

## Calendar No. 83

111TH CONGRESS  
1ST SESSION

# S. 1298

[Report No. 111-31]

Making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2010, and for other purposes.

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IN THE SENATE OF THE UNITED STATES

JUNE 18, 2009

Mr. REID (for Mr. BYRD), from the Committee on Appropriations, reported the following original bill; which was read twice and placed on the calendar

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## A BILL

Making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2010, and for other purposes.

1       *Be it enacted by the Senate and House of Representa-*  
2       *tives of the United States of America in Congress assembled,*  
3       That the following sums are appropriated, out of any  
4       money in the Treasury not otherwise appropriated, for the  
5       Department of Homeland Security for the fiscal year end-  
6       ing September 30, 2010, and for other purposes, namely:

1 *Provided further*, That not less than \$3,000,000 shall be  
2 available for Distributed Environment for Critical Infra-  
3 structure Decisionmaking Exercises: *Provided further*,  
4 That not less than \$12,000,000 is for construction ex-  
5 penses of the Pacific Northwest National Laboratory: *Pro-*  
6 *vided further*, That not less than \$2,000,000 shall be for  
7 the Cincinnati Urban Area partnership established  
8 through the Regional Technology Integration Initiative:  
9 *Provided further*, That not less than \$36,312,000 shall be  
10 for the National Bio and Agro-defense Facility.

11           DOMESTIC NUCLEAR DETECTION OFFICE

12                   MANAGEMENT AND ADMINISTRATION

13           For salaries and expenses of the Domestic Nuclear  
14 Detection Office as authorized by title XIX of the Home-  
15 land Security Act of 2002 (6 U.S.C. 591 et seq.) for man-  
16 agement and administration of programs and activities,  
17 \$37,500,000: *Provided*, That not to exceed \$3,000 shall  
18 be for official reception and representation expenses.

19                   RESEARCH, DEVELOPMENT, AND OPERATIONS

20           For necessary expenses for radiological and nuclear  
21 research, development, testing, evaluation, and operations,  
22 \$326,537,000, to remain available until September 30,  
23 2011.

## SYSTEMS ACQUISITION

1  
2       For expenses for the Domestic Nuclear Detection Of-  
3 fice acquisition and deployment of radiological detection  
4 systems in accordance with the global nuclear detection  
5 architecture, \$10,000,000, to remain available until Sep-  
6 tember 30, 2011: *Provided*, That none of the funds appro-  
7 priated under this heading in this Act or any other Act  
8 shall be obligated for full-scale procurement of Advanced  
9 Spectroscopic Portal monitors until the Secretary of  
10 Homeland Security submits to the Committees on Appro-  
11 priations of the Senate and the House of Representatives  
12 a report certifying that a significant increase in oper-  
13 ational effectiveness will be achieved: *Provided further*,  
14 That the Secretary shall submit separate and distinct cer-  
15 tifications prior to the procurement of Advanced  
16 Spectroscopic Portal monitors for primary and secondary  
17 deployment that address the unique requirements for  
18 operational effectiveness of each type of deployment: *Pro-*  
19 *vided further*, That the Secretary shall continue to consult  
20 with the National Academy of Sciences before making  
21 such certifications: *Provided further*, That none of the  
22 funds appropriated under this heading shall be used for  
23 high-risk concurrent development and production of mutu-  
24 ally dependent software and hardware.

111<sup>TH</sup> CONGRESS  
1<sup>ST</sup> SESSION

**H.R. 2892**

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**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*