

## GENERAL GOVERNING PROVISIONS - H.R. 1 - THE AMERICAN RECOVERY AND REINVESTMENT ACT

- (1) Unless otherwise specified, all funds appropriated under H.R. 1 remain available for obligation until **September 30, 2010**. (Title XVI, Section 1603)
- (2) Regarding infrastructure investment, preference must be given to projects that can be started and completed expeditiously. The law sets a goal of having 50% or more of the funds for projects started not later than **120 days** after enactment. (Title XVI, Section 1602)
- (3) No funds made available to any state or local government may be used for casinos, gambling establishments, aquariums, zoos, golf courses or swimming pools. (Title XVI, Section 1604)
- (4) Infrastructure projects involving construction, alteration, maintenance or repair of public buildings or public works must be accomplished using iron, steel and manufactured goods produced in the United States (**Buy America**; Title XVI, Section 1605). *The Buy American provision is only applied in a manner consistent with United State obligations under international agreements.* Exceptions can be made by the heads of federal departments or agencies when use of domestic products is:
  - i. Inconsistent with the public interest;
  - ii. Compromised because there are insufficient or reasonably unavailable quantities of domestic products or their quality is unsatisfactory; or
  - iii. Likely to increase the cost of the overall project by 25% or more.
- (5) Laborers and mechanics employed by contractors and subcontractors on projects funded in whole or in part by funds made available through H.R. 1 must be paid the **prevailing wage**. (Title XVI, Section 1606)
- (6) Governors must certify within 45 days of enactment their intention to request and use funds provided in H.R. 1. **The State Legislature may certify the state's intention to use any funds (in any funding stream in H.R. 1) not accepted for use by the Governor.** (Title XVI, Section 1607)
- (7) Funds must be devoted to ensuring that applicable environmental reviews required by NEPA (National Environmental Policy Act) are completed expeditiously and that the shortest applicable process is utilized. (Title XVI, Section 1609)
- (8) It is unlawful to hire non-immigrants unless the recipient is in compliance with the requirements for an **H-1B dependent employer**. (Title XVI, Section 1611)