV]

- The ARRA provides an additional \$1 billion to the Bureau of Reclamation of the Department of the Interior for water and related resources infrastructure projects under a variety of its programs. Bureau of Reclamation projects are generally funded through a combination of state and federal funds. The Department of the Interior, after collaboration with states, submits project or program proposals to Congress for funding through the appropriations process.
- The Secretary of the Interior has unlimited reprogramming authority with respect to the funds appropriated to Bureau of Reclamation projects. However, the Secretary of the Interior must file quarterly reports describing the expenditure of funds under this program, beginning no later than 45 days after the date of enactment (by April 3, 2009).
- ARRA funds that may provide assistance to state water resources include:

- **\$126 million** for water reclamation and reuse projects authorized under Title XVI of the Reclamation Projects Authorization and Adjustment Act of 1992. Under this program, Reclamation States receive federal funding to assist in the construction of wastewater reclamation and reuse feasibility and demonstration projects.
- **\$50 million** that may be transferred to the Department of the Interior for programs, projects, and activities implemented under the Central Utah Project Completion Act.
- **\$50 million** that may be used for programs, projects, and activities authorized by the California Bay-Delta Restoration Act. This program funds flood control projects and other measures designed to improve the overall health of San Francisco Bay. Under the existing program, federal funds may not exceed 33 percent of project costs, a provision that appears to be unaltered under the ARRA.
- At least **\$60 million** that must be used for rural water projects, primarily water intake and treatment facilities.
- Other funds available under this appropriation can be used under existing authority to fund extraordinary maintenance and replacement activities.

*Army Corps of Engineers Construction Projects - \$2 billion*  
[A.IV]

- The ARRA provides an additional \$2 billion to the Army Corps to allocate to construction projects. Army Corps projects are generally funded through a combination of state and federal funds, and are selected through collaboration among governments.
- These funds are only to be used for programs, projects, and activities that receive funding in legislation making appropriations for energy and water development. At least \$200 million of these funds must be spent on water-related environmental infrastructure assistance.
- The funds are not subject to current cost-overrun rules, which may erect barriers to additional federal funding once an initial project amount has been approved. Eligible projects must not require the creation of new budget authority.

*Army Corps of Engineers Mississippi River and Tributaries Program - \$375 million*  
[A.IV]

- The ARRA provides \$375 million in additional funding to the Army Corps for eligible projects under the Mississippi River and Tributaries program. Army Corps projects are generally funded through a combination of state and federal funds, and are selected through collaboration among governments.
- These funds are only to be used for programs, projects, and activities that receive federal appropriations for energy and water development. Like the funds appropriated to general construction projects, appropriations under this program are not subject to cost-overrun rules, but must not require the creation of new budget authority.

- The Secretary of the Army has unlimited reprogramming authority with respect to the funds appropriated to this program. However, the Secretary must file quarterly reports describing the expenditure of funds under this program, beginning no later than 45 days after the date of enactment (by April 3, 2009).

*Army Corps of Engineers Operation and Maintenance Projects - \$2.075 billion*  
[A.IV]

- The ARRA provides \$2.075 billion in additional funding to the Army Corps for Operation and Maintenance projects. Army Corps projects are generally funded through a combination of state and federal funds, and are selected through collaboration among governments.
- These funds are only to be used for programs, projects, and activities that receive federal appropriations for energy and water development. Projects funded under this appropriation must not require the creation of new budget authority.
- The Secretary of the Army has unlimited reprogramming authority with respect to the funds appropriated to this program. However, the Secretary must file quarterly reports describing the expenditure of funds under this program, beginning no later than 45 days after the date of enactment (by April 3, 2009).

*Hazardous Substance Superfund - \$600 million*  
[A.VII]

- The ARRA provides an additional \$600 million to the Environmental Protection Agency for the Superfund remedial program. Under existing law, states may enter into cooperative agreements with EPA to conduct certain remedial actions at Superfund sites and receive a credit from the federal government for 90 percent of eligible expenses. See 42 U.S.C. § 9604.

*Leaking Underground Storage Tank Trust Fund Program - \$200 million*  
[A.VII]

- The ARRA provides an additional \$200 million for the Leaking Underground Storage Tank Trust Fund program for cleanup activities under EPA's response program for petroleum authorized by 42 U.S.C. § 6991b(h). The ARRA waives the state and local cost-sharing requirements of 42 U.S.C. § 6991b(h)(7)(B) for these additional grants.

*Brownfield Projects - \$100 million*  
[A.VII]

- The EPA currently administers grants available to states, local governments, land clearance authorities, and regional authorities (but not available to for-profit or non-profit organizations), under the Comprehensive Environmental Response, Compensation, and Liability Act (42 U.S.C. § 9604).
- The ARRA provides an additional \$100 million for grants for "brownfields" (contaminated land) revitalization projects. The ARRA waives cost-sharing requirements for grants made to brownfields under this provision.

*Diesel Emission Reduction Act Grants - \$300 million*  
[A.VII]

- The ARRA provides an additional \$300 million for an EPA program to promote diesel emission reduction through grants and low cost loans to state, local, and tribal governments and port authorities, under the Energy Policy Act of 2005 (42 U.S.C. § 16131). The ARRA waives state matching requirements for these additional grants.

*Watershed and Flood Prevention - \$290 million*  
[A.I]

- The Department of Agriculture, Natural Resources Conservation Service provides grants to state, local, and tribal governments for watershed and flood prevention. The ARRA provides an additional \$145 million for these grants, designated for the purchase of floodplain easements from public or private land owners under section 403 of the Agriculture Credit Act (42 U.S.C. § 2203).
- Grant recipients must be able to begin work promptly and be able to complete the projects without the need for additional funding.

*Watershed Rehabilitation Program - \$50 million*  
[A.I]

- The Department of Agriculture, Natural Resources Conservation Service, provides grants to state, local, and tribal governments for watershed rehabilitation. The ARRA provides an additional \$50 million for these grants.
- Grant recipients must be able to begin work promptly and be able to complete the projects without the need for additional funding.

## **6. HEALTH CARE**

### **A. Medicaid Provisions (State Fiscal Relief)**

*State Fiscal Relief - \$87 billion<sup>7</sup>*  
[B.V]

- **Temporary Increase in Federal Medical Assistance Percentage (FMAP).** The ARRA increases the federal share of Medicaid payments in three ways. First, states are "held harmless" for any reductions in their FMAP that would have applied this year and through the first quarter of 2011 due to stronger economic conditions that may have prevailed in the state in past years. Second, the ARRA increases each state's FMAP by 6.2 percent through December 31, 2010. Third, states with increasing unemployment, determined on a quarterly basis, qualify for additional increases during the recession adjustment period (October 1, 2008, through December 31, 2010); any additional increase will remain in place at least through July 1, 2010.

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<sup>7</sup> Based on estimates from the Government Accountability Office and the Center on Budget and Policy Priorities.

- States are not eligible for FMAP increases if (1) they have more restrictive Medicaid eligibility standards, methodologies, or procedures than those in place on July 1, 2008; (2) they have failed to make prompt payments; or (3) they attempt to hold onto any resulting state savings in a rainy day fund. If a state has restricted its Medicaid policies since July 1, 2008, it is eligible for an increased FMAP, retroactive to October 1, 2008, if it reinstates less restrictive policies by July 1, 2009. If a state reinstates less restrictive policies after July 1, 2009, it is eligible for an increased FMAP beginning with the first calendar quarter in which the less restrictive policies are reinstated. States that benefit from an increased FMAP are subject to certain reporting requirements and must submit a form regarding how funds were expended by September 30, 2011.
- Note for local governments: If a state requires political subdivisions to contribute to the non-federal share of the state Medicaid plan, the state cannot require a greater percentage of the non-federal share than would have been required prior to the temporarily enhanced FMAP.
- Note for territories: Each territory can select, via a one-time special election, a 6.2 percent increase in its FMAP and a 15 percent increase in its spending cap; otherwise it will be granted a 30 percent increase in its spending cap.
- **Temporary Increase in Disproportionate Share Hospital (DSH) Allotments.** The ARRA provides for a temporary increase in the DSH allotment for each state. For FY 2009, this provision will increase DSH allotments by 2.5 percent above the allotments states would have received under preexisting law. States' DSH allotments in FY 2010 will be equal to the FY 2009 allotments further increased by 2.5 percent. These increases will only apply if the state would not receive a larger increase under preexisting law. DHS allotments for FY 2011 and beyond will be calculated without regard to the temporary increases.
- **Extension of Transitional Medical Assistance (TMA).** The ARRA provides for an eighteen-month extension of work-related TMA (through December 31, 2010). States may use a 12-month, rather than 6-month, initial extension period for families transitioning from welfare to work (in which case the additional 6-month extension no longer applies). States may also grant extensions to families that have received such aid for less than three months. States are subject to statistical reporting requirements, with reports due to HHS.
- **Extension of the Qualifying Individual Program.** The ARRA provides for a one-year extension of the qualifying individual program (through December 2010) with an allocation of \$412.5 million for the period between January 1, 2010 and September 30, 2010 and \$150 million for the period between October 1, 2010 and December 31, 2010.
- **Indian Medicare and Medicaid Provisions.** The ARRA eliminates premiums, cost sharing, co-payments and similar charges for Indians who receive treatment from the Indian Health Service, an Indian Tribe, a Tribal Organization, an Urban Indian Organization, or a health care provider through referral under the contract health services program. Medicaid payments to those organizations will not be reduced by any amount that would be due from an Indian, if such charges were permitted. Furthermore, with respect to Indians, the ARRA exempts certain property for Medicaid eligibility determinations, protects tribal property from Medicaid estate recovery, and sets forth rules to provide access to Indian primary care providers and assure payment to Indian health care providers.

**B. Electronic Health Record (EHR) Technology**

*Incentives for Providers to Adopt EHR Technology - \$63,750 (per Medicaid Provider)*  
[B.IV]

- Under the ARRA, the federal government will provide contributions for amounts states pay to eligible Medicaid providers to encourage the adoption of EHR technology, in order to promote health care quality and the exchange of health care information. The contributions can be as much as \$21,250 per provider for the first year of payments (which may not be later than 2016), and as much as \$8,500 for up to five years thereafter. Providers eligible for both Medicare and Medicaid incentive payments are required to choose one.
- Eligible providers include physicians, nurses and midwife nurses who are not hospital based and whose patient volume is at least 30 percent attributable to Medicare. Such providers are eligible for payment of up to 85 percent of their net allowable technology costs, up to the maximum and subject to specified annual limits. Acute care hospitals with Medicaid patient volume of 10 percent or more and children's hospitals with any Medicaid volume are also eligible. Payments to hospitals are limited to amounts analogous to those specified for Medicare hospitals in § 4312 of the Act.
- In order to be eligible for federal contributions, states must provide assurances that the amounts are paid directly to Medicaid providers without deductions or rebates. States may receive contributions for the administrative costs of making payments to encourage the use of certified EHR technology. Additionally, the state must conduct adequate oversight of its EHR technology encouragement program.

*Incentives for Hospitals to adopt EHR Technology - Variable Amount (per Hospital)*  
[B.IV]

- The ARRA provides funding for hospitals that are "meaningful users" of EHR technology, as defined by the ARRA. The hospital must demonstrate (via attestation, claim submission, survey, or other method specified by the Secretary) that meaningful EHR technology is connected in a manner that provides for the electronic exchange of health information to improve the quality of health care coordination. Information relating to clinical quality measures must be submitted in a form and manner specified by the Secretary.
- The amount of federal funding for each hospital using EHR technology is determined by a formula contained in Section 4102(a)(1) of the ARRA, with a base amount of \$2 million. Critical Access Hospitals may receive additional EHR technology-related payments under Section 4102(a)(2) of the ARRA.

**C. National Coordinator for Health Information Technology**

*Grants to the Office of the National Coordinator for Health Information Technology - \$2 billion*  
[A.VIII]

- The ARRA allocates \$2 billion to the Department of Health and Human Services's Office of the National Coordinator for Health Information Technology (ONCHIT) for efforts to create a national medical record database. Of this allocation, **\$300 million** is designated for "regional or sub-national efforts" toward health information exchange.

Prepared for The Council of State Governments by:

**LATHAM & WATKINS** LLP

*Immediate Funding to Strengthen the Health Information - At least \$300 million  
Technology Infrastructure  
[A.XIII]*

- The ARRA requires the Secretary of Health and Human Services (HHS Secretary) to promote the use and exchange of electronic health information (HIT). Funds are to be administered through federal agencies with expertise to support the following: (1) HIT architecture to support the secure electronic exchange of information; (2) electronic health records for providers not eligible for HIT incentive payments under Medicare and Medicaid; (3) training and dissemination of information on best practices to integrate HIT into health care delivery; (4) telemedicine; (5) interoperable clinical data repositories; (6) technologies and best practices for protecting health information; and (7) HIT use by public health departments.
- The HHS Secretary is required to invest \$300 million to support regional health information exchanges, and may use funds to carry out other authorized activities.

*Health Information Technology Implementation Assistance  
[A.XIII]*

- The ARRA requires the HHS Secretary, acting through the National Coordinator for HIT, in consultation with NIST and other agencies, to establish an HIT extension program to assist providers in adopting and using certified electronic health resource technology. The Secretary is also required to support HIT Regional Extension Centers affiliated with non-profit organizations to provide assistance to providers in the region. The Secretary is required to give priority to public, non-profit, and critical access hospitals, community health centers, individual and small group practices, and entities that serve the uninsured, underinsured and medically underserved individuals. Funded entities may receive up to four years of funding to cover up to 50 percent of their capital and annual operating and maintenance expenditures.
- The HHS Secretary is required to publish a notice describing the program and the availability of funds within 90 days of the date of enactment (by May 18, 2009). Each regional center receiving funding would be required to submit to a biennial evaluation of its performance against specified objectives, and continued funding after two years is contingent on receiving a positive evaluation. The HHS Secretary may require an annual report. An annual review by the National Coordinator for HIT is required.

*State Grants to Promote Health Information Technology  
[A.XIII]*

- The National Coordinator for HIT is authorized to award planning and implementation grants to states or qualified state-designated entities to facilitate and expand electronic health information exchange.
- The state or state-designated entity (as defined under § 3013(f) of the Public Health Service Act) must submit a plan describing the activities to be carried out to facilitate HIT exchange. States must contribute a certain portion of matching funds after FY 2011 and the HHS Secretary has the discretion to require such matching funds before then. The Secretary may require annual reports. An annual review by the National Coordinator for HIT is required.

*Competitive Grants to States and Indian Tribes for the Development of Loan Programs to Facilitate the Widespread Adoption of Certified EHR Technology*  
[A.XIII]

- The National Coordinator for HIT is authorized to award competitive grants to states and Indian tribes to establish loan programs for health care providers to purchase EHR technology, train personnel in the use of that technology and improve the secure exchange of health information. Grantees would be required to (1) establish a qualified HIT loan fund, (2) submit a strategic plan, updated annually, that describes the intended uses of the funds and provides assurances of their proper use by health care providers, and (3) provide matching funds (at least \$1 for every \$5 of federal funds).
- No awards are permitted under this subsection before January 1, 2010. The HHS Secretary may require an annual report. An annual review by National Coordinator for HIT is required.

*Demonstration Program to Integrate Information Technology Into Clinical Education*  
[A.XIII]

- The ARRA authorizes the HHS Secretary to award competitive grants to graduate health education programs to integrate HIT into the clinical education curriculum. Grantees must submit a strategic plan. The grant cannot cover more than 50 percent of the costs of any assisted activity (absent a waiver). The HHS Secretary may require an annual report. An annual review by the National Coordinator for HIT is required.

*Information Technology Professionals in Health Care*  
[A.XIII]

- The ARRA requires the HHS Secretary to provide financial assistance to universities to establish or expand medical informatics programs, in consultation with the Director of the National Science Foundation. Such grants cannot cover more than 50 percent of the costs of any assisted activity (absent a waiver). The HHS Secretary may require an annual report. An annual review by the National Coordinator for HIT is required.

**D. National Institute of Standards and Technology**

*Research and Development Programs*  
[A.XIII]

- The ARRA requires the National Institute of Standards and Technology (NIST), in consultation with the National Science Foundation (NSF) and other federal agencies, to award competitive grants to universities or research consortia for establishing multidisciplinary Centers for Health Care Information Enterprise Integration. The Centers are to generate innovative approaches to the development of a fully interoperable national health care infrastructure, as well as develop and use HIT.
- Grants are to be awarded on a “merit-reviewed, competitive basis.” The NIST Director will establish rules governing submission of applications, which must, at minimum, describe the proposed Center’s research projects, how the Center will promote interdisciplinary collaboration, technology transfer activities to diffuse research results, and how the Center will contribute to education and training.

## E. Other Health Care Provisions

### *Prevention and Wellness Fund Grants - \$1 billion* [A.VIII]

- The ARRA provides \$50 million to the Department of Health and Human Services to award grants to the states for infectious disease reduction strategies.
- Furthermore, the ARRA provides \$650 million to the Centers for Disease Control (CDC) to develop "community-based" prevention and wellness strategies to address chronic disease rates, that may benefit state and local governments.
- The ARRA provides \$300 million to the CDC to administer an immunization program in partnership with health care providers in the public and private sectors, including state and local health departments and clinics. See Public Health Service Act, § 317, 42 U.S.C. § 247(b).

### *National Center for Research Resources - \$1 billion* [A.VIII]

- See [Technology and Science](#).

### *Construction of State Extended Care Facilities - \$150 million* [A.X]

- See [National Guard and Veterans](#).

### *Rural Community Facilities Program - \$130 million* [A.I]

- See [Law Enforcement and Community Services](#).

## 7. HOUSING

### *Public Housing Capital Fund - \$4 billion* [A.XII]

- The ARRA provides additional funding for public housing agencies to carry out capital and management activities including rehabilitation and retrofitting of public housing to increase energy efficiency and safety. The funding is authorized by section 9 of the United States Housing Act of 1936. See 42 U.S.C. § 1437g, 24 C.F.R. Part 905 and 990.
- **\$1 billion** is for competitive grants for priority investments including those that leverage private funding or finance energy conservation renovations or retrofits. These funds will be allocated no later than September 30, 2009.
- **\$3 billion** is to be allocated automatically, within 30 days of the date of enactment (by March 19, 2009), under the formula used in FY 2008, except that funds will be withheld from public housing agencies that are designated as troubled or that do not want the funding.

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- Funding may not be used for operating or rental assistance activities or to replace existing sources of funding. Public housing agencies are required to prioritize projects that are already underway, that can award contracts within 120 days of when funds are made available, or that are included in the 5-year capital fund plans required by 42 U.S.C. § 1437c-1(a). Priority should also be given to rehabilitation of vacant rental units.
- Public housing agencies must: (1) obligate all funds within one year of receipt; (2) spend at least 60 percent of funds within two years of receipt; and (3) spend all funds within three years of receipt. If these timelines are not met, the Secretary of Housing and Urban Development (HUD Secretary) may recapture and reallocate remaining funds.

*HOME Investment Partnerships Program - \$2.25 billion*  
[A.XII]

- The ARRA provides additional HOME funds for state housing credit agencies to provide gap financing grants in coordination with the Low Income Housing Tax Credit to catalyze stalled housing development. Funds will be automatically distributed to the states based upon FY 2008 HOME funds apportionment.
- State agencies must grant the funds competitively to recipients of low income housing tax credits pursuant to their qualified allocation plans and must give priority to projects that are expected to be completed within three years. Projects awarded low income housing tax credits under section 42(h) of the federal tax code in FY 2007, 2008 or 2009 are eligible for this funding. See 26 U.S.C. § 42(h).
- State agencies must commit at least 75 percent of the funds within one year of the date of enactment (by February 17, 2010) and must demonstrate that project owners spend 75 percent of the funds within two years of the date of enactment (by February 17, 2011) and the rest within three years (by February 17, 2012). State agencies must provide the HUD Secretary access to information about funded grants. HUD will list all funded projects on a Web site.

*Assisted Housing Stability and Energy and Green Retrofit Investments - \$2.25 billion*  
[A.XII]

- The ARRA provides \$2.25 billion in funds for public housing agencies (and others) insofar as they are "owners" of properties receiving project-based assistance under the Supportive Housing for the Elderly program (12 U.S.C. § 1701q; 24 C.F.R. Part 891), the Supporting Housing for Persons with Disabilities program (42 U.S.C. § 8013; 24 C.F.R. Part 891), and the Section 8 Low Income Housing Assistance program (42 U.S.C. § 1437f). See, e.g., 42 U.S.C. § 1437f(1) (defining "owner" to include public housing agencies).
- The ARRA provides **\$2 billion** as additional funds for Project Based Rental Assistance (Public Law 110-161) for payments to owners for 12-month periods and **\$250 million** for grants and loans for energy retrofitting and green investments in assisted housing. The funding will be governed by the existing policies, contracts, and infrastructure of the programs within HUD's Office of Affordable Housing Preservation. The HUD Secretary may establish additional terms and conditions as necessary, and the Secretary is authorized to provide incentives to owners to undertake energy and green retrofitting investments.

- The owner must have at least a satisfactory management review rating and be in substantial compliance with applicable requirements. Owners must commit to make housing affordable for at least 15 years, and for additional periods as determined by the HUD Secretary. Grants or loans must include a financial and physical assessment of the property. Owners will be required to spend funds within two years of receipt.

*Neighborhood Stabilization Program - \$2 billion*  
[A.XII]

- The ARRA provides additional funds for competitive grants, available to state and local governments as well as non-profits, to purchase abandoned and foreclosed property for use as affordable housing, as authorized by title III of the Housing and Economic Recovery Act of 2008 (HERA), Public Law 110-289, as amended. See 42 U.S.C. §§ 5301, *et seq.*
- The HUD Secretary will establish criteria for grant competition within 75 days after the date of enactment (by May 3, 2009). Applications are due to HUD within 150 days after the date of enactment (by July 17, 2009). Applicants will have to demonstrate capacity, ability to leverage investment, and ability to achieve neighborhood stabilization. Grants must be given to areas with the highest foreclosure numbers and rates and where the funding can be used within the established timeline.
- Grantees must spend half of the funds within two years of receipt and must spend the entire amount of funds within three years of receipt. Grantees cannot discriminate against "Section 8" participants. Use of funds is further governed by HERA.<sup>8</sup>

*Homelessness Prevention Fund - \$1.5 billion*  
[A.XII]

- The ARRA provides funding to states and local governments for short- and medium-term rental assistance, relocation and stabilization services for homelessness prevention, and "rapid re-housing." The HUD Secretary will establish the requirements for this program within 30 days of the date of enactment (by March 19, 2009) and distribute funds according to a pre-existing formula.
- Grantees must spend at least 60 percent of the funds within two years of receipt and must spend all funds within three years; otherwise, the Secretary may recapture and redistribute the funds. Grantees must collect, and submit to HUD, data on the use of the funds.

*Community Development Block Grant Program - \$1 billion*  
[A.XII]

- The ARRA provides additional funding for the Community Development Block Grant program (42 U.S.C. §§ 5301 *et seq.*). Funds will be automatically distributed to grantees who received funding in FY 2008 pursuant to 42 U.S.C. § 5306.

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<sup>8</sup> The ARRA repealed section 2301(d)(4) of the HERA, which limited reinvestment of profits, and amended section 2301(c)(3)(C), which establishes eligible uses.

- The HUD Secretary will establish criteria to expedite the use of funds, and recipients of the funding should give priority to projects that can award contracts within 120 days of when funds are made available. HUD may waive certain requirements to expedite the use of funds.

*Native American Housing Block Grants - \$510 million*  
[A.XII]

- See [Tribal Governments](#).

*Lead Hazard Reduction Program - \$100 million*  
[A.XII]

- The ARRA provides additional funding for the Lead Hazard Reduction Program for competitive grants to local governments and non-profits for lead-based paint removal. In previous years, the criteria and application process for this program were established through HUD's Notice of Funding Availability for HUD's Discretionary Programs (SuperNOFA). Information about previous grant cycles and SuperNOFAs is available on HUD's Web site.
- Priority will be given to applicants who applied in FY 2008, but were not awarded grants because of funding limitations. Remaining funds will be added to the FY 2009 program. Each applicant must submit a detailed plan that demonstrates its capacity to carry out the proposed use of funds.
- Recipients must spend half of the funds within two years of receipt and all funds within three years; otherwise, the HUD Secretary may recapture and redistribute the funds.

*Election to substitute grants to states for low-income housing projects in lieu of low-income housing credit*  
[B. I]

- The ARRA provides an option for state housing credit agencies to elect to receive an amount for distribution of grants in lieu of the states' low-income housing tax credit allocation. Grants under this provision must be used to finance the construction or acquisition and rehabilitation of qualified, low-income buildings as defined in 26 U.S.C. § 42.
- States may make awards to finance a qualified low-income building regardless of whether the building has an allocation of low-income housing credit. However, in such a case, the state housing credit agency must determine that such an award will increase the total funds available to the state to build and rehabilitate affordable housing. In order to make such a determination, the state must establish a process by which applicants for awards demonstrate good faith efforts to obtain investment commitments before the state housing credit agency makes awards.
- Any grant recipient must satisfy low income housing credit rules. State housing credit agencies must perform asset management functions to ensure compliance with the low-income housing credit rules and the long-term viability of buildings financed with these awards. States may collect reasonable fees from award recipients to cover the expense of the agency's asset management duties. The state may alternatively retain a third party to perform these asset management duties.

- States must use the funds before January 1, 2011. Any funds unused during this period must be returned to the Treasury Department.

## 8. LAW ENFORCEMENT AND COMMUNITY SERVICES

### A. Law Enforcement

#### *Edward Byrne Memorial Justice Assistance Grants - \$2.225 billion* [A.II]

- The Edward Byrne Memorial Justice Assistance Grant program allocates money to states and local law enforcement agencies to help prevent, fight, and prosecute crime. 42 U.S.C. §§ 3750 *et seq.* The ARRA provides additional funds to support state and local law enforcement under this program.
- Of the total additional funds, the Department of Justice will provide **\$2 billion** by statutory formula to states and local law enforcement agencies to help prevent, fight, and prosecute crime. Additionally, the Department of Justice will provide **\$225 million** in competitive, peer-reviewed grants, available to units of state, local, and tribal governments for law enforcement assistance to improve the administration of justice, provide services to victims of crime, support critical nurturing and mentoring of at-risk children and youth, and support other similar activities.

#### *Community Oriented Policing Services - \$1 billion* [A.II]

- The ARRA provides additional funds for the Department of Justice to distribute to states for hiring and rehiring additional career law enforcement officers, pursuant to the existing Community Oriented Policing Services (COPS) program. See Omnibus Crime Control and Safe Streets Act of 1968, Title I, § 1701; 42 U.S.C. § 3796dd. Funding under this grant program will remain available until September 30, 2010.
- The ARRA waives the \$75,000 per officer cap and 25 percent local match requirement for all funds for COPS for FY 2009 and FY 2010. See 42 U.S.C. §§ 3796dd-3(c), 3796dd(g).

#### *Preventing Violence Against Women - \$225 million* [A.II]

- The ARRA provides additional funding for grants to state, local and tribal governments and courts (including juvenile courts) for use in combating violence against women. These funds are to be used to provide personnel, training, technical assistance, data collection, and equipment for the apprehension, prosecution, and adjudication of persons committing violent crimes against women. The federal share of qualifying projects cannot exceed 75 percent of the cost.

- Out of the total amount, **\$50 million** is allocated to transitional housing assistance grants for victims of domestic violence, stalking, or sexual assault, under section 40299 of the Violent Crime Control and Law Enforcement Act of 1994. See 42 U.S.C. § 10419. The remaining funds will be available by application in amounts determined by statutory formula as authorized by part T of the Omnibus Crime Control and Safe Streets Act of 1969, 42 U.S.C. §§ 3796gg *et seq.*
- Grantees must submit performance reports to the U.S. Attorney General.

*Tribal Law Enforcement Assistance - \$225 million*  
[A.II]

- The ARRA provides additional funding for discretionary grants to American Indian and Alaska Native tribes upon application indicating a need for law enforcement assistance. Funds are to be distributed based upon the guidelines set forth by the Correctional Facilities on Tribal Lands program. See 42 U.S.C. §§ 13701 *et seq.*; 28 C.F.R. Part 91. In the past, grants under this program could not exceed 90 percent of the total project cost.
- The grant approval process must consider the detention bed space needs of the applicant tribe and its violent crime statistics.

*Rural Law Enforcement Assistance - \$125 million*  
[A.II]

- The ARRA provides additional funds for assistance to law enforcement in rural states and rural areas to prevent and combat crime in rural America. These funds are distributed to states under the formula set forth in 42 U.S.C. § 3796bb. Money can be used to hire police officers and for community drug prevention and treatment programs. 42 U.S.C. § 3796bb.

*Victim's Compensation - \$100 million*  
[A.II]

- The ARRA provides additional funds to be distributed by the Department of Justice by statutory formula, under 42 U.S.C. § 10601(d)(4), to support state compensation and assistance programs for victims and survivors of domestic violence, sexual assault, child abuse, drunk driving, homicide, and other federal and state crimes.

*Internet Crimes Against Children Task Force - \$50 million*  
[A.II]

- The ARRA provides additional funds for the Department of Justice to distribute money under the Internet Crimes Against Children Task Force Program to states and local law enforcement agencies to enhance investigative responses to offenders who use the Internet to sexually exploit children. In the past, qualifying public agencies, such as state agencies, units of local and tribal government, and public universities, were required to file applications demonstrating eligibility under the guidelines provided in a solicitation.

*Southwest Border Assistance - \$40 million*  
[A.II]

- The ARRA provides additional funds for the Department of Justice to award as competitive grants to fund programs that provide assistance and equipment to local law enforcement along the Southern border or in High-Intensity Drug Trafficking Areas.
- **\$10 million** of these funds will be transferred to the Federal Bureau of Alcohol, Tobacco, Firearms, and Explosives for distribution under Project Gunrunner, a cooperative effort among federal, state, and Mexican law enforcement officials to eliminate firearm trafficking along the United States-Mexico border.

**B. Other Community Services**

*Rural Community Programs - \$1.51 billion*  
[A.I]

- The ARRA provides the following additional funding:
  - **\$1.38 billion**, under the Rural Water and Waste Disposal Program, for loans and grants to regional, local, non-profit, and tribal organizations for the development of water and waste disposal systems in rural areas and towns with a population below 10,000.
  - **\$130 million**, under the Rural Community Facilities Program, for loans and grants to regional, state, local, and tribal organizations for the construction or maintenance of rural community facilities, including hospitals, health clinics, and child and elder care facilities.
  - **\$150 million**, under the Rural Business Program, for loans and grants to regional, state, local, and tribal organizations for improving business, industry, and employment opportunities in economically-distressed rural communities.
- The Department of Agriculture administers these programs. Of the pool of funds appropriated in the ARRA to these, and certain other rural programs, 10 percent must be designated for "persistent poverty counties" (defined as those counties in which 20 percent of the population have lived below the federal poverty level for the past 30 years).

*National Endowment for the Arts - \$50 million*  
[A.VII]

- The ARRA provides the NEA an additional \$50 million to distribute in grants for arts projects which preserve jobs in the arts sector otherwise threatened by declines in philanthropic support during the economic downturn.
- The NEA will distribute 40 percent of these funds to state and regional arts agencies to fund arts projects. The National Council on the Arts will distribute the remaining 60 percent to deserving arts projects; state and regional arts agencies will potentially be eligible to receive these funds as well.

- The ARRA also waives the matching requirements for use of these funds under § 5(e) of the National Foundation on the Arts and Humanities Act (20 U.S.C. § 954) for these additional funds.

*Historic Preservation Fund - \$15 million*  
[A.VII]

- The ARRA provides the Department of the Interior, National Park Service with an additional \$15 million in grants for historic preservation projects at historically black colleges and universities (HBCUs). HBCUs are defined in the Historic Preservation Fund Act and the Omnibus Parks and Public Lands Act. See 16 U.S.C. § 470a. Many HBCUs are publicly-funded; states with public HBCUs are eligible to receive these grants.
- The ARRA also waives any matching requirements for these additional funds found in the Historic Preservation Fund Act and the Omnibus Parks and Public Lands Act.

**9. MILITARY**

**A. Coast Guard**

*Funding for Bridge Alteration - \$142 million*  
[A.VI]

- The ARRA provides the Coast Guard with an additional \$142 million for the reconstruction or removal of railroad or highway bridges under § 6 of the Truman-Hobbs Act (33 U.S.C. § 516).
- Any bridge owner, including any state, county, or local government, can apply for use of these funds. The Coast Guard will give priority to projects ready to begin construction immediately.

**B. National Guard**

*Military Construction, Army National Guard - \$50 million*  
[A.X]

- The ARRA provides additional funding to the Army National Guard for planning, design and military construction projects in the U.S. that are not otherwise authorized. The Secretary of Defense, in consultation with the Director of the Army National Guard, is directed to submit a funding plan to Congress within 30 days of the date of enactment (by March 19, 2009).

*Military Construction, Air National Guard - \$50 million*  
[A.X]

- The ARRA provides funding to the Air National Guard for planning, design and military construction projects in the U.S. that are not otherwise authorized. The Secretary of Defense, in consultation with the Director of the Air National Guard, is directed to submit a funding plan to Congress within 30 days of the date of enactment (by March 19, 2009).

C. Veteran Services

*Construction of State Extended Care Facilities - \$150 million*  
[A.X]

- The ARRA provides additional funding for grants to assist states in the acquisition and construction of extended care facilities as well as the remodeling, altering or modifying existing facilities for furnishing care to veterans. States should submit applications in accordance with 38 U.S.C. § 8135 and 38 C.F.R. §§ 59.20, 59.60.

10. **NUTRITION**

*Supplemental Nutrition Assistance Program (SNAP) – approximately \$20 billion*  
*(formerly known as the Food Stamp program)*  
[A.I]

- The ARRA provides additional SNAP funds to be distributed to state agencies by the Department of Agriculture, Food and Nutrition Service, under the Food and Nutrition Act (7 U.S.C. 2036(a)), which provides funding to state agencies.
- Individuals are entitled to SNAP benefits based on their income and asset levels. Beginning in April 2009, individuals receiving the maximum benefit will receive a 13 percent increase in their benefit levels, which translates to an approximately \$19 billion increase in the monies flowing through state agencies. This increase ends after September 30, 2009. However, after that date, the Secretary of Agriculture may not reduce the minimum or maximum benefit levels (or the block grants for Puerto Rico and American Samoa) below the level in effect for FY 2009. The ARRA also suspends from April 2009 to October 2010 the three-month program time limit faced by many unemployed, childless adults.
- Of the additional SNAP funds, the ARRA provides **\$295 million** to the states for the administrative expenses of the program (\$145 million for 2009; \$150 million for 2010), and **\$5 million** for administrative expenses for programs on Native American reservations.

*Special Supplemental Nutrition Program for Women, Infants, and Children (WIC) - \$500 million*  
[A.I]

- The ARRA provides additional funds for this existing program, administered by the Department of Agriculture, Food and Nutrition Service, under the Child Nutrition Act of 1966 (42 U.S.C. § 1786).

- **\$400 million** will be placed in the Secretary of Agriculture's reserve fund, to be distributed to the states as the Secretary deems necessary, notwithstanding the usual procedure for distribution of funds found in § 17(i) of the Child Nutrition Act.
- **\$100 million** will be granted to the states to improve information management systems, pursuant to § 17(h)(10)(B)(ii) of the Child Nutrition Act.

*Emergency Food Assistance Program - \$150 million*  
[A.I]

- The ARRA provides in-kind support valued at \$150 million to be distributed to the states according to the number of individuals in each state with incomes below the federal poverty level. Allocations come in the form of food commodities, not dollars, which are then distributed to local and non-profit direct-service agencies (e.g. food banks, soup kitchens).
- This program is administered by the Department of Agriculture, Food and Nutrition Service, under the Food and Nutrition Act (7 U.S.C. § 2036(a)) and the Emergency Food Assistance Act (7 U.S.C. § 7508(a)(1)).

*National School Lunch Program - \$100 million*  
[A.I]

- The ARRA provides additional funds for improvements in program equipment distributed to the states, in proportion to each state's administrative expense allocation. States must then distribute these funds via competitive grants to local school food authorities, with priority given to those schools in which at least 50 percent of students are eligible for free or reduced lunch.
- This program is administered by the Department of Agriculture, under the Richard B. Russell National School Lunch Act (42 U.S.C. § 175) and the Child Nutrition Act of 1966 (42 U.S.C. § 1771).

*Senior Meals Programs - \$100 million*  
[A.VIII]

- The ARRA provides additional funding for grants to state and local governments, with the following designations: \$65 million for Congregate Nutrition Services; \$32 million for Home-Delivered Nutrition Services; \$3 million for Native American Nutrition Services.

## 11. TECHNOLOGY AND SCIENCE

*Broadband Technology Opportunities Program - \$4.7 billion*  
[A.II; B.VI]

- The ARRA provides at least \$4.35 billion in funding for the National Telecommunications and Information Administration (NTIA) of the Department of Commerce to distribute under the Broadband Technology Opportunities Program (BTOP) for broadband deployment efforts. 47 U.S.C. §§ 1301 *et seq.* State, local, and tribal governments are eligible for funding, as are certain private organizations.

- Funding can be awarded for a wide range of projects, including acquisition of equipment, training, and support for schools, libraries, health care providers, community colleges and other community institutions; construction of broadband infrastructure; ensuring access for vulnerable populations.
- Of the \$4.35 billion, at least \$200 million is available for competitive grants to expand public computer center capacity, including at community colleges and public libraries. At least \$250 million is available for competitive grants for innovative programs to encourage sustainable adoption of broadband service.
- The Assistant Secretary of Commerce for Communications and Information must establish and implement the program “expeditiously” in consultation with the Federal Communications Commission. Applicants must provide assurances that funded projects will be completed within two years of receipt of funds. Applicants must provide at least 20 percent matching funds (absent a need-based waiver). All awards must be made before the end of FY 2010. The NTIA will award at least one grant in each state.
- In making awards, the NTIA will look for applications that provide the greatest affordability and speed of broadband service to the greatest population; and those that target broadband service for children, education, and health care delivery. Grantees will be subject to quarterly reporting requirements.
- The NTIA also will distribute up to \$350 million under the BTOP to establish the State Broadband Data and Development Grant program, and develop and maintain a national broadband inventory map. 47 U.S.C. § 1301 note.

*Distance Learning, Telemedicine, and Broadband Program - \$2.5 billion*  
[A.I]

- The ARRA provides additional funds for broadband infrastructure, available to local governments, utility districts, irrigation districts, and others. This will provide grants, loans and loan guarantees, as administered by the Department of Agriculture under the Rural Electrification Act. See 7 U.S.C. §§ 901 *et seq.*, and 918c.
- Any local government can apply for a grant or loan, provided 75 percent of the area to be served by the loan or grant is rural and without sufficient access to broadband service (as determined by the Secretary of Agriculture).
- The Secretary of Agriculture will give priority to applications: (1) from current or former borrowers under the Rural Electrification Act; that (2) deliver consumers a choice of more than one service provider; (3) provide service to the highest proportion of rural residents lacking broadband service; (4) demonstrate that if the application is approved, all project elements will be fully funded; (5) can be completed if the requested funds are provided; and (6) can commence promptly upon approval.
- However, project areas funded under this program may not simultaneously receive funding for broadband access under the BTOP program described above.

*National Science Foundation Research and Related Activities - \$2.5 billion*  
[A.II]

- The ARRA provides \$2.5 billion in funding for “research and related activities” to the National Science Foundation (NSF). Funds will only be available until September 30, 2010. The NSF appears to have significant discretion in channeling the expenditure of these funds, but several programs are specifically designated to receive funding:
- **\$400 million** for the Major Research Equipment and Facilities Construction program, which makes funding available to colleges and universities through competitive grants for the acquisition of research equipment, such as telescopes, observatories, and advanced computing systems.
- **\$300 million** for the Major Research Instrumentation program, which makes funding available to state colleges, universities, and research museums for acquisition or development of major research instrumentation. Under previous solicitations, applications for funding to acquire general purpose computer networks were returned without further review, but proposals for computer networks required to perform specific research tasks were eligible. Previous grantees were subject to reporting requirements.
- **\$200 million** for available for academic facilities modernization under the Academic Research Infrastructure Facilities Modernization Program. Under previous solicitations, funds were made available to colleges and universities to renovate and modernize existing facilities. This program does not fund new construction projects.

*National Center for Research Resources - \$1 billion*  
[A.VIII]

- The National Center for Research Resources (NCRR), administered under the Department of Health and Human Services, National Institutes of Health, provides resources for medical and scientific research throughout the United States.
- The ARRA provides an additional \$1 billion to the NCRR for the construction, renovation, and repair of non-federal research facilities. In addition, § 481A of the Public Health Service Act (42 U.S.C. § 287a-1) allows state and local entities to compete for contracts for construction and renovation of these facilities.
- The ARRA allows the NCRR to use up to \$300 million of these funds to provide research equipment to recipients of NCRR grants.
- Furthermore, the ARRA also: (1) waives the cost-sharing and cost-limiting provisions of the Public Health Service Act for the additional \$1 billion in funds; (2) reduces the time period (from 20 years to 10 years) for which recipients of grants must assure the NCRR that the facility will be used for its original purpose; and (3) limits the federal government's ability to recapture the funds if the facility is not used for its original purpose. See Public Health Service Act §§ 481A(c)(1)(B)(ii), 481A(e), 481B, 481A(c)(1)(B)(i), 481A(f); 42 U.S.C. §§ 287a-2, 287a-3.

*Health Information Technology*

- See [Health Care](#).

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*National Institute of Standards and Technology Research Facilities - \$360 million*  
[A.II]

- The National Institute of Standards and Technology (NIST) in the Department of Commerce will distribute \$360 million to finance the maintenance, renovation, and new construction of research facilities. Of this sum, **\$180 million** will fund a competitive construction grant program for research science buildings. This funding has previously been used for projects, such as laboratories, test facilities, measurement facilities, and observatories, at public and state-controlled colleges and universities.

*Weatherization and Energy Efficient Technology*

- See [Energy](#).

## 12. TRANSPORTATION

*General Provision for ARRA Funding Distributed by the Department of Transportation*  
[A.XII]

- For each state or state agency that receives transportation funds under the ARRA, the governor of that state must certify to the Secretary of Transportation “that the State will maintain its effort with regard to State funding for the types of projects that are funded by the appropriation.” The state must report the amount of state funds it plans to expend from the date of enactment through September 30, 2010. The certification is due within 30 days of the date of enactment (by March 19, 2009).
- Grant recipients are subject to periodic reporting requirements to the relevant offices within the Department of Transportation, due 90 days (by May 18, 2009), 180 days (by August 16, 2009), one year (by February 17, 2010), two years (by February 17, 2011) and three years (by February 17, 2012) after the date of enactment.

*Highway Infrastructure Investment - \$27.5 billion*  
[A.XII]

- The ARRA provides an additional \$27.5 billion in funding for restoration, repair, construction, rail transportation and port infrastructure projects eligible under 23 U.S.C. §§ 601(a)(8), 133(b).
- The Secretary of Transportation will distribute **\$60 million** to states as competitive grants for capital expenditures related to ferry boats and ferry boat terminals. See 23 U.S.C. § 147. Priority for these competitive grants will be given to projects that can be completed in less than two years. Additional set-asides include **\$310 million** for the Indian Reservation Roads Program; **\$105 million** for Puerto Rico and **\$45 million** for the Territories.

- After the required set-asides, the remainder will be apportioned to the states by statutory formula. See 23 U.S.C. § 104(b)(3); Public Law 110-161, div. K, § 120(a)(6). The Secretary of Transportation will automatically distribute the funds within 21 days after the date of enactment (by March 10, 2009). The ARRA also requires sub-allocation of funds apportioned to each state including a 3 percent set-aside for Transportation Enhancements Activities (23 U.S.C. § 133(d)(2)) and 30 percent of funds must be divided between urbanized and other areas pursuant to 23 U.S.C. § 133(d)(3)(A), (B), and (D).
- The Secretary of Transportation will redistribute 50 percent of all unobligated funds 120 days after apportionment and any remaining unobligated funds after one year. However, the state can request an extension of the second deadline. Priority should be given to projects that will be completed within three years and are located in economically distressed areas.

*Capital Assistance for High Speed Rail Corridors and Intercity Passenger Rail Service - \$8 billion*  
[A.XII]

- The ARRA provides additional funding for grants to the states under the High Speed Passenger Rail Corridor program and the Intercity Passenger Rail Service program. See 49 U.S.C. §§ 26101, 24401(2)(A), (B). Priority will be given to projects for intercity high speed rail service. The ARRA waives state and local cost-sharing requirements for these additional funds.
- The Secretary of Transportation will decide how to allocate the funding between the two programs within 60 days of the date of enactment (by April 18, 2009). The Secretary will provide guidance for applicants on grant terms, conditions, and procedures within 120 days of the date of enactment (by June 17, 2009).

*Transit Capital Assistance - \$6.9 billion*  
[A.XII]

- The ARRA provides additional funding for transit capital assistance authorized under 49 U.S.C. § 5302(a)(1). The Secretary of Transportation will automatically distribute funds within 21 days after the date of enactment (by March 10, 2009), pursuant to statutory formulae, with 80 percent of grants going to urbanized areas, 10 percent going to rural areas (with 2.5 percent thereof for tribes), and 10 percent going to growing and high density states. See 49 U.S.C. §§ 5307, 5311, 5311(c)(1) & 5340.
- Of the funds provided under this section, the ARRA sets aside **\$100 million** for discretionary grants to public transit agencies for capital investments designed to reduce energy consumption and greenhouse gas emissions. The Secretary will prioritize grant awards based upon projected total energy savings.
- The ARRA waives state and local cost-sharing requirements for these additional funds and specifies that funds may not be commingled with prior year funds. The Secretary of Transportation will recapture and redistribute 50 percent of all unobligated funds 180 days after apportionment and any remaining unobligated funds after one year. However, a state receiving funds may request an extension of the second deadline.

*Supplemental Discretionary Grants for a National Surface Transportation System - \$1.5 billion*  
[A.XII]

- The ARRA provides for competitive grants to states, local governments and transit agencies for projects involving all modes of surface transportation that have a “significant impact” on the nation, a metropolitan area, or a region. Eligible activities include, for example, projects relating to highways, bridges, public transportation, passenger and freight rail transportation, and port infrastructure investments.
- The Secretary of Transportation will award individual grants of at least \$20 million, up to a maximum of \$300 million. The Secretary of Transportation may waive the minimum grant requirement in order to fund “significant” projects in small cities, regions, or states. Grants must be geographically diverse and should balance rural and urban needs. The ARRA waives state and local cost-sharing requirements for these additional funds.
- The Secretary of Transportation is required to publish selection criteria for the grant competition within 90 days of the date of enactment (by May 18, 2009); applications for grants must be submitted within 180 days of the Secretary’s publication of the selection criteria; and the Secretary must announce awards within one year of the date of enactment (by February 17, 2010). The Secretary of Transportation will give priority to projects that depend on federal funds to complete a financing package, and to projected expected to be completed within three years of the date of enactment (by February 17, 2012).

*Grants-in-Aid to Airports - \$1.1 billion*  
[A.XII]

- The ARRA provides for additional discretionary grants to airports to improve critical infrastructure, airport improvement and noise abatement, and runway safety systems. Information on existing airport improvement grant programs can be found at 49 U.S.C. § 7105 and information on noise compatibility planning grants can be found at 49 U.S.C. § 47505. The Secretary of Transportation will give priority to projects that will be completed within two years of the date of enactment (by February 17, 2011), and that supplement rather than replace planned expenditures from other sources. The ARRA waives state and local cost-sharing requirements for these additional funds.
- The Secretary of Transportation must grant half of the funds within 120 days of the date of enactment (by June 17, 2009), and the rest within a year of the date of enactment (by February 17, 2010).

*Fixed Guideway Infrastructure Investment - \$750 million*  
[A.XII]

- The ARRA provides an additional \$750 million in funding for capital projects to modernize fixed guideway systems, transit systems under 49 U.S.C. § 5309(b)(2) and 49 C.F.R., Part 611. Fixed guideway systems are transit systems using controlled rights-of-way or rails. The ARRA waives state and local cost-sharing requirements for these additional funds and requires that they may not be commingled with prior year funds.

- The Secretary of Transportation will automatically distribute funds within 21 days after the date of enactment (by March 10, 2009), under a pre-existing formula. The Secretary will take away and redistribute 50 percent of all unobligated funds 180 days after apportionment and any remaining unobligated funds one year after apportionment. However, an urbanized area can request an extension of the second deadline.

*Capital Investment Grants - \$750 million*  
[A.XII]

- The ARRA provides an additional \$750 million for discretionary grants for transit capital investment under the New Starts and Small Starts provisions. State and local government authorities should apply according to 49 U.S.C. § 5309 and 49 C.F.R. Part 611. Priority will be given to projects currently under construction or that are able to obligate funds within 150 days of the date of enactment (by July 17, 2009). Additional funds awarded under this section may not be commingled with prior year funds.

*Supplemental Funding for Facilities and Equipment - \$200 million*  
[A.XIII]

- The ARRA provides an additional \$200 million in funding for Federal Aviation Administration (FAA) infrastructure to improve power systems, air route traffic control centers, air traffic control towers, terminal radar approach control facilities, and navigation and landing equipment. Funding may be in the form of grants, contracts, leases, cooperative agreements, or other transactions with airports. See 49 U.S.C. § 106(l)(6). The ARRA waives state and local cost-sharing requirements for these additional funds.
- The FAA Administrator must establish a process for the grant program within 60 days of the date of enactment (by April 18, 2009). The FAA Administrator will give priority to projects that will be completed within two years of the date of enactment (by February 17, 2011).

*Public Transportation and Railroad Security Assistance - \$150 million*  
[A.VI]

- See [Emergency Management](#).

*Port Security Grants - \$150 million*  
[A.VI]

- See [Emergency Management](#).

*Funding for Bridge Alteration: Coast Guard - \$142 million*  
[A.VI]

- See [Military](#).

*Supplemental Grants for Assistance to Small Shipyards - \$100 million*  
[A.XII]

- The ARRA provides an additional \$100 million in funding for grants to small shipyards under the Assistance to Small Shipyards Grant Program authorized by 46 U.S.C. § 54101. Guidance from the 2008 application process for the Assistance to Small Shipyards program specified that small shipyards can either apply directly for the grants or have state or local governments apply on their behalf. See Assistance to Small Shipyards Grant Program, 73 Fed. Reg. 1912 (Jan. 10, 2008). The Secretary of Transportation must ensure that the funds are obligated within 180 days of their distribution.

### 13. TRIBAL GOVERNMENTS

*Native American Housing Block Grants - \$510 million*  
[A.XII]

- The ARRA provides additional funding to Native American housing authorities to rehabilitate and improve energy efficiency in public housing.
- The Department of Housing and Urban Development (HUD) will distribute half of the funds by competitive grants to eligible entities—Indian tribes or certain tribally designated housing entities (TDHEs)—that apply under the Native American Housing Assistance and Self-Determination Act of 1996. See 25 U.S.C. §§ 4111 *et seq.*; 24 C.F.R. Part 1000. These funds will be allocated no later than September 30, 2009. HUD will give priority to projects that spur construction and rehabilitation and create job opportunities for low-income and unemployed citizens.
- HUD will allocate the other half of the funds automatically, within 30 days of the date of enactment (by March 19, 2009), according to the formula used in FY 2008. These funds are to be used for the construction, acquisition, and rehabilitation (including energy efficiency and conservation) of Native American housing and for infrastructure development. Priority should be given to projects where contracts can be awarded within 180 days from when funds are made available to recipients.
- Recipients must obligate all funds within one year of receipt. Recipients must spend half of the funds within two years of receipt and all funds within three years. Otherwise, the HUD Secretary may recapture and reallocate the funds.

*Indian Construction Projects - \$450 million*  
[A.VII]

- The ARRA allocates \$450 million to the Department of the Interior, Bureau of Indian Affairs, for repair and restoration of roads, replacement school construction, school improvements and repairs, and detention center maintenance and repairs on Indian lands.

*Tribal Transportation Funding*

- See “Transit Capital Assistance” and “Transportation Highway Infrastructure Investment” set-asides in [Transportation](#).

*Indian Health Facilities - \$415 million*  
[A.VII]

- The ARRA provides funds, to be distributed by the Indian Health Service for grants to tribal organizations for construction, maintenance, and improvement projects on Indian health facilities as well as the purchase of equipment for such facilities. Of the total additional funds, \$227 million is designated for two construction projects which have already begun. The ARRA waives spending caps that would otherwise apply to annual appropriations for Indian health facility projects.

*Indian Health Services - \$85 million*  
[A.VII]

- The ARRA provides funds, administered by the Department of Health and Human Services, Indian Health Service, which may be used for tribal services, including telehealth services development and related infrastructure projects despite the fact that such development is typically funded through the Indian Health Facilities account. The Indian Health Service Director has discretion to allocate funds for health information technology.

*Indian Workforce Training and Housing Improvement - \$40 million*  
[A.VII]

- The ARRA package allocates \$40 million for workforce training programs and housing improvement projects for tribal organizations, to be administered by the Bureau of Indian Affairs. The ARRA allocates \$40 million for these workforce training and housing improvement projects.

*Indian Guaranteed Loan Program - \$10 million*  
[A.VIII]

- The ARRA provides an additional \$10 million in business-loan guarantees for Indians. The Department of the Interior, Bureau of Indian Affairs, guarantees loans obtained by individual Indians or tribes to stimulate Indian-owned businesses.

## **14. GENERAL PROVISIONS**

*Government Accountability Office Reviews, Reports, and Access*  
[A.IX]

- The Government Accountability Office must review and report on the use of funds under the ARRA by selected states and localities on a bimonthly basis. These reports will be published on a Web site established by the Recovery Accountability and Transparency Board (RATB). The Comptroller General is authorized to examine records related to the obligation and use of funds by state and local agencies and to interview employees.

*Accountability and Transparency*  
[A.XV]

- Before a state or local agency can receive infrastructure investment funding under the ARRA, the governor, mayor, or chief executive overseeing use of the funds must certify that any money used for infrastructure investments is spent appropriately. The certification must include a description of the investment, the total estimated cost of the project, and the amount of funds to be used. The state or local agency also must post the certification on the Web site of the RATB before receiving funds.
- Recipients of funds under the ARRA are subject to quarterly reporting requirements and oversight by federal agency inspectors. Federal agencies may adjust the limits on administrative expenditures for grants under the ARRA to help state and local government recipients of funds defray the costs of complying with reporting requirements.
- The ARRA establishes the RATB and the Recovery Independent Advisory Panels. Also, the ARRA provides whistleblower protection for state and local—but not federal—employees who report fraud, waste, or corruption affecting funds.

*Other General Provisions*  
[A.XVI]

Several general provisions apply to funding allocations throughout the ARRA:

- Within 45 days after the date of enactment (by April 3, 2009), state governors must certify that their states will request and use funds and that these activities will create jobs and economic growth. If a governor does not accept funds provided to a state, the state legislature, by concurrent resolution, may accept the funds for state use. Funds accepted by legislation can be distributed either by formula or at the state's discretion.
- Quick-start projects are given priority, especially those that use 50 percent of the funds within 120 days after the date of enactment (by June, 17, 2009). Funds are available until September 30, 2010, unless otherwise specified. Funds cannot be used by any state or local government for any casino or other gambling establishment, aquarium, zoo, golf course, or swimming pool.
- All projects must use American iron, steel, and manufactured goods, unless (1) there are insufficient quantities available, (2) such use harms the public interest, or (3) such use would increase the total cost of the project by more than 25 percent. A waiver is granted by the head of the federal agency or department distributing the funds used for the particular project. States and local governments cannot waive the requirement unilaterally. If the agency waives the provision, the agency head must publish a detailed written explanation of this decision in the Federal Register. The ARRA states that this section shall be applied in a manner consistent with United States obligation under international trade agreements. Projects must also abide by Davis-Bacon wage rates. See 40 U.S.C. § 3141-42.

*General Provision for Title VII*  
[A.VII]

- Agencies allocated funds under Title VII can transfer up to 10 percent of their allocation from one account to another account within the agency if doing so will enhance the efficiency or effectiveness of the allocation

# Appendix:

## Schedule of Key Dates

Set forth below is a summary of certain key deadlines ascertainable on the face of the ARRA. All dates set forth below are either explicitly set forth in the text of the ARRA or calculated based upon the number of calendar days from the enactment thereof. Dates determined by calculating the number of days from enactment of the ARRA are determined without regard to whether the date falls on a weekend or federal holiday and, therefore, are approximate. Legal counsel should be consulted to determine these dates with certainty.

<b>Date</b>	<b>Topic</b>	<b>Program Name</b>	<b>Applicable Funds</b>
July 1, 2008	Temporary Increase in Federal Medical Assistance Percentage ("FMAP") (Section 6(A))	States enacting more restrictive Medicaid requirements past this date are excluded from additional FMAP funding.	\$89.7 billion
October 1, 2008	Clean and Drinking Water State Revolving Funds (Section 5)	Last date for incurring debt that is eligible for restructuring under the ARRA.	\$6 billion
March 10, 2009	Fixed Guideway Infrastructure Investment (Section 12)	Deadline for the Secretary of Transportation to automatically distribute funds under this section.	\$750 million
March 10, 2009	Highway Infrastructure Investment (Section 12)	Deadline for the Secretary of Transportation to automatically distribute funds under this section.	\$27.5 billion
March 10, 2009	Transit Capital Assistance (Section 12)	Deadline for the Secretary of Transportation to automatically distribute funds under this section.	\$6.9 billion
March 19, 2009	Community Service Employment for Older Americans Grants (Section 3)	Deadline for Department of Labor to increase the amount of 2008 grants awarded to grantees. All ARRA funds must be spent by July 1, 2010.	\$120 million

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March 19, 2009	General Provision for Funding Distributed by the Department of Transportation (Section 12)	Deadline for states to certify to the Secretary of Transportation "that the State will maintain its effort with regard to State funding for the types of projects that are funded by the appropriation."	n/a
March 19, 2009	Homelessness Prevention Fund (Section 7(C))	Deadline for HUD Secretary to establish requirements for this program.	\$1.5 billion
March 19, 2009	Military Construction, Army National Guard and Air National Guard (Section 9(B))	Deadline for the Secretary of Defense to submit funding plans to Congress for planning, design and military construction projects in the U.S. that are not otherwise authorized.	\$50 million each
March 19, 2009	Native American Housing Block Grants (Section 13)	Deadline for HUD to automatically distribute half the funds under this section according to the FY2008 formula.	\$510 million
March 19, 2009	Public Housing Capital Fund (Section 7(A))	Deadline for automatic allocation of funds using the FY2008 formula.	\$3 billion
March 19, 2009	Special Fiscal Year 2009 Transfers for Unemployment Compensation Modernization Administration (Section 3)	Deadline for funds to be transferred to state accounts in the Unemployment Trust Fund.	up to \$500 million
April 3, 2009	Army Corps of Engineers Mississippi River and Tributaries Program (Section 5)	Deadline for the Secretary of the Army to file first quarterly report on the expenditure of funds under this program.	\$375 million
April 3, 2009	Army Corps of Engineers Operation and Maintenance Projects (Section 5)	Deadline for the Secretary of the Army to file first quarterly report on the expenditure of funds under this program.	\$2.075 billion
April 3, 2009	Bureau of Reclamation Water Resources Projects (Section 5)	Deadline for the Secretary of the Interior to file first report on the expenditure of funds under this program.	\$1 billion

April 3, 2009	Other General Provisions (Section 14)	Deadline for state governors to certify that their states will request and use funds and that these activities will create jobs and economic growth.	n/a
April 18, 2009	Capital Assistance for High Speed Rail Corridors and Intercity Passenger Rail Service (Section 12)	Deadline for the Secretary of Transportation to decide how to allocate the funding between High Speed Rail Corridors and Intercity Passenger Rail Service.	\$8 billion
April 18, 2009	School Improvement Programs (Section 1(B))	Deadline for Secretary of Education to distribute McKinney-Vento funds to states.	\$70 million
April 18, 2009	Special Transfers for Unemployment Compensation Modernization (Section 3)	Deadline for the Secretary of Labor to prescribe requirements in relation to the unemployment compensation modernization provisions.	Up to \$7 billion
April 18, 2009	Supplemental Funding for Facilities and Equipment (Section 12)	Deadline for the FAA Administrator to establish a process for the grant program under this section.	\$200 million
May 3, 2009	Neighborhood Stabilization Program (Section 7(B))	Deadline for HUD Secretary to establish criteria for grant competition for funds to purchase abandoned and foreclosed property for use as affordable housing.	\$2 billion
May 18, 2009	General Provision for Funding Distributed by the Department of Transportation (Section 12)	First Reporting deadline for recipients of grants under this section.	n/a
May 18, 2009	Health Information Technology Implementation Assistance (Section 6(C))	Deadline for HHS secretary to publish notice describing program and availability of funds.	Yet to be determined

May 18, 2009	Supplemental Discretionary Grants for a National Surface Transportation System (Section 12)	Deadline for the Secretary of Transportation to publish criteria for the grant competition under this section.	\$1.5 billion
June 1, 2009	Community College and Career Training Grants (Section 3)	Deadline for Secretary of Labor to promulgate guidelines for the submission of grant proposals.	\$90 million
June 17, 2009	Capital Assistance for High Speed Rail Corridors and Intercity Passenger Rail Service (Section 12)	Deadline for the Secretary of Transportation to provide guidance to applicants on grant terms, conditions, and procedures under this section.	\$8 billion
June 17, 2009	Grants-in-Aid to Airports (Section 12)	Deadline for the Secretary of Transportation to grant half the funds under this section.	\$1.1 billion
June 17, 2009	Other General Provisions (Section 14)	Deadline for projects to use 50 percent of the funds allocated to them in order to be considered "quick-start."	n/a
July 1, 2009	Special Education (Section 1(B))	Deadline for Secretary of Education to determine amounts to be distributed as State Incentive Grants.	\$12.2 billion
July 17, 2009	Capital Investment Grants (Section 12)	Projects not under construction by the date of enactment must be able to obligate funds by this date in order to receive priority funding.	\$750 million
July 17, 2009	Neighborhood Stabilization Program (Section 7(B))	Applications due to HUD for grants to purchase abandoned and foreclosed property for use as affordable housing.	\$2 billion
August 16, 2009	General Provision for Funding Distributed by the Department of Transportation (Section 12)	Second Reporting deadline for recipients of grants under this section.	n/a

September 30, 2009	Native American Housing Block Grants (Section 13)	Deadline for HUD to distribute half the funds by competitive grant under this section.	\$510 million
September 30, 2009	Public Housing Capital Fund (Section 7(A))	Deadline for allocation of funds for grants, including those that leverage private funding or finance energy conservation renovations or retrofits.	\$1 billion
December 1, 2009	Education for the Disadvantaged (Section 1(B))	Deadline for local educational agencies to file with the state educational agency a school-by-school listing of per-pupil expenditures from state and local resources during the 2008-2009 academic year. (See March 31, 2010)	\$13 billion
December 31, 2009	Extension of Emergency Unemployment Compensation Program (Section 3)	End of extension of period during which individuals are eligible for extended unemployment benefits.	Indeterminate
January 1, 2010	Competitive Grants to States and Indian Tribes for the Development of Loan Programs to Facilitate the Widespread Adoption of Certified EHR Technology (Section 6(C))	Date awards may begin to be granted.	Yet to be determined
January 1, 2010	Full Federal Funding of Extended Unemployment Compensation for a Limited Period (Section 3)	End of full federal funding for extended unemployment compensation benefits. (Can be extended; see June 1, 2010)	Indeterminate
January 1, 2010	Increase in Unemployment Compensation Benefits (Section 3)	End of period during which federal government will finance extra \$25 per week in unemployment compensation.	Indeterminate
February 17, 2010	Clean and Drinking Water State Revolving Funds (Section 5)	Deadline for beginning construction if projects are to receive priority status.	\$6 billion

February 17, 2010	General Provision for Funding Distributed by the Department of Transportation (Section 12)	Third Reporting deadline for recipients of grants under this section.	n/a
February 17, 2010	Grants-in-Aid to Airports (Section 12)	Deadline for the Secretary of Transportation to grant all the funds under this section.	\$1.1 billion
February 17, 2010	HOME Investment Partnerships Program (Section 7(A))	Deadline for state agencies to commit at least 75 percent of the funds.	\$2.25 billion
February 17, 2010	Supplemental Discretionary Grants for a National Surface Transportation System (Section 12)	Deadline for the Secretary of Transportation to announce grant awards under this section.	\$1.5 billion
February 17, 2010	Training Funding (Section 3)	Deadline for the Secretary of Labor to issue procedures regarding the distribution of funds held in reserve if additional training funds are deemed necessary.	\$853.75 million
March 31, 2010	Education for the Disadvantaged (Section 1(B))	Deadline for state educational agencies to file with the Secretary of Education a school-by-school listing of per-pupil expenditures during the 2008-2009 academic year. (See Dec. 1, 2009)	\$13 billion
June 1, 2010	Full Federal Funding of Extended Unemployment Compensation for a Limited Period (Section 3)	End of extension period with respect to certain workers for full federal funding for extended unemployment compensation benefits.	Indeterminate
June 30, 2010	Job Corps Centers (Section 3)	Deadline for obligation of construction, rehabilitation, and acquisition funds for Job Corps Centers.	\$250 million
June 30, 2010	Workforce Investment Programs (Section 3)	End of period during which additional Workforce Investment Act funds are available.	\$3.95 billion
September 30, 2010	Broadband Technology Opportunities Program (Section 11)	Deadline for awards under this section to be made.	\$4.35 billion

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September 30, 2010	Community Oriented Policing Services (Section 8(A))	End of additional funding for career law enforcement officers.	\$1 billion
September 30, 2010	Corporation for National and Community Service Programs (Section 3)	Existing AmeriCorps grantees whose grants were made prior to this date can take advantage of funds in the ARRA.	\$89 million
September 30, 2010	Extension of TANF Supplemental Grants (Section 3)	End of extension period for TANF supplemental grants.	\$319 million
September 30, 2010	NSF Research and Related Activities (Section 11)	Extra funding for "research and related activities" is available until this date.	\$2.5 billion
September 30, 2010	Other General Provisions (Section 14)	All ARRA funds are available until this date unless otherwise specified.	n/a
September 30, 2010	State Unemployment Insurance and Employment Services Grants (Section 3)	End of period during which additional unemployment insurance and employment services funds are available.	\$400 million
September 30, 2010	Temporary Increase in Federal Medical Assistance Percentage ("FMAP") (Section 6(A))	Deadline for states to submit form regarding how additional FMAP funds were expended.	Indeterminate
December 31, 2010	Extension of the Qualifying Individual Program (Section 6(A))	End of twelve-month extension of Qualifying Individual Program.	\$562.5 million
December 31, 2010	Extension of Transitional Medical Assistance ("TMA") (Section 6(A))	End of eighteen-month extension of work-related TMA.	Indeterminate
December 31, 2010	Temporary Increase in Federal Medical Assistance Percentage ("FMAP") (Section 6(A))	End of period during which each state's FMAP is increased by 6.2 percent.	\$89.7 billion
January 1, 2011	Election to substitute grants to states for low-income housing projects in lieu of low-income housing credit (Section 7(A))	Deadline for states to use the funds provided for in this section.	Yet to be determined
February 17, 2011	General Provision for Funding Distributed by the Department of Transportation (Section 12)	Fourth Reporting deadline for recipients of grants under this section.	n/a

February 17, 2011	Grants-in-Aid to Airports (Section 12)	Projects must be scheduled to be finished by this date in order to receive priority funding.	\$1.1 billion
February 17, 2011	HOME Investment Partnerships Program (Section 7(A))	Deadline for state agencies to demonstrate that project owners have spent at least 75 percent of the funds.	\$2.25 billion
February 17, 2011	Supplemental Funding for Facilities and Equipment (Section 12)	Projects must be scheduled to be finished by this date in order to receive priority funding.	\$200 million
October 1, 2011	Special Transfers for Unemployment Compensation Modernization (Section 3)	Final date when incentive payments for unemployment compensation modernization will be paid to states.	up to \$7 billion
February 17, 2012	General Provision for Funding Distributed by the Department of Transportation (Section 12)	Final Reporting deadline for recipients of grants under this section.	n/a
February 17, 2012	HOME Investment Partnerships Program (Section 7(A))	Deadline for state agencies to demonstrate that project owners have spent all the funds.	\$2.25 billion
February 17, 2012	Supplemental Discretionary Grants for a National Surface Transportation System (Section 12)	Projects must be scheduled to be finished by this date in order to receive priority funding.	\$1.5 billion

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