

FFIS WEEKLY UPDATE – NOVEMBER 24, 2009

Weekly News:

COMMERCE

Senate Committee Approves EDA Reauthorization

On November 18, 2009, the Senate Environment and Public Works Committee approved the Economic Development Revitalization Act of 2009 (S. 2887), which would reauthorize the Economic Development Administration (EDA) for fiscal years (FYs) 2009-2013. The bill would authorize \$500 million per year for the EDA to provide development grants to economically distressed communities to promote jobs and businesses in those communities most in need. The current authorization for EDA expired on September 30, 2008. The bill now goes to the full Senate for consideration. The House held a hearing on EDA reauthorization in March, but a reauthorization bill has not been introduced during this Congress.

HEALTH AND HUMAN SERVICES

1) Senate Approves Motion to Begin Health Care Reform Deliberations

On November 21, 2009, the Senate approved a procedural motion that allows the chamber to move to debate the comprehensive health care reform bill introduced by Senate Majority Leader Reid last week. Debate is scheduled to begin on November 30, 2009, and is expected to last through most of December. The Senate bill includes an individual mandate to obtain coverage and financially penalize employers who offer no or unaffordable coverage to their employees. The proposal also would establish health insurance exchanges, provide sliding scale federal subsidies to assist low-income individuals with income between 133% and 400% of the federal poverty level (FPL) afford coverage, expand Medicaid eligibility to 133% of FPL for all non-elderly individuals, and impose an excise tax on high-cost health insurance plans, as well as other fees. The federal government would pay all the costs of covering newly eligible Medicaid enrollees from 2014 through 2016. Beginning 2017, states would pay a share of the costs, which would average about 10%. According to the preliminary analysis by the Congressional Budget Office (CBO), the bill would reduce the federal budget deficit \$130 billion over its first 10 years (2010-2019). The legislation is available at <http://democrats.senate.gov/>. The CBO analysis is available at <http://www.cbo.gov/doc.cfm?index=10731>.

2) CMS Releases Letter on Individually Directed Goods and Services

On November 19, 2009, the Centers for Medicare and Medicaid Services (CMS) released a State Medicaid Directors letter providing guidance to states for their use in determining the goods and services they will permit to be covered as "individual directed goods and services" under a section 1915(c) Home and Community-Based Services waiver program, or as "permissible purchases" under the section 1915(j) self-directed Personal Assistant Services State plan option. The letter is available at: <http://www.cms.hhs.gov/SMDL/downloads/SMD111909.pdf>

3) HHS Announces Availability of \$10 Million in Medicaid/CHIP Outreach Grants

On November 19, 2009, HHS announced the availability of \$10 million in grants to enroll eligible uninsured American Indian and Alaska Native children in Medicaid and the Children's Health Insurance Program (CHIP). These grants were included in the Children's Health Insurance Program Reauthorization Act of 2009 (CHIPRA). Applications are due by January 15, 2010, and grants will be awarded on April 15, 2010. Eligible entities include the Indian Health Service and Tribes, Tribal Organizations, and Urban Indian organizations operating a health program. The grant announcement is available at: <http://www.cms.hhs.gov/CHIPRA/downloads/CHIPRAOutreachGrantSolicitationIndianChildrenFinal11162009.pdf>

4) CMS Withdraws Proposed Rule on Medicaid Rehabilitative Services

On November 23, 2009, the Centers for Medicare and Medicaid Services (CMS) published a document in the *Federal Register* that withdraws a proposed rule published on August 13, 2007, related to the definition of and coverage for rehabilitative services under the Medicaid program. ARRA included a provision stating that it was the sense of Congress that the secretary of the Department of Health and Human Services (HHS) should not finalize the rule. To view the notice, see:

<http://edocket.access.gpo.gov/2009/pdf/E9-27954.pdf>

5) HHS Releases Report on Health Care Reform

The Department of Health and Human Services (HHS) has released updated state-by-state reports on health insurance reform. The series, titled *Health Insurance Reform: The Case for Change*, provides state-level information on a number of issues, including the number of individuals that could be assisted by some of the provisions being considered by Congress. The state reports are available at: <http://www.healthreform.gov/healthcarestatus.html>.

HOMELAND SECURITY

1) FEMA Publishes Final Rule on Public Assistance

The Federal Emergency Management Agency (FEMA) published a final rule in the *Federal Register* on November 20, 2009, related to the financial assistance it provides to state/local governments and non-profit organizations for response and recovery activities as a result of a major disaster or emergency. Specifically, the rule finalizes the July 2006 interim rule, which amended FEMA's public assistance eligibility regulations to allow grantees to seek reimbursement for eligible sheltering and evacuation costs incurred outside of areas designated under a presidential emergency or major disaster declaration. The effective date of the rule is December 21, 2009. To view the final notice, go to: <http://edocket.access.gpo.gov/2009/pdf/E9-27883.pdf>

2) Firefighter Grant Measure Passes House

On November 18, 2009, the House passed legislation that would authorize \$11 billion over five years for firefighter programs. The bill (H.R. 3791) would authorize \$1 billion annually for FYs 2010-2014 for the Assistance to Firefighters Grant Program. It would also authorize the Staffing for Adequate Fire and Emergency Response Grant Program at \$1.2 billion annually for FYs 2010-2014. FEMA administers both grant programs.

HOUSING

1) Guidance Released on Calculating Operating Subsidies for 2010

On November 19, 2009, the Office of Public and Indian Housing at the Department of Housing and Urban Development (HUD) released guidance that provides public housing agencies (PHAs) with instructions for operating subsidy calculation submissions in calendar year (CY) 2010 as funded from FY 2010 appropriations. To view the guidance, go to:

<http://www.hud.gov/offices/adm/hudclips/notices/pih/files/09-47pihn.doc>

2) HUD's Annual Accountability Report Released

On November 16, 2009, HUD released its annual Performance and Accountability Report (PAR) for FY 2009. This report describes the department's financial and performance results during the fiscal year. To view the report, go to: <http://www.hud.gov/offices/cfo/reports/hudfy2009par.pdf>

LABOR

1) TAA Guidance Change on Implementing Trade and Globalization Adjustment Assistance Act of 2009

On November 20, 2009, the Employment and Training Administration (ETA) at the Department of Labor published Training and Employment Guidance Letter No. 22-08, Change 1, that provides operating instructions for implementing amendments to the Trade Act of 1974, enacted by the Trade and Globalization Adjustment Assistance Act of 2009. The guidance provides a correction to the formula for calculating Reemployment Trade Adjustment Assistance (RTAA) payments and to respond to questions from State Workforce Agencies (SWAs) about administration of Trade Readjustment Allowances (TRA) and RTAA under the new Trade Adjustment Assistance (TAA) program, as amended in 2009. To view the guidance, go to:

http://wdr.doleta.gov/directives/corr_doc.cfm?docn=2823

2) BLS Seeks Comments on Revised Methodology for Monthly Labor Force Statistics

On November 20, 2009, the Bureau of Labor Statistics (BLS) published a notice of solicitation of comments in the *Federal Register* to revise the methodology for estimating the monthly labor force statistics for states, the District of Columbia, and other select areas. Specifically, BLS is proposing implementation of a smoothed-seasonally-adjusted series for current and historical estimates. Comments are due by December 21, 2009. To view the proposal, go to:

<http://edocket.access.gpo.gov/2009/pdf/E9-27930.pdf>

INTERIOR

Department of Interior Disburses Almost \$11 Billion in FY 2009 from Federal Energy Revenues

On November 17, 2009, the Department of the Interior's Minerals Management Service (MMS) announced that it disbursed almost \$11 billion in FY 2009, of which \$2 billion was provided directly to states and counties, from revenues collected from energy and mineral production on federal and American Indian lands. More details, including a link to the complete breakout of FY 2009 disbursements, are available here:

http://www.doi.gov/news/09_News_Releases/111709.html

JUSTICE

Public Defender Offices, 2007 Statistical Tables Released

On November 19, 2009, the Department of Justice's Bureau of Justice Statistics (BJS) released Public Defender Offices, 2007 Statistical Tables, which examines offices that provide representation for indigent defendants through attorneys who are employed as direct government employees or through a public, non-profit organization. Public defender offices are categorized according to whether they are principally funded and administered at the state government level, county level, or through a combination of both. The tables include information on public defender office staffing, caseloads, expenditures, and standards and guidelines. For more info, see:

<http://www.ojp.usdoj.gov/bjs/abstract/pdo07st.htm>

NUTRITION

1) SNAP Guidance Issued on Unreported and Unverified Expenses

On November 18, 2009, the Food and Nutrition Service (FNS) at the Department of Agriculture released clarifying guidance on Supplemental Nutrition Assistance Program (SNAP) application statements about unreported and unverified expenses. The FNS guidance provides information on six issues for those state agencies that choose to include on their applications a statement notifying applicants that failure to report or to verify expenses indicates that a household does not want to receive a deduction for that expense. To view the guidance, see:

<http://www.fns.usda.gov/snap/rules/Memo/2009/111809.pdf>

2) USDA Report on Food Insecurity Released

On November 16, 2009, the Department of Agriculture's Economic Research Service's (ERS) released its annual report on household food security in the U.S., which revealed that in 2008, 17 million households, or 14.6%, were food-insecure and families had difficulty putting enough food on the table at times during the year. This is an increase from 13 million households, or 11.1%, in 2007. The 2008 figures represent the highest level observed since nationally representative food security surveys were initiated in 1995. The full study is available at:

www.ers.usda.gov/features/householdfoodsecurity/

TRANSPORTATION

FHWA Notice Revises Extension and Flexibility for Certain Allocated Programs in FY 2010

On November 17, 2009, the Federal Highway Administration (FHWA) released Notice 4510.716. This notice cancels a previous notice (4510.714) and revises the amounts available to states under the Continuing Resolution (P.L. 111-88), which extends the authorization of surface transportation programs. To view the notice and table see:

<http://www.fhwa.dot.gov/legregs/directives/notices/n4510716.htm>

ARRA:

GENERAL

GAO Finds Good and Bad in Stimulus Reports

An official with the Government Accountability Office (GAO) told Congress that while recipient reporting of federal stimulus dollars went relatively smoothly, errors were made. In a report released on November 19, 2009, GAO cited projects in which jobs were reportedly created but no funds expended; projects with nearly \$1 billion spent but no jobs created; and inconsistency in the guidance and counting of Full-Time Equivalents (FTEs). GAO aimed several of its recommendations at the Office of Management and Budget (OMB), which spearheaded the regulatory process for ARRA. Specifically, GAO said that OMB should "(1) clarify the definition and standardize the period of measurement for FTEs and work with federal agencies to align this guidance with OMB's guidance and across agencies; (2) given its reporting approach, consider being more explicit that 'jobs created or retained' are to be reported as hours worked and paid for with Recovery Act funds, and (3) continue working with federal agencies and encourage them to provide or improve program specific guidance to assist recipients, especially as it applies to the full-time equivalent calculation for individual programs." To read the report, go to:

<http://www.gao.gov/new.items/d10223.pdf>

AGRICULTURE

USDA Announces \$117.3 Million for Rural Water Projects

On November 18, 2009, the Department of Agriculture (USDA) announced \$117.3 million in water and environmental project loans and grants being funded through ARRA. Click here for more details:

http://www.usda.gov/wps/portal/lut/p/s.7_0_A/7_0_10B?contentidonly=true&contentid=2009/11/0579.xml

ENERGY

DOE Announces \$104 Million for National Laboratory Facilities

On November 18, 2009, the Department of Energy (DOE) announced \$104.7 million in funding from ARRA for eight new projects to establish research and testing facilities at seven DOE National Laboratories. The funding will support reducing the production cost of carbon fiber manufacturing, to help in reducing the weight of vehicles; improved efficiency and lower costs for car batteries; and net-zero energy building technologies. More details are available here: <http://www.energy.gov/news2009/8297.htm>

ENVIRONMENT

EPA Updates ARRA Reporting Summary Project Lists

On November 23, 2009, the Department of Energy (DOE) released updated versions of their Clean Water State Revolving Fund (SRF) and Drinking Water SRF ARRA reporting summary project lists.

The Clean Water project list is available here: http://www.epa.gov/owm/cwfinance/cwsrf/cwsrf_arra.pdf

The Drinking Water project list is available here: http://www.epa.gov/owm/cwfinance/cwsrf/dwsrf_arra.pdf

HEALTH AND HUMAN SERVICES

1) Change to ARRA Reporting for Head Start Program

On November 19, 2009, the Administration for Children and Families (ACF) informed Head Start and Early Head Start grantees who receive cost of living increases that the use of these funds will no longer be reported as jobs retained:

http://eclkc.ohs.acf.hhs.gov/hslc/What's%20New/2009_whatsnew.html

2) ARRA Faculty Loan Repayment Funds Awarded

On November 17, 2009, the Department of Health and Human Services (HHS) announced \$1.2 million to help health professions faculty from disadvantaged backgrounds repay their student loans. These funds are part of the \$500 million in ARRA to address workforce shortages. For amounts by state, go to:

<http://newsroom.hrsa.gov/releases/2009/flrprelease.htm>

3) HHS Awards Health IT Funds to First State

On November 23, 2009, the Department of Health and Human Services (HHS) announced that Iowa's Medicaid program is the first to receive federal matching funds for planning activities necessary to implement the electronic health record (EHR) incentive program established by ARRA. Iowa will receive approximately \$1.16 million in federal matching funds. Additional information on implementation of the Medicaid-related provisions of the Recovery Acts EHR incentive payment program may be found at:

http://www.cms.hhs.gov/Recovery/11_HealthIT.asp#TopOfPage

LABOR

1) Department of Labor Announces \$55 million in Green Jobs Training Grants

On November 18, 2009, the Department of Labor (DOL) announced nearly \$55 million in ARRA green jobs grants. The grant awards announced were for State Labor Market Information Improvement Grants (\$48.8 million) and Green Capacity Building Grants (\$5.8 million). For a list and description of the grant awards, see:

<http://www.doleta.gov/pdf/GreenJobs.pdf>

2) COBRA Notice Slightly Altered

On November 16, 2009, the Employment and Training Administration (ETA) released a Training and Employment Notice (TEN) to one-stop career centers and others concerning COBRA premium reduction and extended eligibility provisions in ARRA. This TEN, No. 14-09, is identical to TEN 42-08, and is repeated because two important groups of addressees have been added. To view the notice, go to:

http://wdr.doleta.gov/directives/corr_doc.cfm?docn=2819

NUTRITION

SNAP Guidance Released on \$25 Supplemental Weekly UI Compensation

On November 19, 2009, the Food and Nutrition Service at the Department of Agriculture (USDA) released information on implementing a recently enacted provision, included in the Worker, Homeownership, and Business Assistance Act of 2009 (P.L. 111-92), that changes the treatment of the \$25 supplemental weekly unemployment compensation payment authorized by ARRA. Section 8 of that act requires SNAP to exclude these \$25 payments from all calculations of resources and income. The guidance can be found at:

<http://www.fns.usda.gov/snap/rules/Memo/2009/111909.pdf>