

**Comparison of House and Senate Economic Recovery Bills**

January 28, 2009

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<b>Topic</b>	<b>House Bill (HR 1 As Passed House)</b>	<b>Senate Bill (S 336 As Introduced)</b>
<b>HIGHWAYS:</b>		
Funding:	<ul style="list-style-type: none"> <li>○ <b>\$30 billion Total – estimated California Share of formula funding is \$2.796 billion</b></li> <li>○ Federal share is up to 100 percent at discretion of the recipient</li> <li>○ \$29.41 billion made available for projects and activities eligible for funding under the following programs:               <ul style="list-style-type: none"> <li>– Surface Transportation Program {23 USC 133}</li> <li>– Bridge {except for discretionary program} {23 USC 144}</li> <li>– Interstate and National Highway System {23 USC 103}</li> <li>– Interstate Maintenance {23 USC 119}</li> <li>– Metropolitan Planning {23 USC 134}</li> <li>– Highway Safety Improvement Program {23 USC 148}</li> <li>– Congestion Mitigation and Air Quality Program {23 USC 149}</li> </ul> </li> <li>○ \$300 million for Indian Reservation Roads {23 USC 204}</li> <li>○ \$250 million for park roads and parkways {23 USC 204}</li> <li>○ \$20 million for highway surface and transportation training {23 USC 140(b)}</li> <li>○ \$20 million for Disadvantaged Business Enterprises Bonding Assistance {49 USC 332(e)}</li> </ul>	<ul style="list-style-type: none"> <li>○ <b>\$32.506 billion Total – estimated California share of formula funding is \$2.554 billion</b></li> <li>○ Federal share for the formula funds is up to 100 percent at the discretion of the recipient, but discretionary grants must be 100 percent of project cost</li> <li>○ \$26.356 billion made available for projects eligible for funding under the Surface Transportation Program and Congestion Mitigation and Air Quality Program. Funds may also be used for:               <ul style="list-style-type: none"> <li>– Stormwater</li> <li>– Passenger and Freight Rail</li> <li>– Port Infrastructure</li> </ul> </li> <li>○ \$5.5 billion reserved for discretionary grants made by the Secretary of US DOT               <ul style="list-style-type: none"> <li>– Grant minimum is \$20 million, maximum is \$500 million</li> <li>– Awarded to State and Local Governments</li> <li>– Used for highway, transit, freight and passenger rail, and port infrastructure projects</li> <li>– \$200 million reserved for TIFIA program and State Infrastructure Bank support</li> </ul> </li> <li>○ \$60 million for ferries (discretionary program)</li> <li>○ \$320 million for Indian Reservation Roads</li> <li>○ \$100 million for Park Roads and Parkways</li> <li>○ \$70 million for Forest Highways</li> <li>○ \$10 million for Refuge Roads</li> <li>○ Balance of funds reserved for distribution to US Territories and FHWA administrative expenses.</li> </ul>
Allocation and Suballocation:	<ul style="list-style-type: none"> <li>○ Funds allocated to states based on share of FFY 2007/2008 appropriations formula.</li> <li>○ 45 percent of the funds are suballocated in each State according to 23 USC 133(d), the Surface Transportation Program population distribution, including the 10 percent Transportation Enhancement set aside.</li> <li>○ 55% of the funds are distributed to the State.</li> </ul>	<ul style="list-style-type: none"> <li>○ Funds allocated to states based on the state distribution formula for the Surface Transportation Program (based on highway miles, vmt, and population)</li> <li>○ 5 percent of the funds are reserved for CMAQ eligible projects that are in areas meeting CMAQ criteria, the bill does not specify that the funds be distributed according to the CMAQ allocation formulas</li> <li>○ 40 percent of the funds are suballocated in each state</li> </ul>

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		<p>according to 23 USC 133 (d)(3) and (d)(4), the Surface Transportation Program population formulas, there is no set aside for Transportation Enhancements</p> <ul style="list-style-type: none"> <li>o 55 percent of the funds distributed to the State</li> </ul>
Use It Or Lose It:	<ul style="list-style-type: none"> <li>o If less than 50 percent of the funds are obligated within 90 days of distribution, the remainder of the 50% are redistributed to other states that have met the 50% commitment.</li> <li>o For funds suballocated under 23 USC 133(d) the 50% deadline is triggered in 75 days, at which time the funds will revert to the state for allocation at its discretion.</li> <li>o Any funds not used by August 1, 2010 shall be redistributed to States that have committed all of their funds</li> </ul>	<ul style="list-style-type: none"> <li>o If less than 50 percent of the funds are obligated within 180 days of apportionment, the remainder are redistributed to other states</li> <li>o Funds suballocated under the Surface Transportation Program are exempt from the first 50 percent requirement -- it is subject to interpretation as to whether this provision also applies to the CMAQ set aside</li> <li>o After 1 year from the date of apportionment, any unused funds are withdrawn and redistributed through the discretionary grant program described above</li> </ul>
<b>TRANSIT:</b>		
Funding:	<ul style="list-style-type: none"> <li>o <b>\$12 Billion Total – California share has yet to be determined (it was \$932 million of the formula funds prior to the addition of the \$3 billion during floor debate)</b></li> <li>o Transit Capital Assistance \$6.0 billion <ul style="list-style-type: none"> <li>– \$6.75 billion for grants under 5307 program and apportioned under formulas in 49 USC 5336 <ul style="list-style-type: none"> <li>· Recovery funds cannot be commingled with 5336 funds.</li> </ul> </li> <li>– \$750 million for grants under the 5311 program <ul style="list-style-type: none"> <li>· Funds cannot be comingled with existing 5311 funds.</li> <li>· 3 % or \$18 million of the funds set aside for Public Transit on Indian Reservations.</li> </ul> </li> <li>– The federal share is up to 100 percent at the discretion of the recipient.</li> <li>– 10 percent Disadvantaged Business Enterprise requirement</li> <li>– FTA can reserve .75% for administration and oversight of the 5336 and .5% for 5311 funds.</li> </ul> </li> <li>o Fixed Guideway Infrastructure Investment: \$2.5 billion <ul style="list-style-type: none"> <li>– For capital expenditures under 49 USC 5309 (b)(2) Fixed Guideway Modernization</li> <li>– Apportioned using formulas in 49 USC 5337</li> </ul> </li> </ul>	<ul style="list-style-type: none"> <li>o <b>\$8.4 Billion Total – California share yet to be determined</b></li> <li>o \$200 million set aside for discretionary grants for transit capital investments that reduce energy consumption or greenhouse gases</li> <li>o Transit Capital Assistance Formula Distribution: \$8.2 billion (note: the following distributions are estimates): <ul style="list-style-type: none"> <li>– \$5.822 billion apportioned to states using the 5307 program distribution formula</li> <li>– \$1.596 billion apportioned to states using the Growing States distribution formula</li> <li>– \$840 million apportioned to states using the 5311 program distribution formula</li> <li>– \$16.4 million or 2 percent of the 5311 distribution is set aside for Indian Reservation Roads</li> <li>– The federal share is up to 100 percent at the discretion of the recipient.</li> <li>– Disadvantaged Business Enterprise requirement</li> </ul> </li> <li>o Buy America requirement</li> </ul>

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	<ul style="list-style-type: none"> <li>- Funds cannot be comingled with funds available under Formula and Bus Grants account.</li> <li>- The federal share is up to 100 percent at the discretion of the recipient.</li> <li>- Use It Or Lose It Deadline for first 50% is 120 days after apportionment otherwise see Grant Provisions below.</li> <li>- 10 percent Disadvantaged Business Enterprise requirement</li> <li>- FTA can reserve 1 % for administration and oversight</li> <li>o Capital Investment Grants \$1.0 billion             <ul style="list-style-type: none"> <li>- For Major Capital Investment Grants under discretionary allocation.</li> <li>- Priority given to projects that can award within 90 days of enactment</li> <li>- Use It Or Lose It Deadline for first 50% is 120 days after apportionment otherwise see Grant Provisions below.</li> <li>- FTA can reserve 1 % for administration and oversight</li> </ul> </li> </ul>	
Use It Or Lose It:	<ul style="list-style-type: none"> <li>o Use It Or Lose It Deadline for first 50% is to obligate 90 days after apportionment</li> <li>o Second 50 percent of the funds             <ul style="list-style-type: none"> <li>- Must award contract within two-years of enactment or 21 months of grant award, whichever is later</li> </ul> </li> <li>o Funds not awarded within the timeframe above are redistributed to other eligible recipients</li> <li>o Uncommitted funds redistributed by appropriate federal department or agency</li> </ul>	<ul style="list-style-type: none"> <li>o If less than 50 percent of the funds are obligated within 180 days of apportionment, the remainder are redistributed to other states</li> <li>o After 1 year from the date of apportionment, any unused funds are withdrawn and redistributed through the discretionary grant program described in the Highway section of the bill</li> </ul>
<b>RAIL:</b>		
Funding:	<ul style="list-style-type: none"> <li>o Capital Assistance for Intercity Passenger Rail: \$300 million             <ul style="list-style-type: none"> <li>- US DOT Secretary to give preference for projects that:                 <ul style="list-style-type: none"> <li>· Can be awarded within 180 days,</li> <li>· Are FRA compliant for rolling stock and locomotive acquisitions,</li> </ul> </li> </ul> </li> </ul>	<ul style="list-style-type: none"> <li>o Capital Assistance for Intercity Passenger Rail: \$250 million             <ul style="list-style-type: none"> <li>- US DOT Secretary to give preference for projects that:                 <ul style="list-style-type: none"> <li>· Can be completed within 2 years,</li> <li>· Improve safety and reliability</li> </ul> </li> <li>- The federal share shall be 100 percent of the project cost</li> <li>- Prevailing wage requirements apply</li> </ul> </li> </ul>

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	<ul style="list-style-type: none"> <li>• Support the development of high speed rail service.             <ul style="list-style-type: none"> <li>– The federal share is up to 100 percent at the discretion of the recipient.</li> </ul> </li> <li>○ AMTRAK: \$800 million             <ul style="list-style-type: none"> <li>– Priority given to repair, rehabilitation, and upgrade of railroad assets and infrastructure</li> <li>– Funds cannot be used to subsidize operating losses.</li> <li>– Funds must be awarded within 7 days of enactment.</li> </ul> </li> </ul>	<ul style="list-style-type: none"> <li>– Projects must be included in a Statewide Transportation Improvement Plan</li> <li>○ AMTRAK: \$850 million             <ul style="list-style-type: none"> <li>– Not more than 50 percent may be allocated to the Northeast Corridor</li> <li>– Priority to capacity expansion</li> <li>– Projects shall be completed within 2 years</li> </ul> </li> <li>○ High Speed Rail: \$200 million             <ul style="list-style-type: none"> <li>– Federal share shall be 100 percent of project cost</li> <li>– Funds remain available until September 30, 2011</li> </ul> </li> <li>○ Buy America requirements apply to all sections of this part of the Title</li> </ul>
Use It Or Lose It:	<ul style="list-style-type: none"> <li>○ First 50 percent Intercity Passenger Rail funds             <ul style="list-style-type: none"> <li>– Must award contract within one-year of enactment or 9 months of grant award whichever is later</li> </ul> </li> <li>○ Second 50 percent of the funds             <ul style="list-style-type: none"> <li>– Must award contract within two-years of enactment or 21 months of grant award, whichever is later</li> </ul> </li> <li>○ Funds not awarded within the timeframe above are redistributed to other eligible recipients</li> <li>○ Uncommitted funds redistributed by appropriate federal department or agency.</li> </ul>	<ul style="list-style-type: none"> <li>○ Silent on use it or lose it.</li> </ul>
<b>AVIATION:</b>		
Funding:	<ul style="list-style-type: none"> <li>○ <b>For Grants In Aid to Airports \$3 Billion</b> <ul style="list-style-type: none"> <li>– Subject to Grant Program provisions described below,</li> </ul> </li> </ul>	<ul style="list-style-type: none"> <li>○ <b>\$1.3 Billion total</b></li> <li>○ \$200 million for FAA infrastructure</li> <li>○ \$1.1 billion for discretionary grants to airports</li> <li>○ Priority to projects that can be completed in 2 years</li> <li>○ Federal share is 100 percent</li> <li>○ Prevailing wage rate law applies</li> </ul>
Use It Or Lose:	<ul style="list-style-type: none"> <li>○ First 50 percent of the funds             <ul style="list-style-type: none"> <li>– Use It or Lose It provisions require grantees to award contracts for not less than 50 percent of the funds within 120 days after award of grant</li> </ul> </li> <li>○ Second 50 percent of the funds             <ul style="list-style-type: none"> <li>– Must award contract within two-years of enactment or 21 months of grant award, whichever is later</li> </ul> </li> <li>○ Funds not awarded within the timeframe above are</li> </ul>	<ul style="list-style-type: none"> <li>○ Silent on Use it or Lose it.</li> </ul>

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	<ul style="list-style-type: none"> <li>○ redistributed to other eligible recipients</li> <li>○ Uncommitted funds redistributed by appropriate federal department or agency.</li> </ul>	
<b>TRANSPARENCY:</b>		
	<ul style="list-style-type: none"> <li>○ Federal Agencies are required to post their plans for using their funds and announcements for grant competitions, allocations of formula grants, and awards of competitive grants on the Recovery.gov website. (1201)</li> <li>○ State and Local Agency Requirements (1201) <ul style="list-style-type: none"> <li>– Agencies are required to post notices of obligation of funds on Recovery.gov website. <ul style="list-style-type: none"> <li>· Includes a certification that the investment has received the full review and vetting required by law. Certification is signed by the Governor, mayor, or other chief executive officer as appropriate.</li> </ul> </li> <li>– Contracts will also be posted on the website with proprietary data redacted.</li> </ul> </li> <li>○ To the maximum extend possible, contracts will be awarded as fixed price contracts (1205)</li> <li>○ Establishes an Accountability and Transparency Board (1221, 1222, 1223) <ul style="list-style-type: none"> <li>– Seven members</li> <li>– Purpose is prevent fraud, waste and abuse</li> <li>– Oversight of compliance with reporting, competition, and other requirements of the Act.</li> </ul> </li> <li>○ Includes “whistle blower” protections</li> </ul>	<ul style="list-style-type: none"> <li>○ \$7.75 million to the Inspector General for audits and investigation in regard to the transportation provisions of the bill.</li> <li>○ In general “Buy America” applies throughout the act</li> <li>○ Governor or responsible chief executive required to certify that investment is an appropriate use of tax dollars</li> <li>○ Includes “whistle blower” protections</li> <li>○ Creates and independent board with oversight and coordination responsibility for audits and fraud and waste prevention</li> <li>○ Creates an advisory panel to advise on fraud, waste and abuse.</li> </ul>
Maintenance of Effort:	<ul style="list-style-type: none"> <li>○ Requires certification by the Governor that grant funds will not supplant existing funds. Funds may be rescinded under specified circumstances.</li> </ul>	<ul style="list-style-type: none"> <li>○ Silent on maintenance of effort</li> </ul>
<b>MISCELLANEOUS:</b>		
	<ul style="list-style-type: none"> <li>○ Provides \$400 million to fund an alternative fuel vehicle pilot program established under the Energy Policy Act of 2005 (Title V)</li> <li>○ Transportation Security Administration: \$500 million for Aviation Explosive Detection Systems at airports. (Title VII)</li> <li>○ Coast Guard: \$150 million to repair or remove bridges deemed hazardous to marine navigation. (Title VII)</li> </ul>	<ul style="list-style-type: none"> <li>○ \$1.9 billion for Army Corps of Engineers operations and maintenance activities, which includes dredging (funds derived from the Harbor Maintenance Trust Fund)</li> <li>○ \$1.2 billion to the General Services Administration for border stations</li> <li>○ \$100 million to the Maritime Administration for small shipyards.</li> </ul>

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	<ul style="list-style-type: none"><li>○ Border Ports of Entry: \$1.15 billion to construct GSA and Border land ports of entry. (Title VI and Title VII)</li><li>○ Bureau of Land Management (Title VIII)<ul style="list-style-type: none"><li>– \$325 million for priority road, bridge and trail repair</li><li>– \$1.5 billion for national parks, an unspecified portion of which can be used for bridge and road repair.</li><li>– Bureau of Indian Affairs: \$500 million, an unspecified portion of which can be used for Indian Reservation roads.</li><li>– Forest Service: \$650 million, an unspecified portion of which can be used for forest roads, bridges, trails, removal of fish passage barriers and watershed improvement.</li></ul></li></ul>	
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