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ONE HUNDRED ELEVENTH CONGRESS

Congress of the United States

House of Representatives

COMMITTEE ON OVERSIGHT AND GOVERNMENT REFORM

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WASHINGTON, DC 20515-6143

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November 23, 2009

The Honorable Julius Genachowski
Chairman
Federal Communications Commission
445 12th Street, SW
Washington, DC 20554

Dear Chairman Genachowski:

On February 17, 2009, President Obama signed the American Recovery and Reinvestment Act ("Recovery Act") into law. This law allocates nearly \$800 billion to programs designed to put Americans to work and stimulate the economy. A sizable portion of this money has been allocated to the U.S. Federal Communications Commission.

Section 1512 of the Recovery Act requires recipients of recovery funds from federal agencies to submit a report not later than 10 days after the end of each calendar quarter that includes the following:

- (1) the total amount of recovery funds received from that agency;
- (2) the amount of recovery funds received that were expended or obligated to projects or activities; and
- (3) a detailed list of all projects or activities for which recovery funds were expended or obligated, including—
 - (A) the name of the project or activity;
 - (B) a description of the project or activity;
 - (C) an evaluation of the completion status of the project or activity;
 - (D) an estimate of the number of jobs created and the number of jobs retained by the project or activity; and
 - (E) for infrastructure investments made by State and local governments, the purpose, total cost, and rationale of the agency for funding the infrastructure investment with funds made available under this Act, and name of the person to contact at the agency if there are concerns with the infrastructure investment.³⁷

³⁷ American Recovery and Reinvestment Act of 2009 Pub. L. No. 111-5, § 1512, (2009).

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The Honorable Julius Genachowski
November 23, 2009
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On Thursday, November 20, 2009, the White House held a conference call on the Recovery Act recipient reporting process during which Mr. Ed DeSeve, Senior Advisor to the President for Recovery Act Implementation, said the following:

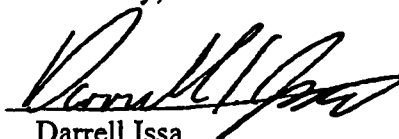
Each agency has a contract or a grant agreement or a loan agreement with recipients. Under the Terms and Conditions ... of those contracts, failure to report or inaccurate reporting carries with it various kinds of penalties. Those penalties will vary depending on whether it's a contract, a grant agreement or a loan agreement and which agency has executed that agreement. Agencies have already begun and will continue to notify people who are non-filers, people who did not file their reports, that they are subject to the penalties in those terms and conditions.³⁸

In order to facilitate the Committee's oversight of the implementation of the Recovery Act, please provide the following information:

1. The language used in the Terms and Conditions for each Recovery Act-funded contracts, grants, and loan agreement related to failure to report or inaccurate reporting under Section 1512 of the Recovery Act;
2. A list of Recovery Act awardees from the Department of Transportation that did not file or have been found to have filed inaccurately under award agreements related to Section 1512 of the Recovery Act;
3. A list of awardees that the Department of Transportation has already contacted or plans to contact regarding a lack of filing or inaccurate filing under award agreements related to Section 1512 of the Recovery Act.

Please submit the requested information no later than December 4, 2009. Thank you in advance for your prompt attention to this matter. If you require assistance or would like to discuss this request, please feel free to contact at any time Jennifer Safavian, Chief Counsel for Oversight and Investigations, or Mark Marin, Professional Staff Member, at (202) 225-5074.

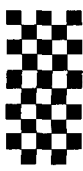
Sincerely,



Darrell Issa
Ranking Member

cc: The Honorable Edolphus Towns, Chairman

³⁸ White House Media Conference Call, November 19, 2009.



EDOLPHUS TOWNS, NEW YORK
CHAIRMAN

DARRELL E. ISSA, CALIFORNIA
RANKING MINORITY MEMBER

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FACSIMILE TRANSMISSION

Date: November 23, 2009

To: The Honorable Julius Genachowski
Chairman
Federal Communications Commission

From: Darrell E. Issa, Ranking Member
Oversight & Government Reform Committee

Phone:

Fax: (202) 418-2806

There will be a total of 3 pages, including cover page.

Comments: Attached please find a letter from Darrell Issa, Ranking Member, Committee on Oversight and Government Reform, which is simultaneously being mailed by USPS.

*If there are any questions or problems regarding this transmission,
please call the sender at 202-225-5074*

Please Note: The information on this facsimile is confidential and is intended only for the use of the person named above. If this facsimile has come to you in error, please call the sender at the number given above. Any distribution of this facsimile is strictly prohibited.