

FFIS WEEKLY UPDATE – DECEMBER 23, 2009

Weekly News:

APPROPRIATIONS UPDATE

December 19, 2009: President Signs FY 2010 Defense Appropriations Bill

The president signed the defense appropriations bill (H.R. 3326), completing action on the FY 2010 budget. The bill extends several programs through February 28, 2010, including the authorization of federal surface transportation programs, and enrollment for emergency unemployment compensation and COBRA premium reduction. It also provides \$400 million in administrative costs associated with the Supplemental Nutrition Assistance Program (SNAP).

ENERGY

December 17, 2009: DOE Issues Guidance for National Environmental Policy Act Compliance

The Department of Energy (DOE) issued guidance to help grant recipients of the State Energy Program (SEP) and Energy Efficiency and Conservation Block Grants (EECBG) comply with the requirements of the National Environmental Policy Act (NEPA). NEPA requires federal agencies to consider environmental impacts of their proposed actions. This new guidance, plus other information related to NEPA compliance, is available at:

http://apps1.eere.energy.gov/state_energy_program/doe_guidelines_nepa.cfm

HEALTH AND HUMAN SERVICES

1) December 22, 2009: Senate Approves Manager's Amendment to Health Care Reform Proposal

The Senate approved the manager's amendment (S.A. 3276) to the Senate's comprehensive health care reform bill, the Patient Protection and Affordable Care Act (H.R. 3590). The manager's amendment includes federal funding to extend the Children's Health Insurance Program (CHIP) authorization for two additional years (through 2015). Eligible states would still receive a 23 percentage point increase in their CHIP enhanced match rate, but the effective date was changed from 2013 to 2016. The amendment would immediately prohibit insurers from denying coverage to children because of pre-existing medical conditions and would extend Medicaid coverage to children in foster care until they are 26 years of age. S.A. 3276 retains the mandatory Medicaid expansion up to 133% of the federal poverty level (FPL) and the increased federal share for the newly eligible population. However, the language makes several clarifications and adjustments related to the Medicaid expansion, including making it a state option to cover adults at or below 133% FPL beginning April 1, 2010. Under the amendment, enhanced Medicaid funding would be available to states that shifted Medicaid beneficiaries from nursing homes to home- and community-based services. States would be subject to new transparency requirements when developing Medicaid waivers. The amendment would authorize grants to states to test alternatives to civil tort litigation. Final passage of the Senate bill is expected on December 24, 2009. A summary of the manager's amendment is here:

http://inside.ffis.org/ff/ManagersSectionBySection_12-19-09.pdf

The entire text can be found at: <http://democrats.senate.gov/reform/managers-amendment.pdf>

The Congressional Budget Office's analysis of the manager's amendment is available at:

http://www.cbo.gov/ftpdocs/108xx/doc10868/12-19-Reid_Letter_Managers.pdf

2) GAO Releases Report on DSH Payments

GAO recently released a study on disproportionate share hospital (DSH) payments in California, Michigan, New York, and Texas. The report finds that federal oversight is necessary to ensure states account for all Medicaid payments when calculating DSH payment limits. To view the report, go to:

<http://www.gao.gov/new.items/d1069.pdf>

3) December 17, 2009: HHS Announces CHIP Performance Bonuses; Provides Additional Guidance

The Department of Health and Human Services (HHS) announced more than \$72 million in bonuses to nine states for making significant progress in enrolling children in health coverage through Medicaid and improving access to children's health insurance. For more information and awards by state, see:

<http://www.hhs.gov/news/press/2009pres/12/20091217a.html>

The department also released a letter to state health officials regarding the performance bonus payment provisions included in the Children's Health Insurance Program Reauthorization Act of 2009 (CHIPRA, P.L. 111-3). The letter

explains the bonus payments and eligibility criteria. To view the letter, go to:
<http://www.cms.hhs.gov/smdl/downloads/SHO09015.pdf>

4) December 18, 2009: HHS Requests Comments on Model of Interstate Coordinated Enrollment and Coverage Process for Low-Income Children

HHS published in the *Federal Register* a notice that requests comments to assist in the development of a model process for the coordination of enrollment, retention, and coverage for children eligible for Medicaid and CHIP. CHIPRA requires this model process to be developed by August 4, 2010. Comments must be received by January 19, 2010. To view the notice, see: <http://edocket.access.gpo.gov/2009/pdf/E9-29724.pdf>

5) Older Americans Act (OAA) Reauthorization Forums

The Administration on Aging (AOA) plans to hold a series of forums in early 2010 to get feedback on key issues that will be addressed in the 2011 reauthorization of OAA. More information on these forums can be found at: http://www.aoa.gov/AoARoot/Press_Room/News/2009/12_17_09.aspx

HOMELAND SECURITY

December 18, 2009: DHS Extends REAL ID Deadline

The Department of Homeland Security (DHS) released a statement regarding the December 31, 2009, compliance deadline for the REAL ID program. In response to 46 of 56 states and territories informing DHS that they will not be able to meet the December 31 REAL ID material compliance deadline, DHS is extending deadline. However, the May 10, 2011, deadline for full compliance remains in effect. To view the full DHS press release, see: http://www.dhs.gov/ynews/releases/pr_1261170524591.shtm

HOUSING

December 15, 2009: SAFE Act Proposed Rule Published

The Department of Housing and Urban Development (HUD) announced a proposed rule in the *Federal Register* regarding HUD's responsibilities under the Secure and Fair Enforcement Mortgage Licensing Act of 2008 (SAFE Act), enacted into law on July 30, 2008, as part of the Housing and Economic Recovery Act of 2008. This new law directs states to adopt licensing and registration requirements for loan originators that meet the minimum standards specified in the SAFE Act, in lieu of HUD establishing and maintaining a licensing system for loan originators. The proposed rule sets forth the minimum standards that the SAFE Act provides states to meet in licensing loan originators. Additionally, the rule provides the procedure that HUD will use to determine whether a state's licensing and registration system is SAFE Act compliant; the actions that HUD will take if it determines that a state has not established a SAFE Act-compliant licensing and registration system; and HUD's enforcement authority if it operates a state licensing system. Comments are due by February 16, 2010. To view the rule, go to: <http://edocket.access.gpo.gov/2009/pdf/E9-29708.pdf>

INTERIOR

December 11, 2009: Interior Announces \$46.5 Million in Grants to States and Territories for Historic Preservation

The Department of Interior announced today the National Park Service is awarding \$46.5 million in historic preservation grants to states and U.S. territories. For more information, click the following link: http://www.doi.gov/news/09_News_Releases/121109.html

JUSTICE

December 15, 2009: DHS and DOJ Announce Recommendations to Improve Information Sharing

The Department of Homeland Security (DHS) and the Department of Justice (DOJ) announced two new reforms, from a report released by the Task Force on Controlled Unclassified Information, to improve the sharing of sensitive information with state and local governments. The report recommends a single, standardized framework for marking, storing, and disseminating sensitive but unclassified information across the federal government. In addition, dual program management offices will be created in DHS and DOJ to coordinate support for state and local fusion centers and the Nationwide Suspicious Activity Reporting Initiative. These changes are intended to simplify and consolidate federal procedures to facilitate the timely sharing of information with state and local officials.

LABOR

1) December 15, 2009: Tools for America's Job Seekers Challenge Announced

The U.S. Department of Labor's (DOL) Employment and Training Administration (ETA) announced in the *Federal Register* that it is launching the Tools for America's Job Seekers Challenge. Using an online platform, the challenge will allow developers to present their online job tools to workforce development experts and job seekers. The tools that receive the most recommendations will be shared broadly with the workforce investment system and job seekers. The announcement states that workforce system decision makers can use this feedback to inform their decisions about which tools to make available through one-stop career centers, state job banks, and other internet-based resources. This is not an opportunity to apply for grant funding. For more information, see:

<http://edocket.access.gpo.gov/2009/pdf/E9-29831.pdf>

2) December 15, 2009: UI Benefit Accuracy Handbook Revised

ETA released revisions to the Federal Monitoring Handbook for the Unemployment Insurance Benefit Accuracy Measurement (BAM) Program. The handbook contains instructions for monitoring BAM paid claims accuracy (PCA) and denied claims accuracy (DCA) programs. The handbook can be accessed at:

http://wdr.doleta.gov/directives/corr_doc.cfm?docn=2834

NUTRITION

1) December 15, 2009: FNS Issues Final Rule on Food Safety for School Lunch and School Breakfast Programs

The Department of Agriculture's Food and Nutrition Services (FNS) posted a final rule for the National School Lunch Program (NSLP) in the *Federal Register*. This final rule implements a legislative provision which requires School Food Authorities (SFAs) participating in the NSLP or the School Breakfast Program (SBP) to develop a school food safety program for the preparation and service of school meals served to children. The school food safety program must be based on the hazard analysis and critical control point (HACCP) system established by the secretary of agriculture. The final rule is effective January 14, 2010. To view the rule, go to:

<http://edocket.access.gpo.gov/2009/pdf/E9-29799.pdf>

2) December 15, 2009: SNAP Questions and Answers on Categorical Eligibility Posted

FNS released questions and answers on the implementation of categorical eligibility and the reporting requirements for categorically eligible households in the Supplemental Nutrition Assistance Program (SNAP), formerly known as the food stamp program. These questions are in response to inquiries from the states and can be found at:

<http://www.fns.usda.gov/snap/rules/Memo/2010/121509.pdf>

3) December 14, 2009: FNS Releases Clarifying Memo for School Food Authorities

FNS issued a memorandum clarifying requirements and options for School Food Authorities (SFAs) acting as a collective unit in performing activities relating to donated foods. It also clarifies the requirements for the distributing agency with respect to such SFAs. The memorandum can be found at:

http://www.fns.usda.gov/fdd/policymemo/pmfd067_NSLP-CollectiveUnitrev.pdf

4) FNS Seeks Healthy Incentives Pilot Applications

FNS is currently seeking applications from state SNAP agencies to administer the Healthy Incentives Pilot (HIP) initiative. More information can be found at: <http://www.fns.usda.gov/snap/hip/>

ARRA:

GENERAL

December 18, 2009: New ARRA Guidance Issued by OMB

The Office of Management and Budget (OMB) issued new guidance (M-10-08) regarding Section 1512 data quality and jobs reporting. To view the new guidance, go to:

http://www.whitehouse.gov/omb/assets/memoranda_2010/m10-08.pdf

COMMERCE

December 17, 2009: First Round BTOP Grants Announced

The administration announced a \$183 million investment in 18 broadband projects benefiting 17 states, as part of the Broadband Technology Opportunities Program (BTOP) authorized in ARRA. This funding has been matched by \$46 million in public and private sector capital. Awards will continue to be announced from the first round application pool on a rolling basis into February 2010. To view the awards, see: <http://www.whitehouse.gov/the-press-office/vice-president-biden-kicks-72-billion-recovery-act-broadband-program>

EDUCATION

December 18, 2009: ED Releases Title I School Improvement Grants Guidance

The Department of Education (ED) released guidance to provide assistance in implementing the final requirements of the \$3.5 billion in Title I School Improvement grants included under ARRA and the regular FY 2009 appropriations process. You can find the guidance here: <http://www.ed.gov/programs/sif/guidance-20091218.doc>

ENERGY

1) December 16, 2009: DOE Develops National Weatherization Training and Technical Assistance Plan

DOE released a plan for national weatherization training and technical assistance while ARRA is being implemented. The plan is intended to increase the effectiveness of ARRA's weatherization investments and allow for better leveraging of weatherization expertise across the country. Click here to read the plan:

http://apps1.eere.energy.gov/weatherization/pdfs/wap_tta_plan.pdf

2) December 22, 2009: DOL Revises State Wage Determinations for Weatherization

The Department of Labor (DOL) recently revised the prevailing wage determinations for the states in compliance with the Davis-Bacon Act requirements of ARRA. The updated state-by-state prevailing wage determinations are available near the bottom of this page: http://apps1.eere.energy.gov/weatherization/dol_wage_determination.cfm

ENVIRONMENT

1) December 22, 2009: EPA Updates SRF ARRA Reporting Summary Project Lists

The Environmental Protection Agency (EPA) released updated ARRA reporting summaries for their Clean Water and Drinking Water State Revolving Funds (SRFs).

To access the Clean Water SRF ARRA Reporting Summary Project List, click here:

http://www.epa.gov/owm/cwfinance/cwsrf/cwsrf_ara.pdf

To access the Drinking Water SRF ARRA Reporting Summary Project List, click here:

http://www.epa.gov/owm/cwfinance/cwsrf/dwsrf_ara.pdf

2) December 22, 2009: DOE Publishes Highlights of New OMB ARRA Guidance

After OMB issued its updated ARRA reporting guidance on December 18, 2009, EPA published highlights on the new guidance, available here: <http://www.epa.gov/recovery/supplement2.html>

HEALTH AND HUMAN SERVICES

December 16, 2009: HHS Announces \$27 Million in ARRA Funds to Help Older Individuals Fight Chronic Disease

The Department of Health and Human Services (HHS) announced the availability of \$27 million to help older individuals with chronic conditions improve their health and reduce their use of costly medical care. States and territories are eligible for this competitive grant opportunity. The application deadline is February 12, 2010. For more details, see: <http://www.hhs.gov/news/press/2009pres/12/20091216a.html>

2) December 18, 2009: HHS Announces \$60 Million for Strategic Health IT Advanced Research Projects (SHARP)

HHS announced plans to make \$60 million available to support SHARP projects, which focuses on the following areas: security of health information technology, patient-centered cognitive support, health care application and network platform architectures, secondary use of electronic health record data. Authorized by ARRA, these cooperative agreements are part of a series of grants to help strengthen and support the use of health information technology. Applications are due on January 25, 2010, with awards anticipated in March 2010. Additional information is available at: <http://healthit.hhs.gov/portal/server.pt?open=512&objID=1436&mode=2>

LABOR

November 30, 2009: State Data for WIA Summer Youth Posted

ETA has released state-by-state data for the Workforce Investment Act (WIA) ARRA-funded summer youth employment program.

To view the data, go to: http://www.doleta.gov/performance/monthly_summary.cfm

TRANSPORTATION

1) December 22, 2009: House Transportation and Infrastructure Committee Requests Monthly ARRA Reports

House Transportation and Infrastructure chairman wrote to governors, metropolitan planning organizations, and public transit agencies outlining the committee's ARRA data reporting schedule for 2010. The chairman requested that governors submit updated accountability and transparency reports on the 20th of each month during 2010. Since last spring, the committee has requested cumulative data about outlays and outcomes regarding the delivery of transportation and infrastructure projects using ARRA funds. To view the letter sent to governors, please go to: <http://transportation.house.gov/Media/file/ARRA/20091222%20Accountability%20Letter%20Governors.pdf>

2) December 18, 2009: FTA Announces Awards for Tribal Transit Program

The Federal Transit Administration (FTA) announced the selection of tribal projects funded under ARRA and the FY 2009 appropriations process. The funds support public transportation capital projects, operating costs, and planning activities that are eligible costs under the Non-Urbanized Area Formula. To view the *Federal Register* announcement, see: <http://edocket.access.gpo.gov/2009/pdf/E9-30197.pdf>

TREASURY

December 22, 2009: Treasury Surpasses \$4 Billion in ARRA Funds Awarded to State Housing Authorities

The Treasury Department announced that more than \$4 billion in ARRA funds have been awarded to state and territorial housing authorities. These authorities have received payments in lieu of tax credits to stimulate the

construction and completion of affordable housing projects. Click here to view the awards:
<http://www.treas.gov/press/releases/tg459.htm>