

## TITLE I—DEPARTMENT OF TRANSPORTATION

## OFFICE OF THE SECRETARY

## SALARIES AND EXPENSES

The conference agreement provides \$102,481,000 for the salaries and expenses of the Office of the Secretary of Transportation as an overall funding level as proposed by the House rather than \$102,202,000 as proposed by the Senate. The agreement includes funding by office as specified below:

Immediate Office of the Secretary	\$2,618,000
Immediate Office of the Deputy Secretary	984,000
Office of the Executive Secretariat	1,595,000
Office of the Under Secretary for Transportation Policy	10,107,000
Office of Small and Disadvantaged Business Utilization	1,369,000
Office of Intelligence, Security, and Emergency Response	10,778,000
Office of the Chief Information Officer	14,988,000
Office of the General Counsel	19,515,000
Office of the Assistant Secretary for Governmental Affairs	2,500,000
Office of the Assistant Secretary for Budget and Programs	10,538,000
Office of the Assistant Secretary for Administration	25,469,000
Office of Public Affairs	2,020,000
Office of Workforce Development	--

The conferees direct the Office of General Counsel to provide a continued level of effort to protect airline passengers.

## NATIONAL INFRASTRUCTURE INVESTMENTS

The conference agreement provides \$500,000,000 for capital investments in surface transportation infrastructure, instead of \$550,000,000 as proposed by the Senate. The House did not propose funding for this account. The conferees direct the Secretary to focus on road, transit, rail and port projects. No funds are provided for planning activities and the Department is limited to \$20,000,000 for program administration.

## FINANCIAL MANAGEMENT CAPITAL

The conference agreement provides \$4,990,000 for the financial management capital program as proposed by the Senate, instead of \$5,000,000 as proposed by the House.

## CYBER SECURITY INITIATIVES

The conference agreement provides \$10,000,000 for cyber security initiatives as proposed by the Senate. The House did not propose funding for this account.

## OFFICE OF CIVIL RIGHTS

The conference agreement provides \$9,384,000 for the office of civil rights as proposed by the House, instead of \$9,648,000 as proposed by the Senate.

## TRANSPORTATION PLANNING, RESEARCH AND DEVELOPMENT

The conference agreement provides \$9,000,000 for transportation planning, research and development as proposed by the House and Senate. The conferees agree to provide not more than \$1,000,000 to do a complete study authorized in Section 9007 of Public Law 109-59.

#### WORKING CAPITAL FUND

The conference agreement includes a limitation of \$172,000,000 for working capital fund activities, rather than \$147,596,000 as proposed by the House and the Senate. The conferees include language allowing for the transfer of funds to the Working Capital Fund upon a majority approval of the Working Capital Fund Steering Committee.

#### MINORITY BUSINESS RESOURCE CENTER PROGRAM

The conference agreement provides a total appropriation of \$922,000 as proposed by the House for the minority business center program, instead of \$921,000 as proposed by the Senate. *resource* Within the funds provided \$333,000 is for the costs of guaranteed loans for short-term working capital and \$589,000 is provided for administrative expenses. The bill limits loans made under this program to \$18,367,000 as proposed by the House and Senate.

#### MINORITY BUSINESS OUTREACH

The conference agreement provides \$3,068,000 for minority business outreach as proposed by the House and Senate.

#### PAYMENTS TO AIR CARRIERS

(AIRPORT AND AIRWAY TRUST FUND)

(INCLUDING TRANSFER OF FUNDS)

The conference agreement provides \$143,000,000 for payments to air carriers as proposed by the Senate instead of \$100,000,000 as proposed by the House. In addition to these funds, the program will receive \$50,000,000 in mandatory spending pursuant to the Federal Aviation Authorization Act of 1996. The agreement includes language, as proposed by the Senate, that would limit funds to communities that received subsidy or received a 90-day notice of intent to terminate service and the Secretary required the air carrier to continue providing service any time between September 30, 2010, and September 30, 2011. The conference agreement also includes language to direct the Secretary to transfer such sums as may be necessary from the Office of the Secretary if funding is insufficient to meet the costs of the program.

ADMINISTRATIVE PROVISIONS—OFFICE OF THE SECRETARY OF TRANSPORTATION

Section 101 prohibits funds in this Act available to the Department of Transportation from being obligated for the Office of the Secretary of Transportation to approve assessments or reimbursable agreements pertaining to funds appropriated to the modal administrations in this Act, except for activities underway on the date of enactment of this Act, unless such assessments or agreements have completed the normal reprogramming process for Congressional notification.

Section 102 allows the Secretary of Transportation or his designee to engage with states to consider proposals related to the reduction of motorcycle fatalities.

Section 103 prohibits funds from being obligated or expended to establish or implement a program where essential air service communities are required to assume subsidy costs commonly referred to as local participation.

Section 104 authorizes the Department of Transportation to provide payments in advance to vendors for the Federal transit pass fringe benefit program.

Section 105 requires the Secretary of Transportation to post on the DOT website a schedule and an agenda of all Credit Council meetings. The conferees direct the Department to maintain records of the factors and criteria leading to funding determinations on applications.

Section 106 rescinds unobligated balances made available by section 185 of Public Law 109-115.

FEDERAL AVIATION ADMINISTRATION

OPERATIONS

(AIRPORT AND AIRWAY TRUST FUND)

The conference agreement includes \$9,653,395,000 for operations of the Federal Aviation Administration instead of \$9,673,962,000 as proposed by the House and \$9,635,710,000 as proposed by the Senate. Of the total amount provided, \$5,060,694,000 is to be derived from the airport and airway trust fund. Funds are distributed in the bill by budget activity. The Conference agreement includes all Operations base transfers requested in the budget, and the

conferees expect that FAA's fiscal year 2013 budget will provide the same level of detail on the offices within the new Finance and Management organization as in previous years. In addition, the conferees direct that FAA move the Office of Audit and Evaluation (AAE) from within Office of the Chief Counsel (AGC) and realign it as an independent Staff Office reporting directly to the FAA Administrator.

The following table compares the conference agreement to the levels proposed in the House and Senate bills by budget activity, pursuant to the reorganizational reprogramming activity approved by the Committees in September:

<i>(all dollars in thousands)</i>			
<i>Program</i>	<i>House</i>	<i>Senate</i>	<i>Conference Agreement</i>
<b>Air Traffic Organization</b>	7,618,352	7,560,815	7,442,738
<b>Aviation Safety</b>	1,250,514	1,253,381	1,252,991
<b>Commercial Space</b>	13,000	15,005	16,271
<b>Finance and Management</b>	...	...	582,117
<b>NextGen</b>	...	...	60,134
<b>Human Resources</b>	99,005	98,858	98,858
<b>Staff Offices</b>	186,347	207,065	200,286
		<i>Conference</i>	
		<i>Total.....</i>	9,653,395

*Justification of general provisions.*—The conference agreement directs the FAA to provide a justification for each general provision proposed in the fiscal year 2013 budget.

*Air Traffic Controller Optimum Training Solution (ATCOTS).*—The conference agreement directs the FAA to report back within 60 days on modifications to the ATCOTS program that will accommodate training for all required new controllers and facilitate modern learning principles.

*Workforce diversity.*—The conferees direct FAA to continue to provide a report detailing data and information on the agency's recruitment outreach and hiring efforts in minority communities. The letter report should also include a year-to-year comparison of hiring statistics and shall be submitted to the House and Senate Appropriations Committees by January 15, 2012.

*En Route Automation Modernization (ERAM) Operations funding.*—The conference agreement provides no additional funding for ERAM related cost increases and directs the FAA to pay for all ERAM related program activities from the Facilities and Equipment account until operational readiness is achieved at Salt Lake or Seattle Center, consistent with prior program management practice.

*Aviation safety (AVS).*—The conference agreement provides \$1,252,991,000 for aviation safety, which includes an increase of 35 additional flight standards inspectors and related safety staff and 20 aircraft certification personnel.

*Special use airspace of unmanned aerial system (UAS).*—The conferees direct FAA to provide a progress report to the House and Senate Appropriations Committees, no later than 60 days after enactment, which describes and assesses the establishment of special use airspace to fill defense research needs related to UASs, particularly in the development of detection techniques for small unmanned aerial vehicles.

FACILITIES AND EQUIPMENT

## (AIRPORT AND AIRWAY TRUST FUND)

The conference agreement includes \$2,730,731,000 for FAA facilities and equipment instead of \$2,798,250,000 as proposed by the House and \$2,630,731,000 as proposed by the Senate. Of the total amount available, \$475,000,000 is available until September 30, 2012, and \$2,255,731,000 is available until September 30, 2014. The bill includes language directing FAA to transmit a detailed five-year capital investment plan to Congress with its fiscal year 2013 budget submission.

The following table provides a breakdown of the House and Senate bills and the conference agreement by program:

	<i>House Bill</i>	<i>Senate Bill</i>	<i>Conference</i>
<b>Activity 1, Engineering, Development, Test and Evaluation:</b>			
Advanced Technology Development and Prototyping	31,900,000	24,000,000	29,000,000
NAS Improvement of System Support Laboratory	1,000,000	1,000,000	1,000,000
William J. Hughes Technical Center Facilities	15,000,000	14,000,000	14,000,000
William J. Hughes Technical Center Infrastructure Sustainment	7,500,000	7,500,000	7,500,000
Next Generation Network Enabled Weather (NNEW)	0	18,000,000	0
Data Communications in support of Next Generation Air Transportation System	143,000,000	109,000,000	143,000,000
Next Generation Transportation System Demonstration and Infrastructure Development	16,900,000	15,000,000	15,000,000
Next Generation Transportation System - System Development	90,000,000	70,000,000	85,000,000
Next Generation Transportation System - Trajectory Based Operations	9,300,000	7,000,000	7,000,000
Next Generation Transportation System - Weather Reduction Impact	15,600,000	10,000,000	15,600,000
Next Generation Transportation System - High Density Arrivals/Departures	14,300,000	10,000,000	12,000,000
Next Generation Transportation System - Collaborative ATM	28,000,000	22,000,000	24,000,000
Next Generation Transportation System - Flexible Terminals and Airports	36,300,000	32,000,000	33,300,000

Next Generation Transportation System - Safety Security and Environment	0	0	0
Next Generation Transportation System - Networked Facilities	9,000,000	5,000,000	5,000,000
Next Generation Air transportation System-Future Facilities	19,500,000	10,000,000	15,000,000
Joint Planning and Development Office (JPDO)	0	3,000,000	0
Performance Based Navigation	29,200,000	26,200,000	29,200,000
<b>Total, Activity 1</b>	<b>466,500,000</b>	<b>383,700,000</b>	<b>435,600,000</b>

**Activity 2, Air Traffic Control Facilities and Equipment:**

**En Route Programs**

En Route Automation Modernization (ERAM)	148,000,000	148,500,000	155,000,000
En Route Automation Modernization (ERAM)-PER3	0	3,356,000	0
En Route Communications Gateway (ECG)	2,000,000	2,000,000	2,000,000
Next Generation Weather Radar (NEXRAD) - Provide	2,800,000	2,800,000	2,800,000
Air Traffic Control System Command Center (ATCSCC) - Relocation	3,600,000	3,600,000	3,600,000
ARTCC Building Improvements/Plant Improvements	46,000,000	36,000,000	41,000,000
Air Traffic Management (ATM)	7,500,000	7,500,000	7,500,000
Air/Ground Communications Infrastructure	4,800,000	4,800,000	4,800,000
Air Traffic Control En Route Radar Facilities Improvements	5,800,000	5,800,000	5,800,000
Voice Switching and Control System (VSCS)	1,000,000	1,000,000	1,000,000
Oceanic Automation System	6,000,000	4,000,000	4,000,000
Next Generation Very High Frequency Air/Ground Communications System (NEXCOM)	45,150,000	45,150,000	45,150,000
System-Wide Information Management (SWIM)	66,350,000	66,350,000	66,350,000
ADS -B NAS Wide Implementation	285,100,000	285,100,000	285,100,000
Windshear Detection Services	1,000,000	1,000,000	1,000,000
Weather and Radar Processor (WARP)	2,500,000	2,500,000	2,500,000
Collaborative Air Traffic Management Technologies	41,500,000	41,500,000	41,500,000
Colorado Wide Area Multilateration (WAM)	3,800,000	3,800,000	3,800,000
Automated terminal Information Service (ATIS)	1,000,000	1,000,000	1,000,000
Time-Based Flow Management (TBFM)	38,700,000	38,700,000	38,700,000
<b>Subtotal En Route Programs</b>	<b>712,600,000</b>	<b>704,456,000</b>	<b>712,600,000</b>
<b>Terminal Programs</b>			
Airport Surface Detection Equipment - Model X (ASDE-X)	2,200,000	2,200,000	2,200,000
Terminal Doppler Weather Radar (TDWR)	7,700,000	6,000,000	7,700,000
Standard Terminal Automation Replacement System (STARS) (TAMR Phase 1)	25,000,000	25,000,000	25,000,000
Terminal Automation Modernization/Replacement Program (TAMR Phase 3)	108,750,000	98,750,000	108,750,000
Terminal Automation Program	2,500,000	2,500,000	2,500,000
Terminal Air Traffic Control Facilities - Replace	51,600,000	51,600,000	51,600,000
ATCT/Terminal Radar Approach Control (TRACON) Facilities - Improve	56,900,000	45,000,000	52,000,000
Terminal Voice Switch Replacement (TVSR)	10,000,000	8,000,000	8,000,000

NAS Facilities OSHA and Environmental Standards Compliance	26,000,000	20,000,000	24,600,000
Airport Surveillance Radar (ASR-9)	6,000,000	6,000,000	6,000,000
Terminal Digital Radar (ASR-11)	3,900,000	3,900,000	3,900,000
Runway Status Lights	29,800,000	20,000,000	29,800,000
National Airspace System Voice Switch (NVS)	19,800,000	9,000,000	9,000,000
Integrated Display System (IDS)	8,800,000	8,800,000	8,800,000
Remote Maintenance and Logging System (RMLS)	4,200,000	4,200,000	4,200,000
ASR-8 Service Life Extension Program (SLEP)	0	0	0
Mode S Service Life Extension Program (SLEP)	4,000,000	4,000,000	4,000,000
<b>Subtotal Terminal Programs</b>	<b>367,150,000</b>	<b>314,950,000</b>	<b>348,050,000</b>
<b>Flight Service Programs</b>			
Automated Surface Observing System (ASOS)	2,500,000	2,500,000	2,500,000
Flight Service Station (FSS) Modernization - Alaska Flight Service Modernization (AFSM)	4,500,000	4,500,000	4,500,000
Weather Camera Program	1,500,000	4,800,000	4,800,000
<b>Subtotal Flight Service Programs</b>	<b>8,500,000</b>	<b>11,800,000</b>	<b>11,800,000</b>
<b>Landing and Navigational Aids Program</b>			
VHF Omnidirectional Radio Range (VOR) with Distance Measuring Equipment (DME)	5,000,000	5,000,000	5,000,000
Instrument Landing System (ILS) - Establish	5,000,000	5,000,000	5,000,000
Wide Area Augmentation System (WAAS) for GPS	85,000,000	110,000,000	95,000,000
Runway Visual Range (RVR)	5,000,000	5,000,000	5,000,000
Approach Lighting System Improvement Program (ALSIP)	5,000,000	5,000,000	5,000,000
Distance Measuring Equipment (DME)	5,000,000	5,000,000	5,000,000
Visual NAVAIDS - Establish/Expand	3,400,000	3,400,000	3,400,000
Instrument Flight Procedures Automation (IFPA)	2,200,000	2,200,000	2,200,000
Navigation and Landing Aids - Service Life Extension Program (SLEP)	6,000,000	7,000,000	7,000,000
VASI Replacement - Replace with Precision Approach Path Indicator	7,000,000	8,000,000	8,000,000
GPS Civil Requirements	19,000,000	36,000,000	19,000,000
Runway Safety Areas - Navigational Mitigation	25,000,000	23,000,000	25,000,000
<b>Subtotal Landing and Navigational Aids Programs</b>	<b>172,600,000</b>	<b>214,600,000</b>	<b>184,600,000</b>
<b>Other ATC Facilities Programs</b>			
Fuel Storage Tank Replacement and Monitoring	6,400,000	4,400,000	5,400,000
Unstaffed Infrastructure Sustainment	18,000,000	15,000,000	18,000,000
Aircraft Related Equipment Program	11,700,000	11,700,000	11,700,000
Airport Cable Loop Systems - Sustained Support	5,000,000	5,000,000	5,000,000
Alaskan Satellite telecommunications Infrastructure (ASTI)	16,000,000	15,500,000	15,500,000
Facilities Decommissioning	5,000,000	5,000,000	5,000,000
Electrical Power Systems - Sustain/Support	85,600,000	68,000,000	77,581,000
Aircraft Fleet Modernization	9,000,000	6,000,000	9,000,000
FAA employee housing and Life Safety Shelter System Service	2,500,000	2,500,000	2,500,000
<b>Subtotal Other ATC Facilities Programs</b>	<b>159,200,000</b>	<b>133,100,000</b>	<b>149,681,000</b>

**Total, Activity 2**

<b>1,420,050,000</b>	<b>1,378,906,000</b>	<b>1,406,731,000</b>

**Activity 3, Non-Air Traffic Control Facilities and Equipment:****Support Equipment**

Hazardous Materials Management	20,000,000	20,000,000	20,000,000
Aviation Safety Analysis System (ASAS)	30,100,000	30,100,000	30,100,000
Logistics Support System and Facilities (LSSF)	10,000,000	10,000,000	10,000,000
National Airspace System Recovery Communications (RCOM)	12,000,000	12,000,000	12,000,000
Facility Security Risk Management	18,000,000	16,000,000	16,000,000
Information Security	17,000,000	15,000,000	15,200,000
System Approach for Safety Oversight	23,600,000	23,600,000	23,600,000
Aviation Safety Knowledge Management Environment (ASKME)	17,200,000	17,200,000	17,200,000
Data Center Operations	1,000,000	0	1,000,000
Aerospace Medical System Support	12,000,000	10,000,000	10,000,000
<b>Subtotal Support Equipment</b>	<b>160,900,000</b>	<b>153,900,000</b>	<b>155,100,000</b>

**Training, Equipment and Facilities**

Aeronautical Center Infrastructure Modernization	18,000,000	15,000,000	16,500,000
Distance Learning	1,500,000	1,500,000	1,500,000
National Airspace System (NAS) Training - Simulator			
<b>Subtotal Training, Equipment and Facilities</b>	<b>19,500,000</b>	<b>16,500,000</b>	<b>18,000,000</b>

**Total, Activity 3**

<b>180,400,000</b>	<b>170,400,000</b>	<b>173,100,000</b>

**Activity 4, Facilities and Equipment Mission Support:****System Support and Services**

System Engineering and Development Support	32,900,000	28,500,000	32,900,000
Program Support Leases	41,700,000	40,000,000	40,000,000
Logistics Support Services (LSS)	11,700,000	10,100,000	11,700,000
Mike Monroney Aeronautical Center Leases	17,000,000	17,000,000	17,000,000
Transition Engineering Support	13,000,000	11,300,000	13,000,000
Technical Support Services Contract (TSSC)	22,000,000	19,100,000	22,000,000
Resource Tracking Program (RTP)	4,000,000	4,000,000	4,000,000
Center for Advanced Aviation System Development (CAASD)	80,800,000	71,000,000	78,000,000
Aeronautical Information Management Program	26,300,000	20,224,000	20,200,000
Permanent Change of Station (PCS) Moves	2,500,000	2,500,000	1,500,000
<b>Total, Activity 4</b>	<b>251,900,000</b>	<b>223,724,000</b>	<b>240,300,000</b>

**Activity 5, Personnel and Related Expenses:**

Personnel and Related Expenses -	480,000,000	474,000,000	475,000,000
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<b>Total, All Activities</b>	<b>2,798,850,000</b>	<b>2,630,730,000</b>	<b>2,730,731,000</b>
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*Performance Based Navigation.*—The conference agreement provides \$29,200,000 for Performance Based Navigation, as proposed by the House. The agreement provides \$3,000,000 over the request for a demonstration project to utilize third parties to design, deploy and maintain public use Required Navigation Performance (RNP) procedures at five mid-sized airports where aircraft flying RNP arrivals would achieve measurable benefit.

*System-wide information management system (SWIM).*—The conference agreement includes \$66,350,000 for the SWIM program. The conferees direct FAA to provide a progress report to the House and Senate Committees on Appropriations by February 15, 2012 on FAA's development and deployment of Segment 1 capabilities and the expected requirements, development and deployment of Segment 2.

*Navigation and landing aids-service life extension program (SLEP).*—The conference agreement includes \$7,000,000 for navigation and landing aids. Within the amount provided, \$1,000,000 is for the procurement and installation of additional runway end identification light (REIL) systems.

*VASI replacement-replace with precision approach path indicator.*—The conference agreement includes \$8,000,000 for the replacement of VASI systems with Precision Approach Path Indicator (PAPI) systems. Within the amount provided, \$1,000,000 is for the procurement of additional PAPI systems.

*Alternate positioning, navigation and timing (APNT).*—The conferees understand FAA is conducting a review of APNT capabilities that support communication, navigation, and surveillance applications in the event of a loss of Global Navigation Satellite Services (GNSS) to ensure that operations are appropriately supported and consistent with the evolution to NextGen. The conferees support this review and encourage the FAA to move forward with research, development and potential implementation of systems, avionics, processes, and procedures that leverage available assets to minimize the impact to system capacity and efficiency during periods of GNSS interference.

RESEARCH, ENGINEERING AND DEVELOPMENT

The bill provides \$167,556,000 for the FAA’s research, engineering, and development activities, instead of \$175,000,000 as proposed by the House and \$157,000,000 as proposed by the Senate. The following table compares the House and Senate bills with the conference agreement by budget activity:

Program	House Bill	Senate Bill	Conference Agreement
<b>Improve Aviation Safety</b>	<b>94,249,000</b>	<b>87,775,000</b>	<b>89,314,000</b>
Fire research and safety	8,157,000	7,158,000	7,158,000
Propulsion and fuel systems	3,611,000	2,300,000	2,300,000
Advanced materials/structural safety	2,605,000	2,534,000	2,534,000
Atmospheric hazards/digital system safety	5,404,000	5,404,000	5,404,000
Aging aircraft	12,589,000	10,632,000	11,600,000
Aircraft catastrophic failure prevention	1,502,000	1,147,000	1,147,000
Flightdeck safety/systems integration	6,162,000	6,162,000	6,162,000
Aviation safety risk analysis	10,027,000	10,027,000	10,027,000
ATC/AF human factors	10,634,000	10,364,000	10,364,000
Aeromedical research	11,617,000	11,000,000	11,000,000
Weather research	16,366,000	16,043,000	16,043,000
Unmanned aircraft system	3,504,000	3,504,000	3,504,000
NextGen Alternative Fuels for General Aviation	2,071,000	1,500,000	2,071,000

[ ] (Airport and Airway Trust Fund) [ ]<sup>14</sup>

<b>Improve Efficiency of the ATC System</b>	<b>33,905,000</b>	<b>28,134,000</b>	<b>34,174,000</b>
Joint program and development office	0	6,500,000	5,000,000
Wake turbulence	10,674,000	9,064,000	10,674,000
NextGen --Air Ground Integration	10,545,000	5,303,000	7,000,000
NextGen --Self Separation	3,500,000	5,060,000	3,500,000
NextGen--Weather Technology in the Cockpit	9,186,000	2,207,000	8,000,000
<b>Reduce Environmental Impacts</b>	<b>41,351,000</b>	<b>35,597,000</b>	<b>38,574,000</b>
Environment and energy	16,351,000	15,074,000	15,074,000
NextGen Environmental Research - Aircraft Technologies, Fuels and Metrics	25,000,000	20,523,000	23,500,000
<b>Mission Support</b>	<b>5,495,000</b>	<b>5,494,000</b>	<b>5,494,000</b>
System planning and resource management	1,718,000	1,717,000	1,717,000
Technical laboratory facilities	3,777,000	3,777,000	3,777,000
<b>Total</b>	<b>175,000,000</b>	<b>157,000,000</b>	<b>167,556,000</b>

*NextGen environmental research--aircraft technologies, fuels and metrics.*—The conference agreement includes \$23,500,000 for the FAA's NextGen environmental research aircraft technologies, fuels and metrics program. The conferees direct FAA to use funds above the budget request to expedite the development of viable alternative fuels that can be used in aircraft and to continue the efforts of FAA's continuous, lower energy, emissions, and noise program (CLEEN). These additional funds are designated as an item of congressional interest and the conferees direct FAA not to reprogram these funds without the specific approval of the House and Senate Committees on Appropriations.

## GRANTS-IN-AID FOR AIRPORTS

(LIQUIDATION OF CONTRACT AUTHORIZATION)

(LIMITATION ON OBLIGATIONS)

(AIRPORT AND AIRWAY TRUST FUND)

](Including <sup>v</sup> Transfer of Funds)[

The conference agreement includes a liquidating cash appropriation of \$3,435,000,000; an obligation limitation of \$3,350,000,000; a limitation on administrative expenses of not more than \$101,000,000; no less than \$15,000,000 for the airport cooperative research program; and no less than \$29,250,000 for airport technology research.

*Small community air service development pilot program.*—The bill includes \$6,000,000 under the obligation limitation to continue the small community air service development pilot (SCASDP) program and directs the FAA to transfer funds to OST salaries and expenses appropriation.

#### ADMINISTRATIVE PROVISIONS—FEDERAL AVIATION ADMINISTRATION

Section 110 allows no more than 600 technical staff-years at the Center for Advanced Aviation Systems Development as proposed by the House and Senate.

Section 111 prohibits funds for adopting guidelines or regulations requiring airport sponsors to provide FAA “without cost” building construction or space as proposed by the House and Senate.

Section 112 allows the FAA to be reimbursed for amounts made available for 49 U.S.C. 41742(a)(1) as fees are collected and credited under 49 U.S.C. 45303 as proposed by the House and Senate.

Section 113 allows reimbursement of funds for providing technical assistance to foreign aviation authorities to be credited to the operations account as proposed by the House and Senate.

Section 114 prohibits funds limited in this Act for the Airport Improvement Program to be provided to an airport that refuses a request from the Secretary of Transportation to use public space at the airport for the purpose of conducting outreach on air passenger rights as proposed by the House and Senate.

Section 115 prohibits funds for Sunday premium pay unless work was actually performed on a Sunday as proposed by the House and Senate.

Section 116 prohibits funds in the Act from being used to buy store gift cards with Government issued credit cards as proposed by the House and Senate.

Section 117 allows all airports experiencing the required level of boardings through charter and scheduled air service to be eligible for funds under 49 U.S.C. 47114(c) as proposed by the Senate.

Section 118 prohibits funds from being obligated or expended for retention bonuses for FAA employees without prior written approval of the DOT Deputy Assistant Secretary for Administration.

Section 119 limits to 20 percent the cost share required under the contract tower cost-share program.

Section 119A reverses changes made to the Block Aircraft Registry Request program and prohibits future changes to the program, as proposed by the House and Senate.

Section 119B prohibits funds from being used to change weight restrictions or prior permission rules at Teterboro Airport in New Jersey as proposed by the House.

FEDERAL HIGHWAY ADMINISTRATION  
LIMITATION ON ADMINISTRATIVE EXPENSES  
(INCLUDING TRANSFER OF FUNDS)

The conference agreement limits obligations for administrative expenses of the Federal Highway Administration (FHWA) to \$412,000,000, which is equal to the annualized level of contract authority under the latest surface extension, P.L. 112-30, plus \$3,144,750 in carryover contract authority, plus \$16,000,000 in funds that the Secretary may transfer from the 14 discretionary highway programs, if necessary, to ensure proper oversight. The 14 programs impacted are: Delta Region Transportation Development; Ferry Boats Discretionary Projects; Highways for LIFE Demo Projects; Innovative Bridge Research & Deployment; Interstate Maintenance Discretionary; National Historic Covered Bridge Preservation; National Scenic Byways; Public Lands Highway Discretionary; Railway-Highway Crossings Hazard Elimination in HSR Corridors; Transportation, Community, and System Preservation; Truck Parking Pilot Program; Disadvantaged Business Enterprises Services; On-the-Job Training Services; and, Value Pricing Pilot Program.

In addition, the conferees provide \$3,220,000 in contract authority above this limitation for the administrative expenses of the Appalachian Regional Commission pursuant to 23 U.S.C. 104.

[transportation

*Information Technology Improvements.*—The conferees recommend at least \$2,000,000 of funds provided should be for the Delphi system and accounting services, the IPv6 transition, and FHWA's share in the implementation of the financial management business transformation. These are important improvements to the administration of the federal-aid highways program.

FEDERAL-AID HIGHWAYS  
(LIMITATION ON OBLIGATIONS)  
(HIGHWAY TRUST FUND)

The conference agreement limits obligations for the federal-aid highways program to \$39,143,582,670 in fiscal year 2012, which is the annualized level of contract authority under the latest surface extension, P.L. 112-30.

transportation

*Solvency of Highway Trust Fund.*—The conferees acknowledge this obligation limitation will deplete almost all resources from the Highway Trust Fund by the end of fiscal year 2012, causing the FHWA to begin cash-management procedures that may result in States not receiving timely reimbursement of highway construction expenses. Further, without enactment of a new surface transportation authorization bill with large amounts of additional revenues this year, the Highway Trust Fund will be unable to support a highway program in fiscal year 2013. The conferees strongly urge the committees of jurisdiction to enact surface transportation legislation that provides substantial long-term funding to continue the federal-aid highways program.

*Commercial Motor Vehicle Parking.*—The conferees direct FHWA to study the shortage of commercial motor vehicle parking, including the impact of such on operators' compliance with federal safety requirements, and to report findings to the Committees on Appropriations within 180 days of enactment of this Act.

The conference agreement does not include a requirement for FHWA to report on transportation construction projects impacting local roads as proposed by the House.

Additionally, the conference agreement does not include a requirement for FHWA to investigate developing a comprehensive, department-wide corrosion analysis mitigation tool or a requirement for FHWA to report on the viability and cost-savings of developing such tool as proposed by the House.

(LIQUIDATION OF CONTRACT AUTHORIZATION)

(HIGHWAY TRUST FUND)

The conference agreement provides a liquidating cash appropriation of \$39,882,582,670, which is available until expended, to pay the outstanding obligations of the various highway programs at the levels provided in this Act and prior appropriations Act. This level reflects the annualized contract authority provided under the latest surface extension, P.L. 112-30, including contract authority both subject to and exempt from the obligation limitation. [transportation

EMERGENCY RELIEF (1,662,000,000

The conference agreement appropriates \$1,762,000,000 additional funds for the Emergency Relief Program, which is available until expended, for qualifying emergency repair expenses relating to major disasters declared pursuant to the Stafford Act, 42 U.S.C. 5122(7). (in (5121 et seq

The conference agreement waives the per-State, per-disaster cap of \$100,000,000 for certain disaster events in fiscal year 2011 relating to Hurricane Irene and flooding of the Missouri River. The conference agreement also directs the Secretary to extend the 180-day time period under 23

U.S.C. 120(e), in consideration of delays in a State's ability to access damaged facilities to evaluate damages and estimate the cost of such repairs, for eligible disasters in fiscal years 2011 and 2012.

#### RESCISSION

The conference agreement does not include a rescission of \$73,000,000 as proposed by the Senate.

#### ADMINISTRATIVE PROVISIONS—FEDERAL HIGHWAY ADMINISTRATION

Section 120 retains the provision as proposed by the Senate that distributes the federal-aid highways program obligation limitation.

Section 121 retains the provision as proposed by the House and the Senate that allows funds received by the Bureau of Transportation Statistics from the sale of data products to be credited to the federal-aid highways account.

Section 122 retains the provision as proposed by the House and the Senate that provides requirements for any waiver of Buy American requirements.

Section 123 retains the provision as proposed by the House and the Senate that prohibits tolling in Texas, with exceptions.

Section 124 retains with modification the provision proposed by the House that directs GAO to study how States and public transit authorities use their authority to transfer federal funds between the highway and transit programs and to submit a report within a year of enactment.

Section 125 retains with modification the provision proposed by the Senate that allows the State laws of Maine and Vermont regarding vehicle weight limitations to apply to all portions of the Interstate Highway System within each State, notwithstanding the requirements of 23 U.S.C. 127(a)(11), for a time period of approximately twenty years.

Section 126 is a new provision that allows the Secretary to transfer up to \$16,000,000 from discretionary federal-aid highway programs to the FHWA administrative expenses account.

The conference agreement does not include Sections 124 or 128, as proposed by the Senate.

FEDERAL MOTOR CARRIER SAFETY ADMINISTRATION

MOTOR CARRIER SAFETY OPERATIONS AND PROGRAMS

(LIQUIDATION OF CONTRACT AUTHORIZATION)

(LIMITATION ON OBLIGATIONS)

(HIGHWAY TRUST FUND)

The conference agreement includes a liquidation of contract authorization and a limitation on obligations of \$247,724,000 for the operating and program expenses of the Federal Motor Carrier Safety Administration (FMCSA). Of this limitation, \$8,543,000 is to remain available for obligation until September 30, 2014, as proposed by the Senate; \$191,918,800 is recommended for operating expenses; and \$47,262,200 is recommended for program expenses. The conference agreement modifies the Senate direction to FMCSA to report on March 30, 2012 on the agency's ability to meet its requirement to conduct compliance safety reviews on high risk carriers.

MOTOR CARRIER SAFETY GRANTS  
 (LIQUIDATION OF CONTRACT AUTHORIZATION)  
 (LIMITATION ON OBLIGATIONS)  
 (HIGHWAY TRUST FUND)  
 (INCLUDING RESCISSION)

The conference agreement provides a liquidating cash appropriation and a limitation on obligations of \$307,000,000 for motor carrier safety grants, as proposed by the Senate, modified to provide \$29,000,000 for the audits of new entrant motor carriers, as proposed by the House.

The conference agreement provides funding for motor carrier safety grants as follows:

<i>Program</i>	<i>Funding</i>
Motor carrier safety assistance program.....	\$212,000,000
Commercial driver's license (CDL) program improvement grants.....	30,000,000
Border enforcement grants.....	32,000,000
Performance and registration information system management grant.....	5,000,000
Commercial vehicle information systems and networks deployment.....	25,000,000
Safety data improvement grants.....	3,000,000

The conference agreement also permanently rescinds \$1,000,000 in prior-year unobligated balances, as proposed by the Senate, to cover costs associated with FMCSA Administrative Provision 131.

ADMINISTRATIVE PROVISIONS—FEDERAL MOTOR CARRIER SAFETY ADMINISTRATION

Section 130 retains the provision proposed by the House and the Senate that subjects funds appropriated in this Act to the terms and conditions of section 350 of Public Law 107-87 and section 6901 of Public Law 110-28, including that the Secretary submit a report on Mexico-domiciled motor carriers.

Section 131 retains the provision proposed by the Senate that does not require repayment of certain Commercial Vehicle Information Systems and Networks (CVISN) grant funds that were awarded improperly by FMCSA to States between 2006 and 2010.

NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION  
OPERATIONS AND RESEARCH

The conference agreement provides \$140,146,000 from the general fund for operations and research, as proposed by the Senate. Of this amount, a total of \$20,000,000 shall remain available until September 30, 2013, as proposed by the Senate.

OPERATIONS AND RESEARCH  
(LIQUIDATION OF CONTRACT AUTHORIZATION)  
(LIMITATION ON OBLIGATIONS)  
(HIGHWAY TRUST FUND)

The conference agreement provides a liquidating cash appropriation and an obligation limitation of \$109,500,000, to remain available until expended. Of the total, \$105,500,000 is provided for the highway safety research and development programs under 23 U.S.C. 403 and \$4,000,000 is provided for the National Driver Register under 49 U.S.C. 303, as proposed by the

House and the Senate. Of the total limitation, \$20,000,000 shall remain available until September 30, 2013, and shall be in addition to any limitation imposed on obligations in future fiscal years, as proposed by the Senate.

*Repurposed Seatbelt Grants Funding* – The conferees repurpose \$25,000,000 of the Safety Belt Performance Grants to fully fund the modernization of the National Automotive Sampling System (NASS). The conferees direct NHTSA to follow all directives contained in the Senate Committee report relating to the NASS modernization, including those relating to enhanced data collection and new reporting requirements.

The conferees do not provide any repurposed Safety Belt Performance Grants funding to enhance the ongoing cooperative research effort between NHTSA and the Automotive Coalition for Traffic Safety to develop driver alcohol detection systems, or for the distracted driver program as proposed by the Senate.

*Unsecured loads* – The conferees direct the GAO to report to the Committees on Appropriations on the various State laws, associated penalties, exemptions, and enforcement actions associated with unsecured loads within one year of enactment of this Act. Further, NHTSA is directed to collect and classify data from automobile accidents involving road debris as proposed by the Senate.

HIGHWAY TRAFFIC SAFETY GRANTS  
 (LIQUIDATION OF CONTRACT AUTHORIZATION)  
 (LIMITATION ON OBLIGATIONS)  
 (HIGHWAY TRUST FUND)

The conference agreement provides a liquidating cash appropriation and an obligation limitation of \$550,328,000 for highway traffic safety grants, to remain available until expended, as proposed by the Senate. The conference agreement recommends as follows:

	Amount
Highway Safety Programs (section 402)	\$235,000,000
Occupant Protection Incentive Grants (section 405)	25,000,000
Safety Belt Performance Grants (section 406)	28,500,000
National Automotive Sampling System	25,000,000
State Traffic Safety Information System Improvement Grants (section 408)	34,500,000
Alcohol-Impaired Driving Countermeasures Incentive Grants (section 410)	139,000,000
Motorcyclist Safety Grants (section 2010)	7,000,000
Child Safety and Child Booster Seat Safety Incentive Grants (section 2011)	7,000,000
High Visibility Enforcement Program (section 2009)	29,000,000
Administrative Expenses	25,328,000

*Distracted Driver* – The conferees direct NHTSA, in conjunction with the Centers for Disease Control (CDC), to conduct an analysis of available research on distracted driving, and to report on the extent to which electronic devices can be causally linked to the reported rise in fatal accidents or injuries involving distracted driving, as well as the impact distracted driving prevention laws and enforcement actions can have on motorist behavior.

## ADMINISTRATIVE PROVISIONS—NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION

(INCLUDING RESCISSIONS)

Section 140 retains the provision as proposed by the House and the Senate that provides funding for travel and related expenses for state management reviews and highway safety core competency development training.

Section 141 retains the provision as proposed by the House and the Senate that exempts obligation authority that was made available in previous public laws for multiple years from the limitations on obligations set for the current year.

Section 142 retains the provision as proposed by the House and Senate that prohibits the use of funds to implement 23 U.S.C. 404.

## FEDERAL RAILROAD ADMINISTRATION

## SAFETY AND OPERATIONS

The conference agreement provides \$178,596,000 for safety and operations of the Federal Railroad Administration (FRA) instead of \$180,867,000 proposed by the House and \$176,596,000 proposed by the Senate. Of the funds provided, \$12,300,000 is available until expended as proposed by the Senate.

*Positive Train Control.*—The conferees expect the FRA to complete the necessary PTC rulemakings, and directs the FRA to report to the House and Senate Appropriations Committees, by March 1, 2012, on (a) the status of the revisions under consideration and (b) the FRA

assessment of the progress being made by the railroad carriers in complying with the PTC statutory deadlines.

#### RAILROAD RESEARCH AND DEVELOPMENT

The conference agreement provides \$35,000,000 for railroad research and development, instead of \$35,030,000 as proposed by the House and \$30,000,000 as proposed by the Senate. The conferees include funding for the research accounts as proposed by the House with the exception of R&D facilities and test equipment, shall be \$2,345,000. (which

#### RAILROAD REHABILITATION AND IMPROVEMENT FINANCING PROGRAM

The conference agreement authorizes the Secretary to issue notes or other obligations pursuant to section 512 of P.L. 94-210 as proposed by both the House and Senate.

#### NATIONAL RAILROAD PASSENGER CORPORATION (AMTRAK)

The conference agreement provides a total of \$1,418,000,000 for the operations, capital improvements and debt service to the National Railroad Passenger Corporation (Amtrak).

#### OPERATING GRANTS TO THE NATIONAL RAILROAD PASSENGER CORPORATION

Subsidy

The conference agreement provides \$466,000,000 in operating grants to Amtrak instead of \$227,000,000 proposed by the House and \$544,000,000 proposed by the Senate.

*Business plan.*—The conference agreement includes language as proposed by the House that requires Amtrak to provide semiannual reports in electronic format regarding the pending business plan as well as progress against the milestones and target dates contained in its financial performance improvement plan provided in fiscal year ~~2012~~. Further, these plans shall include a

2011 )

comprehensive fleet plan which shall establish year-specific goals and milestones and discuss potential, current and preferred financing options for all such activities.

The conference agreement includes bill language as proposed by the House which prohibits Amtrak from discounting tickets at more than 50 percent off the normal, peak fare after March 1, 2012, unless the operating loss due to the discounted fare is covered by a State. The Senate did not propose a similar provision.

The conferees encourage Amtrak to carry ~~\$200 million~~ in reserves within their Operating account, and encourage use of any favorable ticket revenue to get to this amount before using this favorable ticket revenue on Capital expenses unless such Capital expenses are necessary to ensure the safe operation and maintenance of the passenger rail system. \$200,000,000

The conference agreement does not include a requirement for the Amtrak IG to report quarterly on Amtrak operational efficiencies and overhead expenses as proposed by the House as Section 207 of the Passenger Rail Investment and Improvement Act requires similar reporting requirements by the Federal Railroad Administration.

The conference agreement does not require Amtrak to report on plans to improve food and beverage service and first class service as proposed by the House.

#### CAPITAL AND DEBT SERVICE GRANTS TO THE NATIONAL RAILROAD PASSENGER CORPORATION

The conference agreement provides \$952,000,000 for capital and debt service payment grants to Amtrak, instead of \$890,954,000 as proposed by the House, and \$936,778,000 as proposed by the Senate. Within the funds provided, the conference agreement includes

\$271,000,000 for Amtrak's debt service payment as proposed by the House and the Senate, and \$15,000,000 shall be for Northeast Corridor Gateway projects as proposed by the Senate. The agreement adopts the Senate bill requirement that grants made after the first \$200,000,000 be provided only on a reimbursable basis.

*Americans with Disabilities Act.*—Under its compliance plan ~~for~~ with the Americans with Disabilities Act (ADA), Amtrak would invest \$175,000,000 during fiscal year 2010 for necessary capital investments. The conferees understand that events outside of Amtrak's control ~~might delay~~ these investments. However, the conferees direct Amtrak to the best of its ability to ~~maintain~~ <sup>delayed</sup> this plan for complying with the requirements of ADA, and modify bill language requiring Amtrak to invest no less than \$50,000,000 for ADA capital investments.

The conference agreement allows the Secretary to retain up to one-half of one percent of the funds provided to fund the costs of project management oversight of capital projects as proposed by the House, instead of one-fourth of one percent, as proposed by the Senate.

The conference agreement also allows the Secretary to retain up to one-half of one percent of the funds provided to fund the costs associated with implementing section 212 of division B of Public Law 110-432.

The conferees direct Amtrak to report back within 60 days on the process and procedures that are being implemented to improve financial controls for on-time performance incentive payments, and to establish accountability for the host railroad billing.

#### CAPITAL ASSISTANCE FOR HIGH SPEED RAIL CORRIDORS PASSENGER RAIL SERVICE

The conferees provide no funds for the Capital Assistance for High Speed Rail Corridors and Intercity Passenger Rail Service Program as proposed by the House. The Senate provided ~~\$100~~ <sup>\$100,000,000</sup> million for the program. The conference agreement does not require GAO to report on a vision

and operational plan for high speed and intercity passenger rail service or on ~~states~~ capabilities to <sup>states'</sup> develop and operate high speed and intercity passenger rail service.

#### ADMINISTRATIVE PROVISIONS—FEDERAL RAILROAD ADMINISTRATION

Section 150 retains a provision that ceases the availability of Amtrak funds if the railroad contracts for services outside the United States for any service performed by a full-time or part-time Amtrak employee as of July 1, 2006, as proposed by the House and Senate.

Section 151 retains a provision that allows FRA to receive and use cash or spare parts to repair and replace damaged track inspection cars as proposed by the House and Senate.

Section 152 retains a provision that authorizes the Secretary of Transportation to allow issuers of any preferred stock to redeem or repurchase preferred stock sold to the Department of Transportation.

Section 153 limits overtime to \$35,000 per employee, allows Amtrak's president to waive this restriction for specific employees for safety or operational efficiency reasons, and requires notification to the House and Senate Committees on Appropriations within 30 days of granting such waivers.

#### FEDERAL TRANSIT ADMINISTRATION

##### ADMINISTRATIVE EXPENSES

The conference agreement provides \$98,713,000 for the administrative expenses of the Federal Transit Administration (FTA) as proposed by the Senate instead of \$94,413,000 as

proposed by the House. The conferees provided funds directly to the Office of Inspector General for financial statement audits and did not specify a dollar amount for travel.

in ] The conferees direct FTA to include its operating plan a specific allocation of administrative expenses resources, including a delineation of full time equivalent employees, as proposed by the House. The conference agreement also requires transfers exceeding 5 percent to be approved by the House and Senate Appropriations Committees through the reprogramming process outlined by the Senate. The conferees direct FTA to include in DOT's operating plan how much will be allocated for travel in fiscal year 2012.

FORMULA AND BUS GRANTS

(LIQUIDATION OF CONTRACT AUTHORITY)

(LIMITATION ON OBLIGATIONS)

(HIGHWAY TRUST FUND)

The conference agreement limits obligations from the Mass Transit Account for the formula and bus grant program to \$8,360,565,000 as proposed by the Senate, instead of \$5,200,000,000 as proposed by the House. The conferees acknowledge that the specific programmatic distribution of formula and bus grant funds will be determined through legislation extending or reauthorizing the surface transportation programs. The conference agreement includes a liquidating cash appropriation of \$9,400,000,000.

The conferees have directed that funding for bus rapid transit projects proposed in the fiscal year 2012 budget request under the capital investment grants account instead be funded in the

Bus and Bus Facilities program, where they are also eligible. Projects requested in the Administration's budget to be funded from the formula are as follows:

CA Fresno, Fresno Area Express	\$17,800,000
CA Oakland, East Bay BRT	25,000,000
CA San Francisco, Van Ness Ave BRT	30,000,000
FL Jacksonville, JTA BRT	6,443,200
MI Grand Rapids, Silver Line BRT	12,887,943
TX El Paso, Mesa Corridor BRT	13,540,000
WA King County, RapidRide E BRT	21,629,000
WA King County, RapidRide F BRT	15,880,000
CT Hartford-New Britain Busway	45,000,000

RESEARCH AND UNIVERSITY RESEARCH CENTERS

The conference agreement provides ~~\$45,000,000~~ <sup>44,000,000</sup> for research activities as proposed by the House ~~instead of~~ <sup>instead of</sup> \$40,000,000 as proposed by the Senate. <sup>and</sup> Of the amounts provided, \$3,500,000 is for the National Transit Institute, \$6,500,000 is for transit cooperative research programs and \$4,000,000 is for the university centers program. The conferees direct FTA to report on all 2011 and 2012 FTA-sponsored research by May 15, 2012. The agreement also provides \$25,000,000 for FTA to support the development of cutting-edge new bus and transit technologies.

*Rural transit.*—In rural communities across the nation, the conferees believe that transit plays an important role in getting families and individuals from their homes to work, medical appointments and day-to-day activities. In order for rural transit service to be efficient, the

community must effectively coordinate transit services among human service agencies and job providers. The conferees support continuing FTA efforts to develop and demonstrate initiatives that will assist rural and small communities in providing transit service that will help individuals to get from home to the workplace.

CAPITAL INVESTMENT GRANTS

(INCLUDING RESCISSION)

The conference agreement provides \$1,955,000,000 for capital investment grants as proposed by the Senate instead of \$1,554,077,000 as proposed by the House. Of the amounts provided, \$35,481,000 is for the small starts program, \$21,004,000 is for administrative oversight activities, \$1,368,515,000 is for payouts for full funding grant agreements, \$510,000,000 is for projects entering into full funding grant agreements in calendar year 2012 payable upon grant award, \$5,000,000 is for the Denali Commission, and \$15,000,000 is for Alaska and Hawaii ferries. Oversight and audit activities performed by the Office of Inspector General are funded out of the OIG account. Further, \$58,500,000 of prior year unobligated balances are rescinded.

The conferees direct FTA to refrain from signing any full funding grant agreement with a new starts share greater than 60% as recommended in the Senate report. The House proposed limiting FTA to projects with a 50% or less Federal share.

The conference agreement provides the following payouts for new starts projects:

NY Long Island Rail Road East Side Access	\$203,424,000
NY Second Avenue Subway	186,566,000
TX Dallas Northwest/Southeast	81,606,000
UT Salt Lake City Mid Jordan LRT	78,889,510
UT Salt Lake City Weber County	52,047,490

VA Northern VA Dulles	90,832,000
WA Seattle University Link LRT	104,078,000
MN Central Corridor LRT	93,144,000
FL Orlando Central Florida	47,308,000
CO Denver Eagle	140,920,000
TX Houston North Corridor	94,616,000
TX Houston Southeast Corridor	94,616,000
UT Salt Lake City Draper	100,468,000

#### GRANTS FOR ENERGY EFFICIENCY AND GREENHOUSE GAS REDUCTIONS

The conference agreement does not include funds for energy efficiency grants as proposed by the House. The Senate proposed \$25,000,000 under this ~~section~~

[heading]

#### GRANTS TO THE WASHINGTON METROPOLITAN AREA TRANSIT AUTHORITY

The conference agreement provides \$150,000,000 as proposed by the House and Senate to carry out section 601 of division B of Public Law 110-432 to remain available until expended. The conferees direct WMATA to continue with capital improvement plans and not defer capital and safety investments to offset operating costs.

#### ADMINISTRATIVE PROVISIONS—FEDERAL TRANSIT ADMINISTRATION

Section 160 exempts previously made transit obligations from limitations on obligations.

Section 161 allows funds provided in this Act for (1) projects under “Capital Investment Grants” and (2) bus and bus facilities under “Formula and Bus Grants” that remain unobligated by September 30, 2014 to be available for projects eligible to use the funds for the purposes for which they were originally provided.



new FFGAs to projects with a Federal share of 50% or less. The Senate did not include a similar provision.

Section 168 modifies a provision proposed by the House permitting fuel and utilities for vehicle operations to be treated as a capital maintenance item for grants made under section 5307 in fiscal year 2012, up to ~~\$100 million~~. The Senate did not include a similar provision.

\$100,000,000.

Section 169 modifies a provision proposed by the Senate regarding the enforcement of the charter bus rule for an area in Washington State. The House did not include a similar provision.

Section 169A allows the Secretary to consider significant private contributions when calculating the non-Federal share of capital costs for new starts projects as proposed by the Senate. The House did not include a similar provision.

Section 169B modifies a provision proposed by the Senate specifying all bus rapid transit projects recommended in the fiscal year 2012 budget request under "Capital Investment Grants" in this Act shall instead be funded from the formula bus program. The House did not include a similar provision.

SAINT LAWRENCE SEAWAY DEVELOPMENT CORPORATION  
OPERATIONS AND MAINTENANCE

## (HARBOR MAINTENANCE TRUST FUND)

The conference agreement includes \$32,259,000 for the operations, maintenance, and capital asset renewal of the Saint Lawrence Seaway Development Corporation (SLSDC) as proposed by the House instead of \$34,000,000 as proposed by the Senate.

## MARITIME ADMINISTRATION

## MARITIME SECURITY PROGRAM

The conference agreement includes \$174,000,000 for the maritime security program, as proposed by the House and Senate.

## OPERATIONS AND TRAINING

The conference agreement includes \$156,258,000 for the Maritime Administration's (MARAD) operations and training account, instead of \$151,889,000 as proposed by the House and \$154,886,000 as proposed by the Senate. Further, the agreement rescinds \$980,000 from prior year funds instead of \$1,000,000 as proposed by the Senate. The House did not propose a rescission from this account.

The conferees provide a total of \$85,168,000 for the U.S. Merchant Marine Academy (USMMA). Of the funds provided, \$62,268,000 is for Academy operations and \$22,900,000 is for the capital improvement program (CIP) of which \$17,000,000 is for capital improvements and \$5,900,000 is for facilities maintenance, repairs and equipment. The conferees did not provide funds for replacing the midshipman fees or the recruitment initiative, but did allocate an additional \$250,000 for up to 5 additional staff to support and manage the CIP and facility maintenance. The conferees do not include a prohibition on the expenditure of funds for the commencement of architectural and engineering studies as proposed by the House. The

conferees direct MARAD to provide a staff organizational chart for the USMMA as directed by the Senate with the fiscal year 2013 budget materials.

The conferees provide a total of \$17,100,000 for the state maritime academies, of which \$3,600,000 is for direct payments, \$2,400,000 is for student incentive payments and \$11,100,000 is for scholarship maintenance and repair.

The conferees provide a total of \$54,000,000 for MARAD operations: \$49,000,000 for headquarters operations, \$4,000,000 for environment and compliance, and \$1,000,000 for Marview. The conferees direct MARAD to provide a report on the number of vacancies at MARAD headquarters and regional offices, and the duties associated with each vacancy concurrent with the fiscal year 2013 budget submission.

#### SHIP DISPOSAL

The conference agreement includes \$5,500,000 for the disposal of obsolete vessels of the National Defense Reserve Fleet as proposed by the House instead of \$10,000,000 as proposed by the Senate. The conferees recommend \$3,000,000 for the NS Savannah as requested.

The conferees direct MARAD to make best value determinations and award ship recycling <sup>of</sup> ~~contracts no later than 90 days from the close~~ <sup>^</sup> the ship specific solicitation. Upon award announcement, MARAD shall disclose, in addition to the price, other factors and criteria used to determine best value of the winning award. The conference agreement does not require MARAD to provide a full accounting of ship disposal activities as proposed by the House since such actions are identified in the annual vessel disposal report to Congress.

## ASSISTANCE TO SMALL SHIPYARDS

The conference agreement includes \$9,980,000 for assistance to small shipyards as proposed by the Senate. The House did not propose funding this account.

MARITIME GUARANTEED LOAN PROGRAM ✓ Account  
 (INCLUDING RESCISSION AND TRANSFER OF FUNDS) (Title XI)

The conference agreement includes \$3,740,000 for administrative expenses for the maritime guaranteed loan program (title XI) as proposed by the House. The Senate proposed \$4,000,000 for the same purpose. The conferees agree to rescind \$35,000,000 of prior year unobligated balances as proposed by the Senate. The House proposed rescinding \$54,100,000.

## ADMINISTRATIVE PROVISIONS – MARITIME ADMINISTRATION

Section 170 authorizes MARAD to furnish utilities and services and make necessary repairs in connection with any lease, contract, or occupancy involving Government property under control of MARAD, and allow payments received to be credited to the Treasury.

Section 171 modifies a provision proposed by the House prohibiting a fee-for-service contract for vessel disposal, scrapping or recycling unless a qualified domestic ship recycler will pay for the vessel. The Senate did not propose a similar provision.

Section 172 modifies a provision proposed by the Senate restricting the use of funds for non-availability determinations under 46 USC 501 for oil releases from the Strategic Petroleum Reserve if United States-flag vessels of single or collective capacity are available unless, under

exceptional circumstances, the Secretary of Transportation provides a written justification for not using such United States-flag vessel or vessels. The House did not propose a similar provision.

PIPELINE AND HAZARDOUS MATERIALS SAFETY ADMINISTRATION

OPERATIONAL EXPENSES

(PIPELINE SAFETY FUND)

(INCLUDING TRANSFER OF FUNDS)

The conference agreement provides \$21,360,000 for the necessary operational expenses of the Pipeline and Hazardous Materials Safety Administration (PHMSA). Of the amount provided, \$639,000 is to be derived from the Pipeline Safety Fund, and \$1,000,000 is to be transferred to Pipeline Safety to fund Pipeline Safety Information Grants to Communities, as proposed by the House and the Senate.

*the* ~~transferred to Pipeline Safety to fund Pipeline Safety Information Grants to Communities, as~~ *the account*

*Information Technology Modernization.*—The conferees recognize the importance of PHMSA's five-year information technology modernization effort, which began in fiscal year 2010. The conferees recommend at least \$2,550,000 of operating expenses be used to further these efforts, as proposed in PHMSA's budget.

HAZARDOUS MATERIALS SAFETY

The conference agreement provides \$42,338,000 for the agency's hazardous materials safety functions. Of this amount \$1,716,000 shall be available until September 30, 2014, as proposed by the House and the Senate.

PIPELINE SAFETY

## (PIPELINE SAFETY FUND)

## (OIL SPILL LIABILITY TRUST FUND)

The conference agreement provides a total of \$109,252,000 for the pipeline safety program. Of that amount, \$18,573,000 is derived from the Oil Spill Liability Trust Fund, to remain available until September 30, 2014, and \$90,679,000 is derived from the Pipeline Safety Fund, of which \$48,191,000 is available until September 30, 2014 for multi-year grants and research and development contracts. The conference agreement directs no less than \$1,058,000 of the funds provided shall be used for the state one-call grant program, as proposed by the House.

## EMERGENCY PREPAREDNESS GRANTS

## (EMERGENCY PREPAREDNESS FUND)

The conference agreement provides \$188,000, to remain available until September 30, 2013, and an obligation limitation of ~~\$23,318,000~~ for emergency preparedness grants, as proposed by the House and the Senate.

24,318,000

## ADMINISTRATIVE PROVISION – PIPELINE AND HAZARDOUS MATERIALS SAFETY ADMINISTRATION

## COST RECOVERY FOR DESIGN REVIEWS

Section 180, as proposed by the Senate, is not retained in the conference agreement. As such, the conferees do not include any directives on how a new pipeline design review fee should be implemented, if enacted. The conferees urge the committees of jurisdiction to consider the merits of such fee, as proposed in PHMSA's budget.

## RESEARCH AND INNOVATIVE TECHNOLOGY ADMINISTRATION

] Research and Development [

The conference agreement provides \$15,981,000 to continue research and development activities. Of the funds provided, \$9,007,000 shall be available for the research and development program until September 30, 2014.

Salaries and Administrative Expense	\$6,974,000
Alternative Fuels Safety Research and Development	499,000
RD&T Coordination	509,000
Nationwide Differential Global Positioning System [NDGPS]	7,600,000
Positioning, Navigation, and Timing	399,000

#### OFFICE OF INSPECTOR GENERAL

##### SALARIES AND EXPENSES

The conference agreement includes \$79,624,000 for the Office of Inspector General and prohibits the transfer or expenditure of funds from modal agencies or the National Transportation Safety Board. The conference agreement did not include report language proposed by the House that expects a minimal reduction in current FTE levels among other modifications in overhead expenses.

#### SURFACE TRANSPORTATION BOARD

##### SALARIES AND EXPENSES

The conference agreement provides \$29,310,000 for salaries and expenses of the Surface Transportation Board. The conference agreement permits the collection of up to \$1,250,000 in user fees to be credited to this appropriation as proposed by the House and Senate. The

conference agreement provides that the general fund appropriation be reduced on a dollar-for-dollar basis by the actual amount collected in user fees to result in a final appropriation from the general fund estimated at no more than \$28,060,000.

Of the total amount provided, \$300,000 is for the Uniform Railroad Costing System modernization initiative as proposed by the Senate.

#### GENERAL PROVISIONS—DEPARTMENT OF TRANSPORTATION

Section 180 allows the Department of Transportation to use funds for aircraft, motor vehicles, liability insurance, uniforms, or allowances, as authorized by law as proposed by the House and Senate.

Section 181 limits appropriations for services authorized by 5 U.S.C. 3109 to the rate for an Executive Level IV as proposed by the House and Senate.

Section 182 prohibits funds from being used for salaries and expenses of more than 110 political and Presidential appointees in DOT. The provision also requires that none of the personnel covered by this provision may be assigned on temporary detail outside DOT as proposed by the House and Senate.

Section 183 prohibits recipients of funds made available in this Act from releasing certain personal information and photographs from a driver's license or motor vehicle record, without express consent of the person to whom such information pertains; and prohibits the withholding

of funds provided in this Act for any grantee if a State is in noncompliance with this provision as proposed by the House and Senate.

Section 184 permits funds received by specified DOT agencies from States or other private or public sources for expenses incurred for training to be credited to certain specified agency accounts as proposed by the House and Senate.

Section 185 prohibits funds from being used to make a grant unless the Secretary of Transportation notifies the House and the Senate Committees on Appropriations no less than three days in advance of any discretionary grant award, letter of intent, or full funding grant agreement totaling \$1,000,000 or more, and directs the Secretary to give concurrent notification for any "quick release" of funds from the Federal Highway Administration's emergency relief program as proposed by the House and Senate.

Section 186 allows funds received from rebates, refunds, and similar sources to be credited to appropriations of the DOT as proposed by the House and Senate.

Section 187 allows amounts from improper payments to a third party contractor that are lawfully recovered by the DOT to be available to cover expenses incurred in the recovery of such payments as proposed by the House and Senate.

Section 188 mandates that reprogramming actions are to be approved or denied solely by the House and Senate Committees on Appropriations as proposed by the House and Senate.

Section 189 caps the amount of fees the Surface Transportation Board can charge and collect for rate complaints filed at the amount authorized for court civil suit filing fees as proposed by the House and Senate.

Section 190 allows funds appropriated to the modal administrators to be obligated for the Office of the Secretary regarding reimbursable agreements as proposed by the House.

Section 191 modifies a provision proposed by the House which alters the number of members on the Metropolitan Washington Airports Authority (MWAA) board; limits board members to no more than two terms; allows the appointing executives to remove board members with cause consistent with the laws of relevant jurisdictions; and, requires board members to vacate their position upon the immediate expiration of the board member's term(s). The Senate did not propose a similar provision. The conferees expect the jurisdictions to expeditiously implement these modifications. In addition, the conferees are greatly concerned about reports of careless recordkeeping on the part of MWAA and will carefully review the DOT Inspector General's anticipated report on MWAA's management and operations.

Section 192 prohibits the use of funds to enforce certain minimum standards for traffic signs as proposed by the House. The Senate did not include a similar provision.

