

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