

1 TITLE XII—TRANSPORTATION AND HOUSING  
2 AND URBAN DEVELOPMENT, AND RELATED  
3 AGENCIES

4 DEPARTMENT OF TRANSPORTATION

5 OFFICE OF THE SECRETARY

6 SUPPLEMENTAL DISCRETIONARY GRANTS FOR A  
7 NATIONAL SURFACE TRANSPORTATION SYSTEM

8 For an additional amount for capital investments in  
9 surface transportation infrastructure, \$1,500,000,000, to  
10 remain available through September 30, 2011: *Provided*,  
11 That the Secretary of Transportation shall distribute  
12 funds provided under this heading as discretionary grants  
13 to be awarded to State and local governments or transit  
14 agencies on a competitive basis for projects that will have  
15 a significant impact on the Nation, a metropolitan area,  
16 or a region: *Provided further*, That projects eligible for  
17 funding provided under this heading shall include, but not  
18 be limited to, highway or bridge projects eligible under  
19 title 23, United States Code, including interstate rehabili-  
20 tation, improvements to the rural collector road system,  
21 the reconstruction of overpasses and interchanges, bridge  
22 replacements, seismic retrofit projects for bridges, and  
23 road realignments; public transportation projects eligible  
24 under chapter 53 of title 49, United States Code, includ-  
25 ing investments in projects participating in the New Starts

1 or Small Starts programs that will expedite the completion  
2 of those projects and their entry into revenue service; pas-  
3 senger and freight rail transportation projects; and port  
4 infrastructure investments, including projects that connect  
5 ports to other modes of transportation and improve the  
6 efficiency of freight movement: *Provided further*, That of  
7 the amount made available under this paragraph, the Sec-  
8 retary may use an amount not to exceed \$200,000,000  
9 for the purpose of paying the subsidy and administrative  
10 costs of projects eligible for federal credit assistance under  
11 chapter 6 of title 23, United States Code, if the Secretary  
12 finds that such use of the funds would advance the pur-  
13 poses of this paragraph: *Provided further*, That in distrib-  
14 uting funds provided under this heading, the Secretary  
15 shall take such measures so as to ensure an equitable geo-  
16 graphic distribution of funds and an appropriate balance  
17 in addressing the needs of urban and rural communities:  
18 *Provided further*, That a grant funded under this heading  
19 shall be not less than \$20,000,000 and not greater than  
20 \$300,000,000: *Provided further*, That the Secretary may  
21 waive the minimum grant size cited in the preceding pro-  
22 viso for the purpose of funding significant projects in  
23 smaller cities, regions, or States: *Provided further*, That  
24 not more than 20 percent of the funds made available  
25 under this paragraph may be awarded to projects in a sin-

1 gle State: *Provided further*, That the Federal share of the  
2 costs for which an expenditure is made under this heading  
3 may be up to 100 percent: *Provided further*, That the Sec-  
4 retary shall give priority to projects that require a con-  
5 tribution of Federal funds in order to complete an overall  
6 financing package, and to projects that are expected to  
7 be completed within 3 years of enactment of this Act: *Pro-*  
8 *vided further*, That the Secretary shall publish criteria on  
9 which to base the competition for any grants awarded  
10 under this heading not later than 90 days after enactment  
11 of this Act: *Provided further*, That the Secretary shall re-  
12 quire applications for funding provided under this heading  
13 to be submitted not later than 180 days after the publica-  
14 tion of such criteria, and announce all projects selected  
15 to be funded from such funds not later than 1 year after  
16 enactment of this Act: *Provided further*, That projects con-  
17 ducted using funds provided under this heading must com-  
18 ply with the requirements of subchapter IV of chapter 31  
19 of title 40, United States Code: *Provided further*, That the  
20 Secretary may retain up to \$1,500,000 of the funds pro-  
21 vided under this heading, and may transfer portions of  
22 those funds to the Administrators of the Federal Highway  
23 Administration, the Federal Transit Administration, the  
24 Federal Railroad Administration and the Maritime Ad-

1 ministration, to fund the award and oversight of grants  
2 made under this heading.

3                   FEDERAL AVIATION ADMINISTRATION  
4            SUPPLEMENTAL FUNDING FOR FACILITIES AND  
5                   EQUIPMENT

6       For an additional amount for necessary investments  
7 in Federal Aviation Administration infrastructure,  
8 \$200,000,000, to remain available through September 30,  
9 2010: *Provided*, That funding provided under this heading  
10 shall be used to make improvements to power systems, air  
11 route traffic control centers, air traffic control towers, ter-  
12 minal radar approach control facilities, and navigation and  
13 landing equipment: *Provided further*, That priority be  
14 given to such projects or activities that will be completed  
15 within 2 years of enactment of this Act: *Provided further*,  
16 That amounts made available under this heading may be  
17 provided through grants in addition to the other instru-  
18 ments authorized under section 106(l)(6) of title 49,  
19 United States Code: *Provided further*, That the Federal  
20 share of the costs for which an expenditure is made under  
21 this heading shall be 100 percent: *Provided further*, That  
22 amounts provided under this heading may be used for ex-  
23 penses the agency incurs in administering this program:  
24 *Provided further*, That not more than 60 days after enact-  
25 ment of this Act, the Administrator shall establish a proc-

1 ess for applying, reviewing and awarding grants and coop-  
2 erative and other transaction agreements, including the  
3 form and content of an application, and requirements for  
4 the maintenance of records that are necessary to facilitate  
5 an effective audit of the use of the funding provided: *Pro-*  
6 *vided further*, That section 50101 of title 49, United  
7 States Code, shall apply to funds provided under this  
8 heading.

9 GRANTS-IN-AID FOR AIRPORTS

10 For an additional amount for “Grants-In-Aid for Air-  
11 ports”, to enable the Secretary of Transportation to make  
12 grants for discretionary projects as authorized by sub-  
13 chapter 1 of chapter 471 and subchapter 1 of chapter 475  
14 of title 49, United States Code, and for the procurement,  
15 installation and commissioning of runway incursion pre-  
16 vention devices and systems at airports of such title,  
17 \$1,100,000,000, to remain available through September  
18 30, 2010: *Provided*, That such funds shall not be subject  
19 to apportionment formulas, special apportionment cat-  
20 egories, or minimum percentages under chapter 471: *Pro-*  
21 *vided further*, That the Secretary shall distribute funds  
22 provided under this heading as discretionary grants to air-  
23 ports, with priority given to those projects that dem-  
24 onstrate to his satisfaction their ability to be completed  
25 within 2 years of enactment of this Act, and serve to sup-  
26 plement and not supplant planned expenditures from air-

1 port-generated revenues or from other State and local  
2 sources on such activities: *Provided further*, That the Sec-  
3 retary shall award grants totaling not less than 50 percent  
4 of the funds made available under this heading within 120  
5 days of enactment of this Act, and award grants for the  
6 remaining amounts not later than 1 year after enactment  
7 of this Act: *Provided further*, That the Federal share pay-  
8 able of the costs for which a grant is made under this  
9 heading shall be 100 percent: *Provided further*, That the  
10 amount made available under this heading shall not be  
11 subject to any limitation on obligations for the Grants-  
12 in-Aid for Airports program set forth in any Act: *Provided*  
13 *further*, That the Administrator of the Federal Aviation  
14 Administration may retain up to 0.2 percent of the funds  
15 provided under this heading to fund the award and over-  
16 sight by the Administrator of grants made under this  
17 heading.

18 FEDERAL HIGHWAY ADMINISTRATION

19 HIGHWAY INFRASTRUCTURE INVESTMENT

20 For an additional amount for restoration, repair, con-  
21 struction and other activities eligible under paragraph (b)  
22 of section 133 of title 23, United States Code, and for  
23 passenger and freight rail transportation and port infra-  
24 structure projects eligible for assistance under subsection  
25 601(a)(8) of such title, \$27,500,000,000, to remain avail-

1 able through September 30, 2010: *Provided*, That, after  
2 making the set-asides required under this heading, 50 per-  
3 cent of the funds made available under this heading shall  
4 be apportioned to States using the formula set forth in  
5 section 104(b)(3) of title 23, United States Code, and the  
6 remaining funds shall be apportioned to States in the  
7 same ratio as the obligation limitation for fiscal year 2008  
8 was distributed among the States in accordance with the  
9 formula specified in section 120(a)(6) of division K of  
10 Public Law 110–161: *Provided further*, That funds made  
11 available under this heading shall be apportioned not later  
12 than 21 days after the date of enactment of this Act: *Pro-*  
13 *vided further*, That in selecting projects to be carried out  
14 with funds apportioned under this heading, priority shall  
15 be given to projects that are projected for completion with-  
16 in a 3-year time frame, and are located in economically  
17 distressed areas as defined by section 301 of the Public  
18 Works and Economic Development Act of 1965, as  
19 amended (42 U.S.C. 3161): *Provided further*, That 120  
20 days following the date of such apportionment, the Sec-  
21 retary of Transportation shall withdraw from each State  
22 an amount equal to 50 percent of the funds awarded to  
23 that State (excluding funds suballocated within the State)  
24 less the amount of funding obligated (excluding funds sub-  
25 allocated within the State), and the Secretary shall redis-

1 tribute such amounts to other States that have had no  
2 funds withdrawn under this proviso in the manner de-  
3 scribed in section 120(c) of division K of Public Law 110-  
4 161: *Provided further*, That 1 year following the date of  
5 such apportionment, the Secretary shall withdraw from  
6 each recipient of funds apportioned under this heading  
7 any unobligated funds, and the Secretary shall redis-  
8 tribute such amounts to States that have had no funds  
9 withdrawn under this proviso (excluding funds suballo-  
10 cated within the State) in the manner described in section  
11 120(c) of division K of Public Law 110-161: *Provided fur-*  
12 *ther*, That at the request of a State, the Secretary of  
13 Transportation may provide an extension of such 1-year  
14 period only to the extent that he feels satisfied that the  
15 State has encountered extreme conditions that create an  
16 unworkable bidding environment or other extenuating cir-  
17 cumstances: *Provided further*, That before granting such  
18 an extension, the Secretary shall send a letter to the  
19 House and Senate Committees on Appropriations that  
20 provides a thorough justification for the extension: *Pro-*  
21 *vided further*, That 3 percent of the funds apportioned to  
22 a State under this heading shall be set aside for the pur-  
23 poses described in subsection 133(d)(2) of title 23, United  
24 States Code (without regard to the comparison to fiscal  
25 year 2005): *Provided further*, That 30 percent of the funds

1 apportioned to a State under this heading shall be suballo-  
2 cated within the State in the manner and for the purposes  
3 described in the first sentence of subsection 133(d)(3)(A),  
4 in subsection 133(d)(3)(B), and in subsection  
5 133(d)(3)(D): *Provided further*, That such suballocation  
6 shall be conducted in every State ~~as defined by section~~  
7 ~~101(a)(32) of title 23, United States Code~~: *Provided fur-*  
8 *ther*, That funds suballocated within a State to urbanized  
9 areas and other areas shall not be subject to the redis-  
10 tribution of amounts required 120 days following the date  
11 of apportionment of funds provided under this heading:  
12 *Provided further*, That of the funds provided under this  
13 heading, \$105,000,000 shall be for the Puerto Rico high-  
14 way program authorized under section 165 of title 23,  
15 United States Code, and \$45,000,000 shall be for the ter-  
16 ritorial highway program authorized under section 215 of  
17 title 23, United States Code: *Provided further*, That of the  
18 funds provided under this heading, \$60,000,000 shall be  
19 for capital expenditures eligible under section 147 of title  
20 23, United States Code (without regard to subsection(d)):  
21 *Provided further*, That the Secretary of Transportation  
22 shall distribute such \$60,000,000 as competitive discre-  
23 tionary grants to States, with priority given to those  
24 projects that demonstrate to his satisfaction their ability  
25 to be completed within 2 years of enactment of this Act:

1 *Provided further*, That of the funds provided under this  
2 heading, \$550,000,000 shall be for investments in trans-  
3 portation at Indian reservations and Federal lands: *Pro-*  
4 *vided further*, That of the funds identified in the preceding  
5 proviso, \$310,000,000 shall be for the Indian Reservation  
6 Roads program, \$170,000,000 shall be for the Park Roads  
7 and Parkways program, \$60,000,000 shall be for the For-  
8 est Highway Program, and \$10,000,000 shall be for the  
9 Refuge Roads program: *Provided further*, That for invest-  
10 ments at Indian reservations and Federal lands, priority  
11 shall be given to capital investments, and to projects and  
12 activities that can be completed within 2 years of enact-  
13 ment of this Act: *Provided further*, That 1 year following  
14 the enactment of this Act, to ensure the prompt use of  
15 the \$550,000,000 provided for investments at Indian res-  
16 ervations and Federal lands, the Secretary shall have the  
17 authority to redistribute unobligated funds within the re-  
18 spective program for which the funds were appropriated:  
19 *Provided further*, That up to 4 percent of the funding pro-  
20 vided for Indian Reservation Roads may be used by the  
21 Secretary of the Interior for program management and  
22 oversight and project-related administrative expenses: *Pro-*  
23 *vided further*, That section 134(f)(3)(C)(ii)(II) of title 23,  
24 United States Code, shall not apply to funds provided  
25 under this heading: *Provided further*, That of the funds

1 made available under this heading, \$20,000,000 shall be  
2 for highway surface transportation and technology train-  
3 ing under section 140(b) of title 23, United States Code,  
4 and \$20,000,000 shall be for ~~for~~ disadvantaged business en-  
5 terprises bonding assistance under section 332(e) of title  
6 49, United States Code: *Provided further*, That funds  
7 made available under this heading shall be administered  
8 as if apportioned under chapter 1 of title 23, United  
9 States Code, except for funds made available for invest-  
10 ments in transportation at Indian reservations and Fed-  
11 eral lands, and for the territorial highway program, which  
12 shall be administered in accordance with chapter 2 of title  
13 23, United States Code, and except for funds made avail-  
14 able for disadvantaged business enterprises bonding as-  
15 sistance, which shall be administered in accordance with  
16 chapter 3 of title 49, United States Code: *Provided further*,  
17 That the Federal share payable on account of any project  
18 or activity carried out with funds made available under  
19 this heading shall be, at the option of the recipient, up  
20 to 100 percent of the total cost thereof: *Provided further*,  
21 That funds made available by this Act shall not be obli-  
22 gated for the purposes authorized under section 115(b)  
23 of title 23, United States Code: *Provided further*, That  
24 funding provided under this heading shall be in addition  
25 to any and all funds provided for fiscal years 2009 and

1 2010 in any other Act for “Federal-aid Highways” and  
2 shall not affect the distribution of funds provided for  
3 “Federal-aid Highways” in any other Act: *Provided fur-*  
4 *ther*, That the amount made available under this heading  
5 shall not be subject to any limitation on obligations for  
6 Federal-aid highways or highway safety construction pro-  
7 grams set forth in any Act: *Provided further*, That section  
8 1101(b) of Public Law 109–59 shall apply to funds appor-  
9 tioned under this heading: *Provided further*, That the Ad-  
10 ministrator of the Federal Highway Administration may  
11 retain up to \$40,000,000 of the funds provided under this  
12 heading to fund the oversight by the Administrator of  
13 projects and activities carried out with funds made avail-  
14 able to the Federal Highway Administration in this Act,  
15 and such funds shall be available through September 30,  
16 2012.

17                   FEDERAL RAILROAD ADMINISTRATION  
18 CAPITAL ASSISTANCE FOR HIGH SPEED RAIL CORRIDORS  
19                   AND INTERCITY PASSENGER RAIL SERVICE

20       For an additional amount for section 501 of Public  
21 Law 110–432 and discretionary grants to States to pay  
22 for the cost of projects described in paragraphs (2)(A) and  
23 (2)(B) of section 24401 of title 49, United States Code,  
24 subsection (b) of section 24105 of such title,  
25 \$8,000,000,000, to remain available through September

1 30, 2012: *Provided*, That the Secretary of Transportation  
2 shall give priority to projects that support the development  
3 of intercity high speed rail service: *Provided further*, That  
4 within 60 days of the enactment of this Act, the Secretary  
5 shall submit to the House and Senate Committees on Ap-  
6 propriations a strategic plan that describes how the Sec-  
7 retary will use the funding provided under this heading  
8 to improve and deploy high speed passenger rail systems:  
9 *Provided further*, That within 120 days of enactment of  
10 this Act, the Secretary shall issue interim guidance to ap-  
11 plicants covering grant terms, conditions, and procedures  
12 until final regulations are issued: *Provided further*, That  
13 such interim guidance shall provide separate instructions  
14 for the high speed rail corridor program, capital assistance  
15 for intercity passenger rail service grants, and congestion  
16 grants: *Provided further*, That the Secretary shall waive  
17 the requirement that a project conducted using funds pro-  
18 vided under this heading be in a State rail plan developed  
19 under chapter 227 of title 49, United States Code: *Pro-*  
20 *vided further*, That the Federal share payable of the costs  
21 for which a grant is made under this heading shall be,  
22 at the option of the recipient, up to 100 percent: *Provided*  
23 *further*, That projects conducted using funds provided  
24 under this heading must comply with the requirements of  
25 subchapter IV of chapter 31 of title 40, United States

1 Code: *Provided further*, That section 24405 of title 49,  
2 United States Code, shall apply to funds provided under  
3 this heading: *Provided further*, That the Administrator of  
4 the Federal Railroad Administration may retain up to one-  
5 quarter of 1 percent of the funds provided under this  
6 heading to fund the award and oversight by the Adminis-  
7 trator of grants made under this heading, and funds re-  
8 tained for said purposes shall remain available through  
9 September 30, 2014.

10 CAPITAL GRANTS TO THE NATIONAL RAILROAD

11 PASSENGER CORPORATION

12 For an additional amount for ~~Capital and Debt~~  
13 ~~Service Grants to~~ the National Railroad Passenger Cor-  
14 poration (Amtrak) to enable the Secretary of Transpor-  
15 tation to make capital grants to Amtrak as authorized by  
16 section 101(c) of the Passenger Rail Investment and Im-  
17 provement Act of 2008 (Public Law 110-432),  
18 \$1,300,000,000, to remain available through September  
19 30, 2010, of which \$450,000,000 shall be used for capital  
20 security grants: *Provided*, That priority for the use of non-  
21 security funds shall be given to projects for the repair,  
22 rehabilitation, or upgrade of railroad assets or infrastruc-  
23 ture, and for capital projects that expand passenger rail  
24 capacity including the rehabilitation of rolling stock: *Pro-*  
25 *vided further*, That none of the funds under this heading  
26 shall be used to subsidize the operating losses of Amtrak:

1 *Provided further*, That funds provided under this heading  
2 shall be awarded not later than 30 days after the date  
3 of enactment of this Act: *Provided further*, That the Sec-  
4 retary shall take measures to ensure that projects funded  
5 under this heading shall be completed within 2 years of  
6 enactment of this Act, and shall serve to supplement and  
7 not supplant planned expenditures for such activities from  
8 other Federal, State, local and corporate sources: *Provided*  
9 *further*, That the Secretary shall certify to the House and  
10 Senate Committees on Appropriations in writing ~~their~~<sup>o</sup>  
11 compliance with the preceding proviso: *Provided further*,  
12 That not more than 60 percent of the funds provided for  
13 non-security activities under this heading may be used for  
14 capital projects along the Northeast Corridor: *Provided*  
15 *further*, That of the funding provided under this heading,  
16 \$5,000,000 shall be made available for the Amtrak Office  
17 of Inspector General and made available through Sep-  
18 tember 30, 2013.

19 FEDERAL TRANSIT ADMINISTRATION

20 TRANSIT CAPITAL ASSISTANCE

21 For an additional amount for transit capital assist-  
22 ance grants authorized under section 5302(a)(1) of title  
23 49, United States Code, \$6,900,000,000, to remain avail-  
24 able through September 30, 2010: *Provided*, That the Sec-  
25 retary of Transportation shall provide 80 percent of the

1 funds appropriated under this heading for grants under  
2 section 5307 of title 49, United States Code, and appor-  
3 tion such funds in accordance with section 5336 of such  
4 title (other than subsections (i)(1) and (j)): *Provided fur-*  
5 *ther*, That the Secretary shall apportion 10 percent of the  
6 funds appropriated under this heading in accordance with  
7 section 5340 of such title: *Provided further*, That the Sec-  
8 retary shall provide 10 percent of the funds appropriated  
9 under this heading for grants under section 5311 of title  
10 49, United States Code, and apportion such funds in ac-  
11 cordance with such section: *Provided further*, That funds  
12 apportioned under this heading shall be apportioned not  
13 later than 21 days after the date of enactment of this Act:  
14 *Provided further*, That 180 days following the date of such  
15 apportionment, the Secretary shall withdraw from each  
16 urbanized area or State an amount equal to 50 percent  
17 of the funds apportioned to such urbanized areas or States  
18 less the amount of funding obligated, and the Secretary  
19 shall redistribute such amounts to other urbanized areas  
20 or States that have had no funds withdrawn under this  
21 proviso utilizing whatever method he deems appropriate  
22 to ensure that all funds redistributed under this proviso  
23 shall be utilized promptly: *Provided further*, That 1 year  
24 following the date of such apportionment, the Secretary  
25 shall withdraw from each urbanized area or State any un-

1 obligated funds, and the Secretary shall redistribute such  
2 amounts to other urbanized areas or States that have had  
3 no funds withdrawn under this proviso utilizing whatever  
4 method he deems appropriate to ensure that all funds re-  
5 distributed under this proviso shall be utilized promptly:  
6 *Provided further*, That at the request of an urbanized area  
7 or State, the Secretary of Transportation may provide an  
8 extension of such 1-year period if he feels satisfied that  
9 the urbanized area or State has encountered an unwork-  
10 able bidding environment or other extenuating cir-  
11 cumstances: *Provided further*, That before granting such  
12 an extension, the Secretary shall send a letter to the  
13 House and Senate Committees on Appropriations that  
14 provides a thorough justification for the extension: *Pro-*  
15 *vided further*, That of the funds provided for section 5311  
16 of title 49, United States Code, 2.5 percent shall be made  
17 available for section 5311(c)(1): *Provided further*, That of  
18 the funding provided under this heading, \$100,000,000  
19 shall be distributed as discretionary grants to public tran-  
20 sit agencies for capital investments that will assist in re-  
21 ducing the energy consumption or greenhouse gas emis-  
22 sions of their public transportation systems: *Provided fur-*  
23 *ther*, That for such grants on energy-related investments,  
24 priority shall be given to projects based on the total energy  
25 savings that are projected to result from the investment,

1 and projected energy savings as a percentage of the total  
2 energy usage of the public transit agency: *Provided fur-*  
3 *ther*, That applicable chapter 53 requirements shall apply  
4 to funding provided under this heading, except that the  
5 Federal share of the costs for which any grant is made  
6 under this heading shall be, at the option of the recipient,  
7 up to 100 percent: *Provided further*, That the amount  
8 made available under this heading shall not be subject to  
9 any limitation on obligations for transit programs set forth  
10 in any Act: *Provided further*, That section 1101(b) of Pub-  
11 lic Law 109-59 shall apply to funds appropriated under  
12 this heading: *Provided further*, That the funds appro-  
13 priated under this heading shall not be comingled with any  
14 prior year funds: *Provided further*, That notwithstanding  
15 any other provision of law, three-quarters of 1 percent of  
16 the funds provided for grants under section 5307 and sec-  
17 tion 5340, and one-half of 1 percent of the funds provided  
18 for grants under section 5311, shall be available for ad-  
19 ministrative expenses and program management oversight,  
20 and such funds shall be available through September 30,  
21 2012.

22       FIXED GUIDEWAY INFRASTRUCTURE INVESTMENT

23       For an amount for capital expenditures authorized  
24 under section 5309(b)(2) of title 49, United States Code,  
25 \$750,000,000, to remain available through September 30,

1 2010: *Provided*, That the Secretary of Transportation  
 2 shall apportion funds under this heading pursuant to the  
 3 formula set forth in section 5337 of title 49, United States  
 4 Code: *Provided further*, That the funds appropriated under  
 5 this heading shall not be commingled with funds available  
 6 ~~under the Formula and Bus Grants account~~: *Provided fur-*  
 7 *ther*, That funds made available under this heading shall  
 8 be apportioned not later than 21 days after the date of  
 9 enactment of this Act: ~~*Provided further*, That not less than~~  
 10 ~~50 percent of the funds apportioned under this heading~~  
 11 ~~shall be obligated within 150 days of their apportionment~~  
 12 *Provided further*, That applicable chapter 53 requirements  
 13 shall apply except that the Federal share of the costs for  
 14 which a grant is made under this heading shall be, at the  
 15 option of the recipient, up to 100 percent: *Provided fur-*  
 16 *ther*, That the provisions of section 1101(b) of Public Law  
 17 109-59 shall apply to funds made available under this  
 18 heading: *Provided further*, That notwithstanding any other  
 19 provision of law, up to 1 percent of the funds under this  
 20 heading shall be available for administrative expenses and  
 21 program management oversight and shall remain available  
 22 for obligation until September 30, 2012.

any prior year

INSERT  
19A

CAPITAL INVESTMENT GRANTS

24 For an additional amount for "Capital Investment  
 25 Grants", as authorized under section 5338(e)(4) of title  
 26 49, United States Code, and allocated under section

*Provided further*, That 180 days following the date of such apportionment, the Secretary shall withdraw from each urbanized area an amount equal to 50 percent of the funds apportioned to such urbanized area less the amount of funding obligated, and the Secretary shall redistribute such amounts to other urbanized areas that have had no funds withdrawn under this proviso utilizing whatever method he or she deems appropriate to ensure that all funds redistributed under this proviso shall be utilized promptly: *Provided further*, That 1 year following the date of such apportionment, the Secretary shall withdraw from each urbanized area any unobligated funds, and the Secretary shall redistribute such amounts to other urbanized areas that have had no funds withdrawn under this proviso utilizing whatever method he or she deems appropriate to ensure that all funds redistributed under this proviso shall be utilized promptly: *Provided further*, That at the request of an urbanized area, the Secretary of Transportation may provide an extension of such 1-year period if he or she feels satisfied that the urbanized area has encountered an unworkable bidding environment or other extenuating circumstances: *Provided further*, That before granting such an extension, the Secretary shall send a letter to the House and Senate Committees on Appropriations that provides a thorough justification for the extension:

1 5309(m)(2)(A) of such title, to enable the Secretary of  
2 Transportation to make discretionary grants as authorized  
3 by section 5309(d) and (e) of such title, \$750,000,000,  
4 to remain available through September 30, 2010: *Pro-*  
5 *vided*, That such amount shall be allocated without regard  
6 to the limitation under section 5309(m)(2)(A)(i): *Provided*  
7 *further*, That in selecting projects to be funded, priority  
8 shall be given to projects that are currently in construction  
9 or are able to obligate funds within 150 days of enactment  
10 of this Act: *Provided further*, That the provisions of section  
11 1101(b) of Public Law 109-59 shall apply to funds made  
12 available under this heading: *Provided further*, That appli-  
13 cable chapter 53 requirements shall apply, except that not-  
14 withstanding any other provision of law, up to 1 percent  
15 of the funds provided under this heading shall be available  
16 for administrative expenses and program management  
17 oversight, and shall remain available through September  
18 30, 2012.

19

## MARITIME ADMINISTRATION

20

## SUPPLEMENTAL GRANTS FOR ASSISTANCE TO SMALL

21

## SHIPYARDS

22 To make grants to qualified shipyards as authorized  
23 under section 3508 of Public Law 110-417 or section  
24 54101 of title 46, United States Code, \$100,000,000, to  
25 remain available through September 30, 2010: *Provided*,

Insert  
20A

*Provided further,* That funds appropriated under this heading shall not be commingled with any prior year funds:

20 A

1 That the Secretary of Transportation shall institute meas-  
2 ures to ensure that funds provided under this heading  
3 shall be obligated within 180 days of the date of their dis-  
4 tribution: *Provided further*, That the Maritime Adminis-  
5 trator may retain and transfer to “Maritime Administra-  
6 tion, Operations and Training” up to 2 percent of the  
7 funds provided under this heading to fund the award and  
8 oversight by the Administrator of grants made under this  
9 heading.

10 OFFICE OF INSPECTOR GENERAL

11 SALARIES AND EXPENSES

12 For an additional amount for necessary expenses of  
13 the Office of Inspector General to carry out the provisions  
14 of the Inspector General Act of 1978, as amended,  
15 \$20,000,000, to remain available through September 30,  
16 2013: *Provided*, That the funding made available under  
17 this heading shall be used for conducting audits and inves-  
18 tigations of projects and activities carried out with funds  
19 made available in this Act to the Department of Transpor-  
20 tation: *Provided further*, That the Inspector General shall  
21 have all necessary authority, in carrying out the duties  
22 specified in the Inspector General Act, as amended (5  
23 U.S.C. App. 3), to investigate allegations of fraud, includ-  
24 ing false statements to the Government (18 U.S.C. 1001),

1 by any person or entity that is subject to regulation by  
2 the Department.

3       GENERAL PROVISION—DEPARTMENT OF  
4                   TRANSPORTATION

5       SEC. 1201. (a) MAINTENANCE OF EFFORT.—Not  
6 later than 30 days after the date of enactment of this Act,  
7 for each amount that is distributed to a State or agency  
8 thereof from an appropriation in this Act for a covered  
9 program, the Governor of the State shall certify to the  
10 Secretary of Transportation that the State will maintain  
11 its effort with regard to State funding for the types of  
12 projects that are funded by the appropriation. As part of  
13 this certification, the Governor shall submit to the Sec-  
14 retary of Transportation a statement identifying the  
15 amount of funds the State planned to expend from State  
16 sources as of the date of enactment of this Act during  
17 the period beginning on the date of enactment of this Act  
18 through September 30, 2010, for the types of projects that  
19 are funded by the appropriation.

20       (b) FAILURE TO MAINTAIN EFFORT.—

21       ~~§~~ If a State is unable to maintain the level of  
22 effort certified pursuant to subsection (a), the State  
23 will be prohibited by the Secretary of Transportation  
24 from receiving additional limitation pursuant to the  
25 redistribution of the limitation on obligations for

1 Federal-aid highway and highway safety construc-  
2 tion programs that occurs after August 1 for fiscal  
3 year 2011.

4 (2) The Secretary of Transportation may waive  
5 the requirements under paragraph (1) if the Sec-  
6 retary determines that it is impossible for the State  
7 to maintain its effort because of extreme conditions  
8 beyond the control of the State and that the amount  
9 of the State's reduction in its level of effort is rea-  
10 sonable and necessary in light of the extreme condi-  
11 tions: *Provided*, That the term "extreme conditions"  
12 includes, without limitations, unanticipated reduc-  
13 tions in State revenues occurring after the adoption  
14 of the current State budget due to national, re-  
15 gional, or State economic conditions.

16 (c) PERIODIC REPORTS.—

17 (1) IN GENERAL.—Notwithstanding any other  
18 provision of law, each grant recipient shall submit to  
19 the covered agency from which they received funding  
20 periodic reports on the use of the funds appropriated  
21 in this Act for covered programs. Such reports shall  
22 be collected and compiled by the covered agency and  
23 transmitted to Congress.

24 (2) CONTENTS OF REPORTS.—For amounts re-  
25 ceived under each covered program by a grant re-

Covered agencies may develop  
such reports on behalf of grant  
recipients to ensure that  
accuracy and consistency of such reports.

1           recipient under this Act, the grant recipient shall in-  
2           clude in the periodic reports information tracking-

3                   (A) the amount of Federal funds appro-  
4                   priated, allocated, obligated, and outlayed under  
5                   the appropriation;

6                   (B) the number of projects that have been  
7                   put out to bid under the appropriation and the  
8                   amount of Federal funds associated with such  
9                   projects;

10                  (C) the number of projects for which con-  
11                  tracts have been awarded under the appropria-  
12                  tion and the amount of Federal funds associ-  
13                  ated with such contracts;

14                  (D) the number of projects for which work  
15                  has begun under such contracts and the  
16                  amount of Federal funds associated with such  
17                  contracts;

18                  (E) the number of projects for which work  
19                  has been completed under such contracts and  
20                  the amount of Federal funds associated with  
21                  such contracts;

22                  (F) the number of direct, on-project jobs  
23                  created or sustained by the Federal funds pro-  
24                  vided for projects under the appropriation and,  
25                  to the extent possible, the estimated indirect

1 jobs created or sustained in the associated sup-  
2 plying industries, including the number of job-  
3 years created and the total increase in employ-  
4 ment since the date of enactment of this Act;  
5 and

6 (G) for each covered program report infor-  
7 mation tracking the actual aggregate expendi-  
8 tures by each grant recipient from State  
9 sources for projects eligible for funding under  
10 the program during the period beginning on the  
11 date of enactment of this Act through Sep-  
12 tember 30, 2010, as compared to the level of  
13 such expenditures that were planned to occur  
14 during such period as of the date of enactment  
15 of this Act.

16 (3) TIMING OF REPORTS.—Each grant recipi-  
17 ent shall submit the first of the periodic reports re-  
18 quired under this subsection not later than 90 days  
19 after the date of enactment of this Act and shall  
20 submit updated reports not later than 180 days, 1  
21 year, 2 years, and 3 years after such date of enact-  
22 ment.

23 (d) DEFINITIONS.—In this section, the following defi-  
24 nitions apply:

1           (1) COVERED AGENCY.—The term “covered  
2           agency” means the Office of the Secretary of Trans-  
3           portation, the Federal Aviation Administration, the  
4           Federal Highway Administration, the Federal Rail-  
5           road Administration, the Federal Transit Adminis-  
6           tration and the Maritime Administration of the De-  
7           partment of Transportation.

8           (2) COVERED PROGRAM.—The term “covered  
9           program” means funds appropriated in this Act for  
10          “Supplemental Discretionary Grants for a National  
11          Surface Transportation System” to the Office of the  
12          Secretary of Transportation, for “Supplemental  
13          Funding for Facilities and Equipment” and  
14          “Grants-in-Aid for Airports” to the Federal Aviation  
15          Administration; for “Highway Infrastructure Invest-  
16          ment” to the Federal Highway Administration; for  
17          “Capital Assistance for High Speed Rail Corridors  
18          and Intercity Passenger Rail Service” and “Capital  
19          Grants to the National Railroad Passenger Corpora-  
20          tion” to the Federal Railroad Administration; for  
21          “Transit Capital Assistance”, “Fixed Guideway In-  
22          frastructure Investment”, and “Capital Investment  
23          Grants” to the Federal Transit Administration; and  
24          “Supplemental Grants for Assistance to Small Ship-  
25          yards” to the Maritime Administration.

1           (3) GRANT RECIPIENT.—The term “grant re-  
2        recipient” means a State or other recipient of assist-  
3        ance provided under a covered program in this Act.  
4        Such term does not include a Federal department or  
5        agency.

6        (e) Notwithstanding any other provision of law, sec-  
7        tions 3501–3521 of title 44, United States Code, shall not  
8        apply to the provisions of this section.

9           DEPARTMENT OF HOUSING AND URBAN

10                   DEVELOPMENT

11                           PUBLIC AND INDIAN HOUSING

12                                   PUBLIC HOUSING CAPITAL FUND

13        For an additional amount for the “Public Housing  
14        Capital Fund” to carry out capital and management ac-  
15        tivities for public housing agencies, as authorized under  
16        section 9 of the United States Housing Act of 1937 (42  
17        U.S.C. 1437g) (the “Act”), \$4,000,000,000, to remain  
18        available until September 30, 2011: *Provided*, That the  
19        Secretary of Housing and Urban Development shall dis-  
20        tribute \$3,000,000,000 of this amount by the same for-  
21        mula used for amounts made available in fiscal year 2008,  
22        except that the Secretary may determine not to allocate  
23        funding to public housing agencies currently designated  
24        as troubled or to public housing agencies that elect not  
25        to accept such funding: *Provided further*, That the Sec-