

**H.R. 1, The American Economic Recovery Act  
Side-by-Side Senate and House Analysis**

February 12, 2009

Issue	Senate Bill (passed Senate 2/10/09)	House Bill (passed House 1/28/09)	Conference Report (Filed 2/12/09)
<b>Funding Levels</b>			
Total Transportation Funding	<b>\$45,470,000,000</b>	<b>\$46,120,000,000</b>	<b>\$48,120,000,000</b>
Total Transit Funding	<b>\$8,400,000,000</b>	<b>\$12,000,000,000</b>	<b>\$8,400,000,000</b>
Transit Funding Breakdown	Urbanized Area Formula Grants (5307) - \$5.96 billion (71%) Rural Area Formula Grants (5311) - \$840 million (10%) Growing States and High Density Formula Grants (5340) - \$1.6 billion (19%)	Urbanized Area Formula Grants (5307) - \$6.75 billion Rural Area Formula Grants (5311) - \$750 million Fixed Guideway Modernization (Rail Mod) - \$2 billion Capital Investment Grants (New Starts) - \$2.5 billion	Urbanized Area Formula Grants (5307) - \$5.52 billion (80%) Rural Area Formula Grants (5311) - \$690 million (10%) Growing States and High Density Formula Grants (5340) - \$690 million (10%) Fixed Guideway Modernization (Rail Mod) - \$750 million Capital Investment Grants (New Starts) - \$750 million
Total Highway Funding	<b>\$27,060,000,000</b>	<b>\$30,000,000,000</b>	<b>\$27,500,000,000</b>
Highway Funding Breakdown (Suballocation)	-Funds distributed through STP program -40% of funds will be suballocated to urbanized areas, and are eligible for transit -5% of funds reserved for CMAQ, and eligible for transit -\$60 million for waterborne transit-	-Funds distributed through STP program -45% of funds will be suballocated to urbanized areas, and are eligible for transit	-Funds distributed through STP program -30% of funds will be suballocated to urbanized areas, and are eligible for transit
Total Intercity and High Speed Rail Funding	<b>\$3,100,000,000</b>	<b>\$1,100,000,000</b>	<b>\$9,300,000,000</b>
Intercity and High Speed Rail Funding Breakdown	Amtrak - \$850 million Intercity Passenger Rail Grant Program - \$250 million High Speed Rail Corridor Investments - \$2 billion	Amtrak - \$800 million Intercity Passenger Rail Program* - \$300 million (Priority given to High Speed Rail projects)	Amtrak - \$1.3 billion Intercity Passenger Rail and High Speed Rail - \$8 billion
Supplemental Discretionary Grants for a National Transportation System Program (Multi-Modal)	<b>\$5,500,000,000</b>	<b>No Provision</b>	<b>\$1,500,000,000</b>
<b>Transit Program Details</b>			
Urbanized Area, Rural Area and Growing States	-Urbanized Area Formula Grants (5307) - \$5.96 billion -Rural Area Formula Grants (5311) - \$840 million - Growing States and High Density Formula Grants (5340) - \$1.6 billion	-Urbanized Area Formula Grants (5307) - \$6.75 billion -Rural Area Formula Grants (5311) - \$750 million -Growing States and High Density Formula Grants	-Urbanized Area Formula Grants (5307) - \$5.52 billion (80%) -Rural Area Formula Grants (5311) - \$690 million (10%) -Growing States and High Density Formula Grants

<p>and High Density States Formula Grant Programs (5307, 5311, 5340)</p>	<p>-\$200,000,000 Set aside for discretionary grants to “to public transportation agencies for capital investments to reduce energy consumption or greenhouse gas emissions; -Small Transit Intensive Cities formula not used in 5307 apportionments -50% of funds must be obligated within 180 days; -Remaining 50% must be obligated within 1 year; -“Use it or lose it provision” - First 50% of funds not obligated within 180days redistributed to recipients who have successfully obligated their apportionment; second 50% not obligated within 1 year redistributed to “Supplemental Discretionary Grants for a National Transportation System Program” -100% federal share -funds shall be apportioned by FTA “as soon as possible”</p>	<p>(5340) - \$0 -Small Transit Intensive Cities formula not used in 5307 apportionments -50% of funds must be obligated within 90 days; remaining 50% must be obligated within 2 years -“Use it or lose it provision” – DOT shall redistribute funds not obligated within the specified time periods to other recipients eligible under the programs to use in a “timely manner” -100% federal share -FTA required to apportion funds within 7 days of enactment</p>	<p>(5340) - \$690 million (10%) -\$100 million provided for discretionary grants to public transit agencies to reduce energy consumption or greenhouse gas emissions - funding must be apportioned within 21 days of enactment -“Use it or lose it” provision - 50% of funds not obligated within 180 days redistributed to recipients who have successfully obligated their apportionment; remaining unobligated portion redistributed within 1 year to recipients who have successfully obligated their apportionment -Secretary may provide obligation extension for extenuating circumstances -funds available until 9/30/10</p>
<p>Fixed Guideway Modernization Program (Rail-Mod)</p>	<p>No provision.</p>	<p>-\$2 billion provided -50% of funds must be obligated within 90 days; remaining 50% must be obligated within 2 years -“Use it or lose it provision” – DOT shall redistribute funds not obligated within the specified time periods to other recipients eligible under the programs to use in a “timely manner” -100% federal share -FTA required to apportion funds within 7 days of enactment;</p>	<p>-\$750 million provided - funding must be apportioned within 21 days of enactment -“Use it or lose it” provision - 50% of funds not obligated within 180 days redistributed to recipients who have successfully obligated their apportionment; remaining funds not obligated within 1 year redistributed to recipients who have successfully obligated their apportionment -Secretary may provide obligation extension for extenuating circumstances -funds available until 9/30/10</p>
<p>Capital Investment Grants (New Starts Program)</p>	<p>No Provision.</p>	<p>-\$2.5 billion provided -discretionary grants competitively awarded by DOT -priority shall be given to projects that are currently in construction or are able to award contracts based on bids within 90 days of enactment (FFGAs) -50% of funds must be spent (contracts or binding commitments) by grantee within 90 days of award or be redistributed by DOT -current matching requirements remain</p>	<p>-\$750 million provided -discretionary grants competitively awarded by DOT -priority shall be given to projects that are currently in construction or are able to obligate funds within 150 days of enactment -funds available until 9/30/10</p>
<p>Supplemental Discretionary Grants for a National Transportation System Program</p>	<p>-\$5.5 billion provided for discretionary grants to states and local governments for the following eligible projects: Highway and bridge projects, including interstate rehabilitation, improvements to rural collector road system, reconstruction of overpasses and interchanges, bridge replacements, and seismic retrofit projects for bridges and road realignments; Public transportation projects including New Starts and Small Starts projects; Passenger and freight rail improvements and port infrastructure improvements. -Grants range from \$20,000,000 to \$500,000,000;</p>	<p>No provision.</p>	<p>-\$1.5 billion provided for discretionary grants to states and local governments for the following eligible projects; -Eligible projects include highway and bridge projects, including interstate rehabilitation, improvements to rural collector road system, reconstruction of overpasses and interchanges, bridge replacements, and seismic retrofit projects for bridges and road realignments; public transportation projects including New Starts and Small Starts projects; passenger and freight rail improvements and port infrastructure improvements. -Grants range from \$20,000,000 to \$300,000,000; -Secretary may waive minimum grant level for</p>

	<ul style="list-style-type: none"> <li>-100% federal share;</li> <li>-projects must be completed within 3 years</li> <li>-funds must be distributed equitably among geographic regions and urban and rural areas</li> <li>-Secretary must issue grant criteria within 75 days of enactment;</li> <li>-applications must be submitted within 180 days of enactment;</li> <li>-projects must be awarded within 1 year of enactment;</li> </ul>		<ul style="list-style-type: none"> <li>significant projects in small cities, regions and state</li> <li>-100% federal share;</li> <li>-not more than 20% of total amount can be awarded to a single State</li> <li>-priority given to projects that are expected to be completed within 3 year and require federal funds to complete an overall financing package;</li> <li>-Secretary must issue grant criteria within 90 days of enactment;</li> <li>-applications must be submitted within 180 days of criteria publication;</li> <li>-projects must be awarded within 1 year of enactment;</li> </ul>
<b>Rail Program Details</b>			
<b>Amtrak</b>	- \$850 million for Amtrak Capital Improvements	- \$800 million for Amtrak Capital Improvements	- \$850 million for Amtrak Capital Improvements - \$450 million for Amtrak Capital Security Grants
<b>Intercity Passenger Rail Grants</b>	<ul style="list-style-type: none"> <li>- \$250 million for Intercity Passenger Rail grants</li> <li>- funds distributed under the Sec. 24401 Intercity Passenger Rail Grant program</li> <li>- 100% federal share</li> <li>- projects must be in STIP at time of application</li> <li>- priority given to projects that can be completed within 2 years and increase safety and reliability of intercity passenger trains.</li> </ul>	<ul style="list-style-type: none"> <li>- \$300 million for Intercity Passenger Rail grants;</li> <li>- funds distributed under the Sec. 24401 Intercity Passenger Rail Grant program;</li> <li>- preference given to projects that can be awarded within 180 days of enactment;</li> <li>- preference given to FTRA compliant rolling stock;</li> <li>- preference given to projects that promote High Speed Rail</li> </ul>	<ul style="list-style-type: none"> <li>- \$8 billion provided for Capital Assistance for High Speed Rail Corridors and Intercity Passenger Rail Service programs</li> <li>- Secretary must submit to Congress a strategic funding plan within 60 days of enactment</li> <li>- Secretary must issue grant criteria within 120 days of enactment</li> <li>- 100% federal share</li> <li>- priority given to intercity high speed rail projects</li> </ul>
<b>High Speed Rail Corridor Program</b>	<ul style="list-style-type: none"> <li>- \$2 billion provided for discretionary grants for capital projects in designated high speed rail corridors;</li> <li>- grants distributed under the High Speed Rail program (Sec. 26106)</li> <li>- grants must be awarded by September 30, 2011</li> <li>- 100% federal share</li> </ul>	No provision.	<ul style="list-style-type: none"> <li>- \$8 billion provided for Capital Assistance for High Speed Rail Corridors and Intercity Passenger Rail Service</li> <li>- Secretary must submit to Congress a strategic funding plan within 60 days of enactment</li> <li>- Secretary must issue grant criteria within 120 days of enactment</li> <li>- 100% federal share</li> <li>- priority given to intercity high speed rail projects</li> </ul>
<b>Other Issues</b>			
<b>Maritime Transportation</b>	<ul style="list-style-type: none"> <li>- \$60 million in grants under the FHWA's Ferry Boat Discretionary Program; competitive discretionary grants to be distributed to states for the construction of ferry boats and ferry terminal facilities.</li> <li>- priority given to projects that can be completed within 2 years;</li> <li>- \$100 million provided for grants for "assistance to small shipyards," through the Maritime Administration for capital improvements to small shipyards to improve productivity of nation's shipbuilding industry</li> </ul>	No provision.	<ul style="list-style-type: none"> <li>- \$60 million in grants under the FHWA's Ferry Boat Discretionary Program; competitive discretionary grants to be distributed to states for the construction of ferry boats and ferry terminal facilities.</li> <li>- \$100 million provided for grants for "assistance to small shipyards," through the Maritime Administration for capital improvements to small shipyards to improve productivity of nation's shipbuilding industry</li> <li>- funding must be obligated within 180 days</li> <li>- funds available until 9/30/10</li> </ul>
<b>Commuter Tax Benefit</b>	<ul style="list-style-type: none"> <li>- Increases monthly pre-tax commuter transit and vanpool benefits to the same level as provided for pre-tax parking benefits, up from \$120 to \$230 per month.</li> <li>- Provision effectiveness to coincide with enactment.</li> <li>- Sunsets December 31, 2010.</li> </ul>	No provision.	<ul style="list-style-type: none"> <li>- Increases monthly pre-tax commuter transit and vanpool benefits to the same level as provided for pre-tax parking benefits, up from \$120 to \$230 per month.</li> <li>- Provision effectiveness to coincide with enactment.</li> <li>- Sunsets January 1, 2011</li> </ul>

<p><b>High Speed Rail Bonds</b></p>	<p>-Current provision states a project is eligible for tax-exempt bonds only if a project is reasonably expected to operate at a speed in excess of 150 mph.          -Chairman's Modifications alters language to allow projects to be eligible for tax-exempt bonds if a project is reasonably expected to attain a top speed of 150 mph.          -Only bonds issued after enactment are eligible.          -No sunset provision.</p>	<p>No provision.</p>	<p>-Requires a project "be capable of attaining a maximum speed in excess of 150 mph" to be eligible for tax-exempt bonds          -Only bonds issued after enactment are eligible.</p>
<p><b>Transit Security Grants</b></p>	<p>-\$100 million for Public Transportation Security Assistance, Railroad Security Assistance and Amtrak Security Updates;          -Funds available until 9/30/2010</p>	<p>No provision.</p>	<p>-\$150 million for Public Transportation Security Assistance and Railroad Security Assistance          -\$450 million for Amtrak Security Upgrades          -funds available until 9/30/10</p>
<p><b>Energy Efficiency and Conservation Block Grant Program</b></p>	<p>-\$3.5 billion provided for state and local governments to implement transit eligible energy efficiency and conservation programs</p>	<p>-\$4.2 billion provided for state and local governments to implement transit eligible energy efficiency and conservation programs          -\$2.1 billion to be distributed via formula, remaining \$2.1 billion to be awarded via discretionary grant program</p>	<p>-\$3.2 billion provided for state and local governments to implement transit eligible energy efficiency and conservation programs          -\$2.8 billion to be distributed via formula, remaining \$400 million to be distributed via competitive discretionary grant program</p>