

# Client Alert



## Economic Stimulus Spreadsheet Initial Analysis of House Leadership Proposal

The House Leadership released an \$825 billion economic stimulus plan, which combines \$550 billion in spending and \$275 billion in targeted tax cuts. The Ferguson Group participated in a stakeholders meeting sponsored by the Office of House Speaker Nancy Pelosi (D-CA) to discuss the economic recovery package. House Majority Leader Steny Hoyer's (D-MD) office, and staff from the House Appropriations Committee and House Ways and Means Committee, also participated.

The expected timeline for consideration of the package is:

- Wednesday, January 21<sup>st</sup>: House Appropriations Committee markup
- Thursday, January 22<sup>nd</sup>: House Way and Means Committee markup
- TBD: House Energy and Commerce Committee markup of health-related provisions
- Wednesday, January 28<sup>th</sup>: House Floor consideration
- Early February: Senate consideration
- Mid-February: Enactment

This draft represents a coordinated effort between House and Senate Leadership and the Obama Transition Team. Although this measure is subject to change as it moves through the legislative process, only minimal changes are expected.

- Denotes a preference that 50% of all infrastructure funding shall go to projects that can be initiated in 120 days.

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- Formula grant funding shall be awarded within 30 days of enactment (if there was no funding in FY 2008, then funding shall be awarded within 60 days).
- Competitive grant funding shall be awarded within 90 days of enactment (if there was no funding in FY 2008, then funding shall be awarded within 120 days).
- Funds must be committed within the period required in the bill, or they will be de-obligated and redirected.
- No funds may be used for casinos or other gaming establishments, aquariums, zoos, golf courses, or swimming pools.
- Reporting and transparency requirements: Each Federal agency will be required to publish on the website Recovery.gov a plan for using the funds, all competitive grant announcements, allocation of formula grants, and how formula grants are awarded.
  - Local governments will be required to certify that infrastructure funding received has been fully reviewed and vetted, and is an appropriate use of taxpayer dollars.
  - The bill establishes the Recovery Act Accountability and Transparency Board to coordinate and conduct oversight of stimulus spending.

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Appendix A: New Grant Programs Created in the House bill

Appendix B: State Fiscal Stabilization Fund

Appendix C: FHWA Funding Distribution Chart

Federal Agency	Federal Program	House	Further Details
USDA	Farm Service Agency	\$245M	Funding can be used to maintain and modernize information technology systems.
USDA	NRCS- Watershed and Flood Prevention Operations	\$350M	<ul style="list-style-type: none"> <li>➤ \$175M to purchase and restore floodplain easements</li> <li>➤ \$175M for watershed and flood prevention projects</li> </ul>
USDA	NRCS- Watershed Rehabilitation	\$50M	
USDA	Rural Community Advancement Program	\$5.838B	<ul style="list-style-type: none"> <li>➤ \$1.102B for Rural Community Facilities Direct Loans</li> <li>➤ \$2B for Business and Industry Loans</li> <li>➤ \$2.7B for Rural Water and Waste Disposal Direct Loans</li> </ul>
USDA	RUS- Distance Learning, Telemedicine, and Broadband Program (grants, loans, loan guarantees)	\$2.8B	At least 75% of the area to be served shall be in a rural area without sufficient access to high speed broadband service; 50% of the funding shall be awarded by September 30, 2009; priority given to projects that will be fully funded and completed.
USDA	Women, Infants and Children (WIC)	\$100M	
USDA	Forest Service's Capital Improvement and Maintenance Program	\$600M	
USDA	Forest Service's Wildfire Management	\$850M	<ul style="list-style-type: none"> <li>➤ \$300M for hazardous fuel reduction, forest health, wood-to-energy grants, and rehabilitation and restoration activities on federal lands.</li> <li>➤ \$550M for state fire assistance hazardous fuels projects, volunteer fire assistance, cooperative forest health projects, city forest enhancements and wood-to-energy grants on state and private lands.</li> </ul>
Commerce	EDA-Economic Development	\$250M	Up to \$50M may be transferred to the regional economic

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	Assistance Programs		development commissions.
Commerce	National Telecommunications and Information Administration’s State Broadband Data and Development Grant Program	\$350M	See Appendix A
Commerce	National Telecommunications and Information Administration’s Wireless and Broadband Deployment Grant Program	\$2.825M	<ul style="list-style-type: none"> <li>➤ \$1B for Wireless Deployment Grants</li> <li>➤ \$1.8B for Broadband Deployment Grants</li> </ul> See Appendix A
Commerce	National Institute of Standards and Technology’s Construction of Research Facilities	\$300M	Competitive construction grant program for research science buildings.
DOJ	Byrne	\$3B	Funds are for Byrne JAG (formula) grants and can be used for a variety of purposes, including equipment, operations and support for other associated law enforcement personnel (such as prosecutors, public defenders, etc.). These funds can also be used to pay overtime expenses of officers on multi-jurisdictional task forces.
DOJ	COPS- Hiring	\$1B	Funds are for a competitive COPS hiring grant program to support the hiring of about 13,000 new police officers for three years (using the estimate that 13 new officers can be hired for a three-year period with each \$1million). This program provides a three-year federal subsidy (up to a 75 percent match or \$75,000) to hire a new, entry level law enforcement officer (salary and benefits). The grantee is responsible for at least 25 percent in matching funds, and must commit to use its own funds to keep the officer on board for a fourth year.
Corps of Engineers	Operations and Maintenance	\$2.25B	Priority to projects or elements of projects that can be funded within 2 years and are labor intensive.

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Corps of Engineers	Mississippi River and Tributaries	\$250M	Funds may only be used for previously funded projects.
Corps of Engineers	Construction	\$2B	Funds may only be used for previously funded projects; priority to projects or elements of projects that can be funded within 2 years and are labor intensive.
Energy	Energy Efficiency and Renewable Energy	\$18.5B	<ul style="list-style-type: none"> <li>➤ \$2B for Energy Efficiency and Renewable Energy Research, Redevelopment, Demonstration, and Deployment Activities</li> <li>➤ \$500M for Industrial Energy Efficiency<sup>1</sup></li> <li>➤ \$1B for Grants to Institutional Entities for Energy Sustainability and Efficiency Recovery</li> <li>➤ \$6.2B for Weatherization Assistance Program</li> <li>➤ <b>\$3.5B Energy Efficiency &amp; Conservation Block Grants</b></li> <li>➤ \$3.4B for State Energy Program</li> <li>➤ \$200M for Transportation Electrification</li> <li>➤ \$300M for Energy Efficient Appliance Rebate Program and Energy Star</li> <li>➤ \$400M Alternative Fueled Vehicles Pilot Grant Program (see Appendix A)</li> <li>➤ \$1B for Advanced Battery Manufacturing</li> </ul>
Energy	Electricity Delivery and Energy Reliability	\$4.5B	Funds shall be available for expenses necessary for electricity delivery and energy reliability activities to modernize the electric grid, enhance security and reliability of the energy infrastructure, and facilitate recovery from disruptions to the energy supply.
Energy	Innovative Technology Loan Guarantee Program	\$8B	
Energy	Institutional Loan Guarantee Program	\$500M	For loans to institutional entities for identifying, designing and implementing sustainable energy infrastructure

<sup>1</sup> As authorized under part E of title III of the Energy Policy and Conservation Act

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			projects and grants for energy efficiency innovative technologies projects on grounds and facilities of institutions. The term institution includes: institutions of higher education; public school districts; local governments; municipal utilities.
Interior	Bureau of Land Management-Construction	\$325M	
Interior	United States Fish and Wildlife Service-Construction	\$300M	
Interior	National Park Service-Construction	\$1.7B	
Interior	Bureau of Reclamation- Water and Related Resources	\$500M	At least \$126M for Title XVI projects; at least \$80M for rural water projects (primarily water intake and treatment).
Interior	United States Geological Survey-Survey Investigation and Research	\$200M	
EPA	Hazardous Substance Superfund	\$800M	
EPA	LUST	\$200M	
EPA	Drinking Water State Revolving Loan Fund	\$2B	<p>No State matching requirement.</p> <p>Funds will be used to provide grants, distributed by formula, to states to capitalize their revolving loan funds, which then finance drinking water infrastructure improvements.</p> <p>Each state shall use 50% of the amount of the grant in the form of a subsidy to municipalities, including forgiveness of principal, negative interest loans, and grants for projects included on the State’s priority list.</p>
EPA	Clean Water State Revolving Loan Fund	\$6B	<p>No State matching requirement, and no Federal cost share limitations.</p> <p>Funds will be used to provide grants, distributed by</p>

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			<p>statutory formula, to states to capitalize their revolving loan funds, which then finance publically-owned wastewater infrastructure improvements.</p> <p>Each state shall use 50% of the amount of the grant in the form of a subsidy to municipalities, including forgiveness of principal, negative interest loans, and grants for projects included on the State’s priority list; 80% of those funds shall be for projects to benefit municipalities that meet affordability criteria as determined by the State’s Governor; and 20% shall be for projects to address water-efficiency goals, energy-efficiency goals, mitigate stormwater runoff, or encourage environmentally sensitive project planning, design, and construction.</p>
EPA	Diesel Emissions Reduction Act (DERA) Grants and Loans	\$300M	<p>Provides grants and loans to states and local governments for projects that reduce diesel emissions.</p> <p>See Appendix A</p>
EPA	Brownfields – Site Assessment and Clean-Up Grants, revolving loan fund, and job training	\$100M	
DOL	ETA-Training and Employment Services	\$4B	<ul style="list-style-type: none"> <li>➤ \$500M for grants to states for adult employment and training activities</li> <li>➤ \$1.2B for grants to states for youth activities, including summer jobs (youth- up to 24 yrs.)</li> <li>➤ \$1B for grants to states for dislocated workers</li> <li>➤ \$500M for dislocated workers assistance (national reserve until June 30, 2010)</li> <li>➤ \$50M for YouthBuild activities (available until June 30, 2010)</li> <li>➤ \$750M for competitive grant program for worker</li> </ul>

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			training for high growth and emerging industries
DOL	Community Service for Employment for Older Americans	\$120M	Funds allotted within 30 days of enactment to grantees that received these grants in 2008.
HHS	HRSA	\$2.188B	<ul style="list-style-type: none"> <li>➤ \$500M for grants to health centers<sup>2</sup></li> <li>➤ \$1B for renovation and repair of health centers (Community Health Care Modernization)</li> <li>➤ \$88M for fit-out and other costs related to moving into a facility</li> <li>➤ \$600M for training of nurses, primary care physicians, and dentists</li> </ul>
HHS	Low-Income Home Energy Assistance	\$1B	
HHS	Administration for Children and Families' Child Care and Development Block Grant	\$2B	
HHS	Administration for Children and Families' Children and Family Services Program	\$3.2B	<ul style="list-style-type: none"> <li>➤ \$1B for Head Start</li> <li>➤ \$1.1B for expansion of early Head Start</li> <li>➤ \$1B for Community Services Block Grant</li> </ul>
HHS	Administration on Aging's Aging Services Program	\$200M	Senior Nutrition Programs
HHS	Health Information Technology	\$2B	
HHS	Public Health and Social Service's Emergency Fund	\$430M	
HHS	Prevention and Wellness Fund	\$3B	<ul style="list-style-type: none"> <li>➤ \$954M for public immunization</li> <li>➤ \$545M for chronic disease, health promotion and genomics programs</li> <li>➤ \$335M for HIV/AIDS, viral hepatitis, STD, and TB prevention</li> <li>➤ \$60M for environmental health programs</li> <li>➤ \$50M for injury prevention</li> </ul>

<sup>2</sup> Health Centers defined in Section 330 of Public Health Services Act.



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			➤ \$30M for public health workforce development
Education	State Fiscal Stabilization Fund	\$79B	See Appendix B
Education	Title I	\$13B	<ul style="list-style-type: none"> <li>➤ \$5.5B for targeted grants</li> <li>➤ \$5.5B for education finance incentive grants</li> <li>➤ \$2B for school improvement grants</li> </ul>
Education	Impact Aid	\$100M	
Education	Education Technology	\$1B	
Education	Education for Homeless Children and Youth	\$66M	
Education	Innovation and Improvement	\$225M	<ul style="list-style-type: none"> <li>➤ \$200M for the teacher incentive fund</li> <li>➤ \$25M for Credit Enhancement for Charter Schools Facilities</li> </ul>
Education	School Modernization, Renovation, and Repair (K-12)	\$14B	See Appendix A
Education	Higher Education Modernization, Renovation, and Repair	\$6B	See Appendix A
Education	Rehabilitation Services and Disability Research	\$700M	<ul style="list-style-type: none"> <li>➤ \$500M Vocational Rehabilitation State Grants</li> <li>➤ \$200M Centers for Independent Living</li> </ul>
Education	Special Education - IDEA	\$13.6B	
Education	Student Financial Assistance	\$16.1B	<ul style="list-style-type: none"> <li>➤ \$15.636B for Pell Grants</li> <li>➤ \$490M for College Work-Study</li> </ul>
Education	Teacher Quality Enhancement, State Grants (Higher Education)	\$100M	
DOT	FAA- AIP	\$3B	Grantees must enter into contracts or other binding commitments for no less than 50% of the funding within 120 days of enactment.
DOT	FHWA- Highway Infrastructure	\$30B <sup>3</sup>	55% (\$16.058B) directly to State DOTs

<sup>3</sup> Approximately 2.6% (\$804M) will fund:

- \$300M for Indian Reservation roads
- \$250M for national park roads and roadways

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			<p>45% (\$13.138B) mirrors the Surface Transportation Program</p> <ul style="list-style-type: none"> <li>➤ 10% (\$1.314B) set aside for transportation enhancements</li> <li>➤ 90% (\$11.824B) split:             <ul style="list-style-type: none"> <li>○ 62.5% (\$7.39B to MPOs) suballocated by population</li> <li>○ 37.5% (\$4.434B) to State DOTs</li> </ul> </li> </ul> <p>**Out of the \$30B, State DOTs will receive \$20.492B to award at their discretion.</p> <p>Approximately half of the \$30B is under a 120-day “use it or lose it” clock; if a state has not obligated half of its apportionment within 120 days, the difference between the obligated amount and 50 percent will be taken back by FHWA and redistributed to other states.</p> <p>Money suballocated to a locality has a “use it or lose it” clock that is 30 days shorter than does money held by a state DOT – if a MPO has not obligated at least 50 percent of its allocations within 90 days of allocation, it gives the money back to the state so that the state can obligate before the state’s 120-day deadline. The same thing happens to the remaining half of the money on July 1, 2010.</p> <p>Priority given to projects that can award contracts within 120 days, are included in an approved state and/or local TIP, are projected for completion within a 3-year time frame, and are located in economically distressed areas.</p>
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- \$20M for on the job training under 23 USC 140(b)
- \$60M for FHWA administrative costs
- \$154.2M for highways in Puerto Rico and other territories

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			100% federal share.
DOT	FRA- Grants to States for Intercity Passenger Rail Service	\$300M	100% federal share.
DOT	FRA- Amtrak	\$800M	
DOT	FTA- Section 5307 Grants (urban area formula grants)	\$5.4B	100% federal share.
DOT	FTA-Section 5311 Grants (rural transit assistance)	\$600M	Grantees must enter into contracts or other binding commitments for no less than 50% of the funding within 120 days of enactment.
DOT	Fixed Guideway Modernization Grants	\$2B	100% federal share.  Funds will be distributed through the existing fixed guideway formula.  Grantees must enter into contracts or other binding commitments for no less than 50% of the funding within 120 days of enactment.
DOT	FTA-New Starts	\$1B	Funding will be allocated at the discretion of the Secretary of Transportation, giving priority to projects that are currently in construction or are able to award contracts based on bids within 120 days.
HUD	Public Housing Capital Fund	\$5B	<ul style="list-style-type: none"> <li>➤ \$4B by formula</li> <li>➤ \$1B for competitive grants to public housing authorities</li> </ul>
HUD	Elderly, Disabled, and Section 8 Assisted Housing Energy Retrofit	\$2.5B	
HUD	Native American Housing Block Grants	\$500M	
HUD	CDBG	\$1B	Using FY 2008 distribution formula; priority to projects that can award contracts within 120 of receipt of funds.

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HUD	Neighborhood Stabilization Program	\$4.1B	<ul style="list-style-type: none"> <li>➤ \$3.4B competitive grant program for states, units of general local government, and non-profits.</li> <li>➤ \$750M competitive grant program for non-profits.</li> </ul> <p>See Appendix A</p>
HUD	HOME Investment Partnerships Program	\$1.5B	Using FY 2008 distribution formula.
HUD	Self-Help and Assisted Homeownership Opportunity Program	\$10M	Competitive grant <sup>4</sup>
HUD	Homeless Assistance Grants	\$1.5B	Emergency shelter grant program <sup>5</sup>
HUD	Lead Hazard Reduction	\$100M	Competitive grant

<sup>4</sup> Authorized under section 11 of the Housing Opportunity Program Extension Act of 1996.

<sup>5</sup> Authorized under subtitle B of title IV of the McKinney-Vento Homeless Assistance Act.

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## **APPENDIX A: NEW GRANT PROGRAMS**

### **State Broadband Data and Development Grant Program**

The Secretary of Commerce shall award grants, taking into account the results of the peer review process under subsection, to eligible entities for the development and implementation of statewide initiatives to identify and track the availability and adoption of broadband services within each State.

- (c) **ELIGIBILITY.**—To be eligible to receive a grant an eligible entity shall—
- (1) submit an application to the Secretary of Commerce, at such time, in such manner, and containing such information as the Secretary may require;
  - (2) contribute matching non-Federal funds in an amount equal to not less than 20 percent of the total amount of the grant; and
  - (3) agree to comply with confidentiality requirements in subsection (h)(2) of this section.
- (e) **USE OF FUNDS.**—A grant awarded to an eligible entity under subsection shall be used
- (1) to provide a baseline assessment of broadband service deployment in each State;
  - (2) to identify and track—
    - (A) areas in each State that have low levels of broadband service deployment;
    - (B) the rate at which residential and business users adopt broadband service and other related information technology services; and
    - (C) possible suppliers of such services;
  - (3) to identify barriers to the adoption by individuals and businesses of broadband service and related information technology services, including whether or not—
    - (A) the demand for such services is absent; and
    - (B) the supply for such services is capable of meeting the demand for such services;
  - (4) to identify the speeds of broadband connections made available to individuals and businesses within the State, and, at a minimum, to rely on the data rate benchmarks for broadband service utilized by the Commission to reflect different speed tiers, to promote greater consistency of data among the States;
  - (5) to create and facilitate in each county or designated region in a State a local technology planning team—
    - (A) with members representing a cross section of the community, including representatives of business, telecommunications labor organizations, K–12 education, health care, libraries, higher education, community-based organizations, local government, tourism, parks and recreation, and agriculture; and
    - (B) which shall—
      - (i) benchmark technology use across relevant community sectors;
      - (ii) set goals for improved technology use within each sector; and
      - (iii) develop a tactical business plan for achieving its goals, with specific recommendations for online application development and demand creation;

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- (6) to work collaboratively with broadband service providers and information technology companies to encourage deployment and use, especially in unserved areas and areas in which broadband penetration is significantly below the national average, through the use of local demand aggregation, mapping analysis, and the creation of market intelligence to improve the business case for providers to deploy;
- (7) to establish programs to improve computer ownership and Internet access for unserved areas and areas in which broadband penetration is significantly below the national average;
- (8) to collect and analyze detailed market data concerning the use and demand for broadband service and related information technology services;
- (9) to facilitate information exchange regarding the use and demand for broadband services between public and private sectors; and
- (10) to create within each State a geographic inventory map of broadband service, including the data rate benchmarks for broadband service utilized by the Commission to reflect different speed tiers, which shall—
  - (A) identify gaps in such service through a method of geographic information system mapping of service availability based on the geographic boundaries of where service is available or unavailable among residential or business customers; and
  - (B) provide a baseline assessment of statewide broadband deployment in terms of households with highspeed availability.

## **Wireless and Broadband Deployment Grant**

### **(a) GRANTS AUTHORIZED.—**

- (1) IN GENERAL.—The National Telecommunications and Information Administration (“NTIA”) is authorized to carry out a program to award grants to eligible entities for the non-recurring cost associated with the deployment of broadband infrastructure in rural, suburban, and urban areas, in accordance with the requirements of this section.
- (2) PROGRAM WEBSITE.—The NTIA shall develop and maintain a website to make publicly available information about the program described in paragraph (1), including—
  - (A) each prioritization report submitted by State under subsection (b);
  - (B) a list of eligible entities that have applied for a grant under this section, and the area or areas the entity proposes to serve; and
  - (C) the status of each such application, whether approved, denied, or pending.

### **(b) STATE PRIORITIES.—**

- (1) PRIORITIES REPORT SUBMISSION.—Not later than 75 days after the date of enactment of this section, each State intending to participate in the program under this section shall submit to the NTIA a report indicating the geographic areas of the State which—
  - (A) for the purposes of determining the need for Wireless Deployment Grants under 24 subsection (c), the State considers to have the greatest priority for—
    - (i) wireless voice service in unserved areas; and
    - (ii) advanced wireless broadband service in underserved areas; and

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(B) for the purposes of determining the need for Broadband Deployment Grants under subsection (d), the State considers to have the greatest priority for—

- (i) basic broadband service in unserved areas; and
- (ii) advanced broadband service in underserved areas.

(2) LIMITATION.—The unserved and underserved areas identified by a State in the report required by this subsection shall not represent, in the aggregate, more than 20 percent of the population or of the geographic area of such State.

(c) WIRELESS DEPLOYMENT GRANTS.—

(1) AUTHORIZED ACTIVITY.—The NTIA shall award Wireless Deployment Grants in accordance with this subsection from money appropriated for Wireless Deployment Grants by this subtitle to eligible entities to deploy necessary infrastructure for the provision of wireless voice service or advanced wireless broadband service to end users in designated areas.

(2) GRANT DISTRIBUTION.—The NTIA shall seek to distribute grants, to the extent possible, so that 25 percent of the grants awarded under this subsection shall be awarded to eligible entities for providing wireless voice service to unserved areas and 75 percent of grants awarded under this subsection shall be awarded to eligible entities for providing advanced wireless broadband service to underserved areas.

(d) BROADBAND DEPLOYMENT GRANTS.—

(1) AUTHORIZED ACTIVITY.—The NTIA shall award Broadband Deployment Grants in accordance with this subsection from money appropriated for Broadband Deployment Grants by this subtitle to eligible entities to deploy necessary infrastructure for the provision of basic broadband service or advanced broadband service to end users in designated areas.

(2) GRANT DISTRIBUTION.—The NTIA shall seek to distribute grants, to the extent possible, so that 25 percent of the grants awarded under this subsection shall be awarded to eligible entities for providing basic broadband service to unserved areas 25 and 75 percent of grants awarded under this subsection shall be awarded to eligible entities for providing advanced broadband service to underserved areas.

(e) GRANT REQUIREMENTS.—The NTIA shall

- (1) adopt rules to protect against unjust enrichment; and
  - (2) ensure that grant recipients—
    - (A) meet buildout requirements;
    - (B) maximize use of the supported infrastructure by the public;
    - (C) operate basic and advanced broadband service networks on an open access basis;
    - (D) operate advanced wireless broadband service on a wireless open access basis;
- and

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(E) adhere to the principles contained in the Federal Communications Commission's broadband policy statement (FCC 05-151, adopted August 5, 2005).

(f) APPLICATIONS.—

(1) SUBMISSION.—To be considered for a grant awarded under subsection (c) or (d), an eligible entity shall submit to the NTIA an application at such time, in such manner, and containing such information as the NTIA may require. Such an application shall include—

- (A) a cost-study estimate for serving the particular geographic area to be served by the entity;
- (B) an engineering plan;
- (C) a proposed build-out schedule to residential households and small businesses in the area;
- (D) for applicants for Wireless Deployment Grants under subsection (c), a build-out schedule for geographic coverage of such areas; and
- (E) any other requirements the NTIA deems necessary.

(2) SELECTION.

(A) NOTIFICATION.—The NTIA shall notify each eligible entity that has submitted a complete application whether the entity has been approved or denied for a grant under this section in timely fashion.

(B) GRANT DISTRIBUTION CONSIDERATIONS.—In awarding grants under this section, the NTIA shall, to the extent practical—

- (i) award not less than one grant in each State;
- (ii) give substantial weight to whether an application is from an eligible entity to deploy infrastructure in an area that is an area -

(I) identified by a State in a report submitted under subsection

(b); or

(II) in which the NTIA determines there will be a significant amount of public safety or emergency response use of the infrastructure; and

(iii) consider whether an application from an eligible entity to deploy infrastructure in an area—

(I) will, if approved, increase the affordability of, or subscribership to, service to the greatest population of underserved users in the area;

(II) will, if approved, enhance service for health care delivery, education, or children to the greatest population of underserved users in the area;

(III) contains concrete plans for enhancing computer ownership or computer literacy in the area;

(IV) is from a recipient of more than 20 percent matching grants from State, local, or private entities for service in the area and the extent of such commitment; and

(V) will, if approved, result in unjust enrichment because the eligible entity has applied for, or intends to apply for, support for



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the non-recurring costs through another Federal program for service in the area.

(g) CONSULTATION.—The NTIA shall consult with the Federal Communications Commission and other appropriate Federal agencies in implementing this section.

(h) DEFINITIONS.—For the purpose of this section—

(1) the term “advanced broadband service” means a service delivering data to the end user transmitted at a speed of at least 45 megabits per second downstream and at least 15 megabits per second upstream;

(2) the term “advanced wireless broadband service” means a wireless service delivering to the end user data transmitted at a speed of at least 3 megabits per second downstream and at megabit per second upstream over an end-to-end internet protocol wireless network;

(3) the term “basic broadband service” means a service delivering data to the end user transmitted at a speed of at least 5 megabits per second downstream and at least 1 megabit per second upstream;

(4) the term “eligible entity” means—

(A) a provider of wireless voice service, advanced wireless broadband service, basic broadband service, or advanced broadband service;

(B) a State or unit of local government, or agency or instrumentality thereof, that is or intends to be a provider of any such service; and

(C) any other entity, including construction companies, tower-building companies, or other service providers, that the NTIA authorizes by rule to participate in the programs under this section, if such other entity is required to provide access to the supported infrastructure on a neutral, reasonable basis to maximize use;

(5) the term “State” includes the District of Columbia and the territories and possessions;

(6) the term “underserved area” shall be defined by the Federal Communications Commission not later than 45 days after the date of enactment of this section;

(7) the term “unserved area” shall be defined by the Federal Communications Commission not later than 45 days after the date of enactment of this section;

(8) the term “wireless voice service” means the provision of two-way, real-time, voice communications using a mobile service;

(9) the term “open access” shall be defined by the Federal Communications Commission not later than 45 days after the date of enactment of this section; and

(10) the term “wireless open access” shall be defined by the Federal Communications Commission not later than 45 days after the date of enactment of this section.

## **Diesel Emissions Reduction Grants**

(1) ADMINISTRATOR.—The term “Administrator” means the Administrator of the Environmental Protection Agency.

(2) CERTIFIED ENGINE CONFIGURATION.—The term “certified engine configuration” means a new, rebuilt, or remanufactured engine configuration—

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- (A) that has been certified or verified by—
  - (i) the Administrator; or
  - (ii) the California Air Resources Board;
- (B) that meets or is rebuilt or remanufactured to a more stringent set of engine emission standards, as determined by the Administrator; and
- (C) in the case of a certified engine configuration involving the replacement of an existing engine or vehicle, an engine configuration that replaced an engine that was—
  - (i) removed from the vehicle; and
  - (ii) returned to the supplier for remanufacturing to a more stringent set of engine emissions standards or for scrappage.
- (3) ELIGIBLE ENTITY.—The term “eligible entity” means—
  - (A) a regional, State, local, or tribal agency or port authority with jurisdiction over transportation or air quality; and
  - (B) a nonprofit organization or institution that—
    - (i) represents or provides pollution reduction or educational services to persons or organizations
    - (ii) has, as its principal purpose, the promotion of transportation or air quality.
- (4) EMERGING TECHNOLOGY.—The term “emerging technology” means a technology that is not certified or verified by the Administrator or the California Air Resources Board but for which an approvable application and test plan has been submitted for verification to the Administrator or the California Air Resources Board.
- (5) FLEET.—The term “fleet” means one or more diesel vehicles or mobile or stationary diesel engines.
- (6) HEAVY-DUTY TRUCK.—The term “heavy-duty truck” has the meaning given the term “heavy duty vehicle” in section 202 of the Clean Air Act (42 U.S.C. 7521).
- (7) MEDIUM-DUTY TRUCK.—The term “medium-duty truck” has such meaning as shall be determined by the Administrator, by regulation.
- (8) VERIFIED TECHNOLOGY.—The term “verified technology” means a pollution control technology, including a retrofit technology, advanced truckstop electrification system, or auxiliary power unit, that has been verified by—
  - (A) the Administrator; or
  - (B) the California Air Resources Board.

## **21ST Century Green High-Performing Public School Facilities**

(b) PURPOSE.—Grants under this section shall be for the purpose of modernizing, renovating, or repairing public school facilities, based on their need for such improvements, to be safe, healthy, high-performing, and up-to-date technologically.

### (2) ALLOCATION TO STATES.—

(A) STATE-BY-STATE ALLOCATION.—Of the amount appropriated to carry out this section, and not reserved under paragraph (1), each State shall be allocated an amount in proportion to the amount received by all local educational agencies in the State under part A of title I of the Elementary and Secondary Education Act of 1965 for fiscal year 2008 relative to the total amount received

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by all local educational agencies in every State under such part for such fiscal year.

(B) STATE ADMINISTRATION.—A State may reserve up to 1 percent of its allocation under subparagraph (A) to carry out its responsibilities under this section, including—

- (i) providing technical assistance to local educational agencies;
- (ii) developing, within 6 months of receiving its allocation under subparagraph (A), a plan to develop a database that includes an inventory of public school facilities in the State and the modernization, renovation, and repair needs of, energy use by, and the carbon footprint of such schools; and
- (iii) developing a school energy efficiency quality plan.

(C) GRANTS TO LOCAL EDUCATIONAL AGENCIES.—From the amount allocated to a State under subparagraph (A), each local educational agency in the State that meets the requirements of section 1112(a) of the Elementary and Secondary Education Act of 1965 shall receive an amount in proportion to the amount received by such local educational agency under part A of title I of that Act for fiscal year 2008 relative to the total amount received by all local educational agencies in the State under such part for such fiscal year, except that no local educational agency that received funds under part A of title I of that Act for such fiscal year shall receive a grant of less than \$5,000.

(e) ALLOWABLE USES OF FUNDS.—A local educational agency receiving a grant under this section shall use the grant for modernization, renovation, or repair of public school facilities, including—

- (1) repairing, replacing, or installing roofs, including extensive, intensive or semi-intensive green roofs, electrical wiring, plumbing systems, sewage systems, lighting systems, or components of such systems, windows, or doors, including security doors;
- (2) repairing, replacing, or installing heating, ventilation, air conditioning systems, or components of such systems (including insulation), including indoor air quality assessments;
- (3) bringing public schools into compliance with fire, health, and safety codes, including professional installation of fire/life safety alarms, including modernizations, renovations, and repairs that ensure that schools are prepared for emergencies, such as improving building infrastructure to accommodate security measures;
- (4) modifications necessary to make public school facilities accessible to comply with the Americans with Disabilities Act of 1990 (42 U.S.C. 121011 et seq.) and section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 794), except that such modifications shall not be the primary use of the grant;

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- (5) asbestos or polychlorinated biphenyls abatement or removal from public school facilities;
- (6) implementation of measures designed to reduce or eliminate human exposure to lead-based paint hazards through methods including interim controls, abatement, or a combination of each;
- (7) implementation of measures designed to reduce or eliminate human exposure to mold or mildew;
- (8) upgrading or installing educational technology infrastructure to ensure that students have access to up-to-date educational technology;
- (9) technology activities that are carried out in connection with school repair and renovation, including—
  - (A) wiring;
  - (B) acquiring hardware and software;
  - (C) acquiring connectivity linkages and resources; and
- (10) modernization, renovation, or repair of science and engineering laboratory facilities, libraries, and career and technical education facilities, including those related to energy efficiency and renewable energy, and improvements to building infrastructure to accommodate bicycle and pedestrian access;
- (11) renewable energy generation and heating systems, including solar, photovoltaic, wind, geothermal, or biomass, including wood pellet, systems or components of such systems;
- (12) other modernization, renovation, or repair of public school facilities to—
  - (A) improve teachers' ability to teach and students' ability to learn;
  - (B) ensure the health and safety of students and staff;
  - (C) make them more energy efficient; or
  - (D) reduce class size; and
- (13) required environmental remediation related to public school modernization, renovation, or repair described in paragraphs (1) through (12).

## **Higher Education Modernization Renovation, and Repair**

(a) PURPOSE.—Grants awarded under this section shall be for the purpose of modernizing, renovating, and repairing institution of higher education facilities that are primarily used for instruction, research, or student housing.

(b) GRANTS TO STATE HIGHER EDUCATION AGENCIES.—

(1) FORMULA.—From the amounts appropriated to carry out this section, the Secretary of Education shall allocate funds to State higher education agencies based on the number

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of students attending institutions of higher education, with the State higher education agency in each State receiving an amount that is in proportion to the number of full-time equivalent undergraduate students attending institutions of higher education in such State for the most recent fiscal year for which there are data available, relative to the total number of full-time equivalent undergraduate students attending institutions of higher education in all States for such fiscal year.

(d) USE OF SUBGRANTS BY INSTITUTIONS OF HIGHER EDUCATION.—

(1) PERMISSIBLE USES OF FUNDS.—An institution of higher education receiving a subgrant under this section shall use such subgrant to modernize, renovate, or repair facilities of the institution that are primarily used for instruction, research, or student housing, which may include any of the following:

- (A) Repair, replacement, or installation of roofs, electrical wiring, plumbing systems, sewage systems, or lighting systems.
- (B) Repair, replacement, or installation of heating, ventilation, or air conditioning systems (including insulation).
- (C) Compliance with fire and safety codes, including—
  - (i) professional installation of fire or life safety alarms; and
  - (ii) modernizations, renovations, and repairs that ensure that the institution's facilities are prepared for emergencies, such as improving building infrastructure to accommodate security measures.
- (D) Retrofitting necessary to increase the energy efficiency of the institution's facilities.
- (E) Renovations to the institution's facilities necessary to comply with accessibility requirements in the Americans with Disabilities Act of 1990 (42 U.S.C. 12101 et seq.) and section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 794).
- (F) Abatement or removal of asbestos from the institution's facilities.
- (G) Modernization, renovation, and repair relating to improving science and engineering laboratories, libraries, and instructional facilities.
- (H) Upgrading or installation of educational technology infrastructure.
- (I) Installation or upgrading of renewable energy generation and heating systems, including solar, photovoltaic, wind, biomass (including wood pellet), or geothermal systems, or components of such systems.
- (J) Other modernization, renovation, or repair projects that are primarily for instruction, research, or student housing.

(2) GREEN SCHOOL REQUIREMENT.—An institution of higher education receiving a subgrant under this section shall use not less than 25 percent of such subgrant to carry out projects for modernization, renovation, or repair that are certified, verified, or consistent with the applicable provisions of—

- (A) the LEED Green Building Rating System;
- (B) Energy Star;
- (C) the CHPS Criteria;
- (D) Green Globes; or

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(E) an equivalent program adopted by the State or the State higher education agency.

- (3) PROHIBITED USES OF FUNDS.—No funds awarded under this section may be used for—
- (A) the maintenance of systems, equipment, or facilities, including maintenance associated with any permissible uses of funds described in paragraph (1);
  - (B) modernization, renovation, or repair of stadiums or other facilities primarily used for athletic contests or exhibitions or other event for which admission is charged to the general public;
  - (C) modernization, renovation, or repair of facilities—
    - (i) used for sectarian instruction, religious worship, or a school or department of divinity; or
    - (ii) in which a substantial portion of the functions of the facilities are subsumed in a religious mission; or
  - (D) construction of new facilities.

## **Neighborhood Stabilization Grants 1**

- (1) not less than \$3,440,000,000 shall be allocated by a competition for which eligible entities shall be States, units of general local government, and nonprofit entities or consortia of nonprofit entities:

*Provided*, That the award criteria for such competition shall include grantee capacity, leveraging potential, targeted impact of foreclosure prevention, and any additional factors determined by the Secretary of Housing and Urban Development

*Provided further*, that the Secretary may establish a minimum grant size

*Provided further*, That amounts made available under this Section may be used to

- (A) establish financing mechanisms for purchase and redevelopment of foreclosed-upon homes and residential properties, including such mechanisms as soft-second, loan loss reserves, and shared-equity loans for low- and moderate-income homebuyers;
- (B) purchase and rehabilitate homes and residential properties that have been abandoned or foreclosed upon, in order to sell or rent such homes and properties;
- (C) establish and operate land banks for homes that have been foreclosed upon;
- (D) demolish foreclosed properties that have become blighted structures; and
- (E) redevelop demolished or vacant foreclosed properties in order to sell or rent such properties;

## **Neighborhood Stabilization Grants 2**

- (2) up to \$750,000,000 shall be awarded by competition to nonprofit entities or consortia of nonprofit entities to provide community stabilization assistance by

- (A) accelerating state and local government and nonprofit productivity;
- (B) increasing the scale and efficiency of property transfers of foreclosed and vacant residential properties from financial institutions and government entities to qualified local housing providers in order to return the properties to productive affordable housing use;
- (C) building industry and property management capacity; and

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(D) partnering with private sector real estate developers and contractors and leveraging private sector capital

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## **Appendix B: State Fiscal Stabilization Fund**

- fiscal relief to the States to prevent tax increases and cutbacks in critical education and other high priority services over the next two years.

### GENERAL PROVISIONS

#### Section 13001 - Allocation of \$79 billion for the State Fiscal Stabilization

- o \$12.5 million is reserved for the Secretary of Education for administration and oversight, including program evaluation,
- o \$7.5 billion is reserved for State Incentive Grants.
- o The Secretary shall allocate the remaining funds to States, of which
  - 61 percent is allocated based school-aged population
  - 39 percent is allocated based on total population.

#### Section 13002 -

At least 61 percent of the funds to support elementary, secondary, and higher education. These funds must first be used by States to restore State aid to school districts under the primary State K-12 education funding formula and to institutions of higher education to FY 2008 levels.

Any remaining funds shall be allocated to school districts based on the formula under title I of the Elementary and Secondary Education Act.

For each fiscal year, the Governor may use up to 39 percent of the funds for public safety and other government services, which may include assistance for elementary and secondary education and public institutions of higher education.

#### Section 13003

A local educational agency receiving funds under this title may use these funds only for activities authorized under the Elementary and Secondary Education Act, the Individuals with Disabilities Act, and the Carl D. Perkins Career and Technical Education Act of 2006.

Funds may not be used for capital projects unless authorized by these Acts.

#### Section 13004

Public institutions of higher education that receive funds under this title shall use the funds for educational and general expenditures, and in such a way as to mitigate the need to raise tuition and fees for in-State students.

An institution of higher education may not use these funds to increase its endowment or for construction, renovation, or facility repair.

#### Section 13005



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Governor of a State desiring funding under this title must submit an application in fiscal year 2009 and fiscal year 2010, including assurances pertaining to maintenance of effort of State support for education, achieving equity in teacher distribution and quality, establishing a longitudinal data system, and enhancing the quality of academic assessments for English Language Learners and students with disabilities.

In addition, States may submit an additional application for an Incentive Grant, which shall describe the status of the State's progress on each assurance and the strategies the State employs to ensure that high need students continue making progress towards the State's academic achievement standards.

## Section 13006

Secretary is authorized to make Incentive Grant awards to States that have made significant progress in meeting the objectives of the assurances made in State applications under section 13005, on the basis of information provided in the State application under section 13005.

Each State that receives a State Incentive Grant must allocate at least 50 percent of the funds to local educational agencies based on the formula under title I of the Elementary and Secondary Education Act.

## Section 13007

Authorizes up to \$325 million each year for an Innovation Fund to support awards by the Secretary of Education to recognize States, local educational agencies, or schools that have made significant gains in closing achievement gaps.

## Section 13008

For each year of the State Fiscal Stabilization Fund, a State receiving funds under this title shall submit a report to the Secretary describing the uses of funds provided within the State, the distribution of funds received, the number of jobs saved or created, tax increases averted, the State's progress in reducing certain education inequities, actions taken to limit tuition and fee increases at public institutions of higher education, and the extent to which public institutions of higher education maintained, increased, or decreased enrollments of in-State students.

## Section 13009

Government Accountability Office shall conduct evaluations of the programs under this title, which shall include, but not be limited to, the impact of the funding provided on the progress made toward closing achievement gaps.

## Section 13010

Secretary of Education to submit a report to certain committees of the House of Representatives and the Senate that evaluates the information provided in the State reports submitted under section 13008.

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## Appendix C: FHWA Funding Distribution Chart

### TOTAL: \$30 BILLION

General fund appropriation for highway and bridge projects eligible under these sections of title 23 U.S.C.: 133, 144, 103, 119, 134, 148, and 149; to remain available for obligation until September 30, 2010. **All funds have a 100 percent federal share and require no state or local match**

### Subcontract: \$804 MILLION

\$300 million for Indian reservation roads  
\$250 million for national park roads and roadways  
\$20 million for on-the-job training under 23 U.S.C. 140(b)  
\$20 million for DBE bonding assistance under 23 U.S.C. 332(e) \$60 million for FHWA administrative expenses  
\$154.2 million for highways in Puerto Rico and other territories

### REMAINING: \$29.196 BILLION

To be apportioned to states by the same percentages as the distribution of formula obligation limitation to states in fiscal year 2008. Recipients shall "give priority" to projects that can award contracts within 120 days, to projects on the STIP or MTIP, as appropriate, to projects that can be completed within three years, and which are in economically distressed areas.

Each state must then split its apportionment into two "pots" as follows

### 55 PERCENT (\$16.058 Billion)

May be used at state DOT discretion for any eligible project under the conditions set out above. Half must be obligated within 120 days of apportionment; the other half must be obligated by August 1, 2010.

### 45 PERCENT (\$13.138 Billion)

Is further subdivided in a way that emulates the Surface Transportation Program

### Subtract \$1.314 Billion

10 percent set-aside for transportation enhancements

### Remaining: \$11.824 BILLION

Split as follows:

### 62.5 PERCENT (\$7.390 Billion)

Must be suballocated to individual areas within a state by population under 23 U.S.C. 133(d) and placed under MPO control. Half must be obligated within 90 days or else the unobligated portion of that half will be taken away from the MPO and transferred to the state DOT where it is combined with the state's money that must be obligated within 120 days of apportionment. The other half must be obligated by July 1, 2010 or else the unobligated portion of that half will be taken away from the MPO and transferred to the state DOT where it is combined with the state's money that must be obligated by August 1, 2010.

### 37.5 PERCENT (\$4.434 Billion)

Remains at the state DOT discretion. Functionally, this money is combined with the 55 percent of the original apportionment that remained at state DOT discretion in the first place (\$16.058 billion of the \$30 billion). Half must be obligated within 120 days of apportionment the other half must be obligated by August 1, 2010