

111TH CONGRESS
1ST SESSION

H.R. 2892

AMENDMENT

1 *exceed \$10,000 shall be for official reception and representa-*
 2 *tion expenses.*

3 *RESEARCH, DEVELOPMENT, ACQUISITION, AND OPERATIONS*

4 *For necessary expenses for science and technology re-*
 5 *search, including advanced research projects; development;*
 6 *test and evaluation; acquisition; and operations; as author-*
 7 *ized by title III of the Homeland Security Act of 2002 (6*
 8 *U.S.C. 181 et seq.); \$851,729,000, to remain available until*
 9 *September 30, 2011: Provided, That not less than*
 10 *\$20,865,000 shall be available for the Southeast Region Re-*
 11 *search Initiative at the Oak Ridge National Laboratory:*
 12 *Provided further, That not less than \$3,000,000 shall be*
 13 *available for Distributed Environment for Critical Infra-*
 14 *structure Decisionmaking Exercises: Provided further, That*
 15 *not less than \$12,000,000 is for construction expenses of the*
 16 *Pacific Northwest National Laboratory: Provided further,*
 17 *That not less than \$2,000,000 shall be for the Cincinnati*
 18 *Urban Area partnership established through the Regional*
 19 *Technology Integration Initiative: Provided further, That*
 20 *not less than \$36,312,000 shall be for the National Bio and*
 21 *Agro-defense Facility.*

22 *DOMESTIC NUCLEAR DETECTION OFFICE*

23 *MANAGEMENT AND ADMINISTRATION*

24 *For salaries and expenses of the Domestic Nuclear De-*
 25 *tection Office as authorized by title XIX of the Homeland*

1 *Security Act of 2002 (6 U.S.C. 591 et seq.) for management*
2 *and administration of programs and activities,*
3 *\$37,500,000: Provided, That not to exceed \$3,000 shall be*
4 *for official reception and representation expenses.*

5 *RESEARCH, DEVELOPMENT, AND OPERATIONS*

6 *For necessary expenses for radiological and nuclear re-*
7 *search, development, testing, evaluation, and operations,*
8 *\$326,537,000, to remain available until September 30,*
9 *2011.*

10 *SYSTEMS ACQUISITION*

11 *For expenses for the Domestic Nuclear Detection Office*
12 *acquisition and deployment of radiological detection sys-*
13 *tems in accordance with the global nuclear detection archi-*
14 *ture, \$10,000,000, to remain available until September*
15 *30, 2011: Provided, That none of the funds appropriated*
16 *under this heading in this Act or any other Act shall be*
17 *obligated for full-scale procurement of Advanced*
18 *Spectroscopic Portal monitors until the Secretary of Home-*
19 *land Security submits to the Committees on Appropriations*
20 *of the Senate and the House of Representatives a report cer-*
21 *tifying that a significant increase in operational effective-*
22 *ness will be achieved: Provided further, That the Secretary*
23 *shall submit separate and distinct certifications prior to the*
24 *procurement of Advanced Spectroscopic Portal monitors for*
25 *primary and secondary deployment that address the unique*

1 *requirements for operational effectiveness of each type of de-*
2 *ployment: Provided further, That the Secretary shall con-*
3 *tinue to consult with the National Academy of Sciences be-*
4 *fore making such certifications: Provided further, That none*
5 *of the funds appropriated under this heading shall be used*
6 *for high-risk concurrent development and production of mu-*
7 *tually dependent software and hardware.*

8 *TITLE V*

9 *GENERAL PROVISIONS*

10 *(INCLUDING RESCISSIONS OF FUNDS)*

11 *SEC. 501. No part of any appropriation contained in*
12 *this Act shall remain available for obligation beyond the*
13 *current fiscal year unless expressly so provided herein.*

14 *SEC. 502. Subject to the requirements of section 503*
15 *of this Act, the unexpended balances of prior appropriations*
16 *provided for activities in this Act may be transferred to*
17 *appropriation accounts for such activities established pur-*
18 *suant to this Act, may be merged with funds in the applica-*
19 *ble established accounts, and thereafter may be accounted*
20 *for as one fund for the same time period as originally en-*
21 *acted.*

22 *SEC. 503. (a) None of the funds provided by this Act,*
23 *provided by previous appropriations Acts to the agencies*
24 *in or transferred to the Department of Homeland Security*
25 *that remain available for obligation or expenditure in fiscal*

micro-electric-mechanical systems based, low-power, portable chemical detection system; and integrated biometric detectors.

DOMESTIC NUCLEAR DETECTION OFFICE

SUMMARY

The Domestic Nuclear Detection Office [DNDO] is responsible for development of technologies to detect and report attempts to import, possess, store, develop, or transport nuclear and radiological material.

COMMITTEE RECOMMENDATIONS

The Committee recommends \$374,037,000 for activities of DNDO for fiscal year 2010. The recommendation is an decrease of \$140,154,000 from the fiscal year 2009 level and an increase of \$7,901,000 from the level proposed in the budget request.

The following table summarizes the Committee's recommendations as compared to the fiscal year 2009 and budget request levels:

DOMESTIC NUCLEAR DETECTION OFFICE

[In thousands of dollars]

	Fiscal year 2009 enacted	Fiscal year 2010 budget request	Committee recommendations
Management and Administration	37,500	39,599	37,500
Research, Development, and Operations	323,200	326,537	326,537
Systems Acquisition	153,491	10,000
Total, Domestic Nuclear Detection Office	514,191	366,136	374,037

ALTERNATIVE PATHWAYS

The Committee continues to raise concerns that terrorists may be able to acquire a nuclear weapon and choose to transport it into the country through means other than a shipping container. The Committee again urges DNDO to prioritize its development and deployment of detection equipment upon risk, and as appropriate, focus on other pathways into the country such as general aviation, small pleasure maritime craft, or other routes it deems the highest risk.

MANAGEMENT AND ADMINISTRATION

Appropriations, 2009	\$37,500,000
Budget estimate, 2010	39,599,000
Committee recommendation	37,500,000

The Management and Administration account funds salaries, benefits, and expenses for the Domestic Nuclear Detection Office.

COMMITTEE RECOMMENDATIONS

The Committee recommendation includes \$37,500,000 for Management and Administration. The recommendation is the same as the fiscal year 2009 level and a decrease of \$2,099,000 from the level proposed in the budget request. Of this amount the Committee recommends not to exceed \$3,000 for official reception and representation expenses. Funds are decreased due to the delay in filling full-time permanent positions within DNDO.

RESEARCH, DEVELOPMENT, AND OPERATIONS

Appropriations, 2009	\$323,200,000
Budget estimate, 2010	326,537,000
Committee recommendation	326,537,000

The Research, Development and Operations account transformatonal research of technologies for front line users.

COMMITTEE RECOMMENDATIONS

The Committee recommendation includes \$326,537,000 for Research, Development, and Operations, with the funds to remain available for 2 years. The recommendation is an increase of \$3,337,000 from the fiscal year 2009 level and the same as the level proposed in the budget request. Bill language rescinding \$8,000,000 of prior year balances is included in the general provisions.

IMPROVING CURRENT TECHNOLOGY

The Committee is aware that improvements can be made to the radiation detectors currently in use. Both the Government Accountability Office and the Homeland Security Institute’s Independent Review of the Advanced Spectroscopic Portal Final Report discuss improvements that can be made to polyvinyl toluene [PVT] radiation monitors. Given that the PVT monitors will be in use for a considerable time it would seem prudent to invest in this technology. In addition, the National Academy of Sciences’ interim report on Advanced Spectroscopic Portals discusses the need to invest in technology advancements in handheld radiation detectors. Therefore, the Committee includes \$5,000,000, within the funds provided, to improve operations and capabilities of the PVT monitors and handheld radiation detectors and deploy any improvements developed to the field. DNDO is directed to submit an expenditure plan and development and deployment timelines by November 16, 2009.

SYSTEMS ACQUISITION

Appropriations, 2009	\$153,491,000
Budget estimate, 2010
Committee recommendation	10,000,000

The Systems Acquisition account funds the acquisition of radiological detection equipment for front line users across the Department.

COMMITTEE RECOMMENDATIONS

The Committee recommendation includes \$10,000,000 for Systems Acquisition. The recommendation is a decrease of \$143,491,000 from the fiscal year 2009 level and an increase of \$10,000,000 from the level proposed in the budget request.

SECURING THE CITIES

The Committee recommendation includes \$10,000,000 to continue the securing the cities initiative as a competitively awarded grant program.

ADVANCED SPECTROSCOPIC PORTAL MONITORS

The Committee agrees with the Department's proposal to re-evaluate the Advanced Spectroscopic Portal [ASP] program. As of May 15, 2009, DNDO had \$126,000,000 in available balances for acquiring human portable radiation detection systems and radiation portal monitors. These balances should be sufficient to complete current deployments. Over \$80,500,000 is planned for obligation in fiscal year 2010 if the ASP is certified for use in either secondary or primary inspection.

As the Secretary is reviewing the ASP program, the Committee encourages the Department to review the placement of the acquisition dollars for radiation portal monitors within what is a primarily research and development component and not an operational component. As the deployment of the domestic nuclear detection architecture has matured it may be more appropriate for future acquisition dollars to be placed in the operational components that perform these activities: Coast Guard; CBP; and TSA. Further, the Committee encourages the Department to evaluate the transfer of remaining balances within this account to the appropriate operational component.

ASP MONITORS CERTIFICATION

Bill language is included prohibiting the Department from full-scale procurement of ASP monitors until the Secretary submits a report to the Committees on Appropriations certifying that a significant increase in operational effectiveness will be achieved. In addition, separate and distinct certifications shall be submitted by the Secretary prior to the procurement of ASPs for primary and secondary deployment that addresses the requirements for operational effectiveness of each type of deployment. The Secretary is directed to continue consulting with the National Academy of Sciences. Finally, DNDO is prohibited from engaging in high-risk concurrent development and production of mutually dependent software and hardware components of detection systems.

The National Academy of Science's interim report on the ASP program made three recommendations related to development and certification. Specifically, DNDO should: incorporate computer modeling in addition to testing so that the results of one can be used to validate the other; use available low-rate initial production ASPs for primary and secondary inspection at various sites to assess capabilities in multiple environments; and complete a more rigorous cost benefit analysis that takes a broader approach to assessing the cost of reducing risk in one area versus another. The Committee believes these recommendations should be implemented prior to decisions on certification or procurement of ASPs. If for any reason the Department does not follow these recommendations, the Department shall provide a briefing to the Committee as to why these recommendations were not followed.

The Committee notes that independent reviews of the ASP program have been of value to the Department. Therefore, the Committee believes an independent cost-benefit analysis would be beneficial.