

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.

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

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 submits to the Committees on Appropriations of the Sen-
2 ate and the House of Representatives detailed expenditure
3 plans for air cargo security, and for checkpoint support
4 and explosives detection systems refurbishment, procure-
5 ment, and installations on an airport-by-airport basis for
6 fiscal year 2010: *Provided further*, That these plans shall
7 be submitted no later than 60 days after the date of enact-
8 ment of this Act.

9 FEDERAL AIR MARSHALS

10 For necessary expenses of the Federal Air Marshals,
11 \$860,111,000.

12 COAST GUARD

13 OPERATING EXPENSES

14 For necessary expenses for the operation and mainte-
15 nance of the Coast Guard, not otherwise provided for; pur-
16 chase or lease of not to exceed 25 passenger motor vehi-
17 cles, which shall be for replacement only; for purchase or
18 lease of small boats for contingent and emergent require-
19 ments (at a unit cost of no more than \$700,000) and for
20 repairs and service-life replacements, not to exceed a total
21 of \$26,000,000; minor shore construction projects not ex-
22 ceeding \$1,000,000 in total cost at any location; payments
23 pursuant to section 156 of Public Law 97-377 (42 U.S.C.
24 402 note; 96 Stat. 1920); and recreation and welfare;
25 \$6,838,291,000, of which \$581,503,000 shall be for de-

1 fense-related activities, \$241,503,000 of which are des-
2 ignated as being for overseas deployments and other ac-
3 tivities pursuant to sections 401(c)(4) and 423(a)(1) of
4 S. Con. Res. 13 (111th Congress), the concurrent resolu-
5 tion on the budget for fiscal year 2010; of which
6 \$24,500,000 shall be derived from the Oil Spill Liability
7 Trust Fund to carry out the purposes of section
8 1012(a)(5) of the Oil Pollution Act of 1990 (33 U.S.C.
9 2712(a)(5)); of which not to exceed \$20,000 shall be for
10 official reception and representation expenses; and of
11 which \$3,600,000 shall be available until expended for the
12 cost of repairing, rehabilitating, altering, modifying, and
13 making improvements, including customized tenant im-
14 provements, to any replacement or expanded Operations
15 Systems Center facility: *Provided*, That none of the funds
16 made available by this or any other Act shall be available
17 for administrative expenses in connection with shipping
18 commissioners in the United States: *Provided further*,
19 That none of the funds made available by this Act shall
20 be for expenses incurred for recreational vessels under sec-
21 tion 12114 of title 46, United States Code, except to the
22 extent fees are collected from yacht owners and credited
23 to this appropriation: *Provided further*, That the Coast
24 Guard shall comply with the requirements of section 527
25 of Public Law 108–136 with respect to the Coast Guard

1 Academy: *Provided further*, That of the funds provided
2 under this heading, \$30,000,000 is withheld from obliga-
3 tion from Headquarters Directorates until the second
4 quarter acquisition report required by Public Law 108–
5 7 and the fiscal year 2008 joint explanatory statement ac-
6 companying Public Law 110–161 is received by the Com-
7 mittees on Appropriations of the Senate and the House
8 of Representatives.

9 ENVIRONMENTAL COMPLIANCE AND RESTORATION

10 For necessary expenses to carry out the environ-
11 mental compliance and restoration functions of the Coast
12 Guard under chapter 19 of title 14, United States Code,
13 \$13,198,000, to remain available until expended.

14 RESERVE TRAINING

15 For necessary expenses of the Coast Guard Reserve,
16 as authorized by law; operations and maintenance of the
17 reserve program; personnel and training costs; and equip-
18 ment and services; \$133,632,000.

19 ACQUISITION, CONSTRUCTION, AND IMPROVEMENTS

20 For necessary expenses of acquisition, construction,
21 renovation, and improvement of aids to navigation, shore
22 facilities, vessels, and aircraft, including equipment related
23 thereto; and maintenance, rehabilitation, lease and oper-
24 ation of facilities and equipment, as authorized by law;
25 \$1,597,580,000, of which \$20,000,000 shall be derived

1 from the Oil Spill Liability Trust Fund to carry out the
2 purposes of section 1012(a)(5) of the Oil Pollution Act
3 of 1990 (33 U.S.C. 2712(a)(5)); of which \$123,000,000
4 shall be available until September 30, 2014, to acquire,
5 repair, renovate, or improve vessels, small boats, and re-
6 lated equipment; of which \$147,500,000 shall be available
7 until September 30, 2012, for other equipment; of which
8 \$27,100,000 shall be available until September 30, 2012,
9 for shore facilities and aids to navigation facilities, includ-
10 ing not less than \$300,000 for the Coast Guard Academy
11 Pier and not less than \$16,800,000 for Coast Guard Sta-
12 tion Cleveland Harbor; of which \$105,200,000 shall be
13 available for personnel compensation and benefits and re-
14 lated costs; and of which \$1,194,780,000 shall be available
15 until September 30, 2014, for the Integrated Deepwater
16 Systems program: *Provided*, That of the funds made avail-
17 able for the Integrated Deepwater Systems program,
18 \$305,500,000 is for aircraft and \$734,680,000 is for sur-
19 face ships: *Provided further*, That the Secretary of Home-
20 land Security shall submit to the Committees on Appro-
21 priations of the Senate and the House of Representatives,
22 in conjunction with the President's fiscal year 2011 budg-
23 et, a review of the Revised Deepwater Implementation
24 Plan that identifies any changes to the plan for the fiscal
25 year; an annual performance comparison of Integrated

1 Deepwater Systems program assets to pre-Deepwater leg-
2 acy assets; a status report of legacy assets; a detailed ex-
3 planation of how the costs of legacy assets are being ac-
4 counted for within the Integrated Deepwater Systems pro-
5 gram; and the earned value management system gold card
6 data for each Integrated Deepwater Systems program
7 asset: *Provided further*, That the Secretary shall submit
8 to the Committees on Appropriations of the Senate and
9 the House of Representatives a comprehensive review of
10 the Revised Deepwater Implementation Plan every 5
11 years, beginning in fiscal year 2011, that includes a com-
12 plete projection of the acquisition costs and schedule for
13 the duration of the plan through fiscal year 2027: *Pro-*
14 *vided further*, That the Secretary shall annually submit to
15 the Committees on Appropriations of the Senate and the
16 House of Representatives, at the time that the President's
17 budget is submitted under section 1105(a) of title 31,
18 United States Code, a future-years capital investment plan
19 for the Coast Guard that identifies for each capital budget
20 line item—

- 21 (1) the proposed appropriation included in that
22 budget;
- 23 (2) the total estimated cost of completion;

1 (3) projected funding levels for each fiscal year
2 for the next 5 fiscal years or until project comple-
3 tion, whichever is earlier;

4 (4) an estimated completion date at the pro-
5 jected funding levels; and

6 (5) changes, if any, in the total estimated cost
7 of completion or estimated completion date from
8 previous future-years capital investment plans sub-
9 mitted to the Committees on Appropriations of the
10 Senate and the House of Representatives:

11 *Provided further*, That the Secretary shall ensure that
12 amounts specified in the future-years capital investment
13 plan are consistent to the maximum extent practicable
14 with proposed appropriations necessary to support the
15 programs, projects, and activities of the Coast Guard in
16 the President's budget as submitted under section 1105(a)
17 of title 31, United States Code, for that fiscal year: *Pro-*
18 *vided further*, That any inconsistencies between the capital
19 investment plan and proposed appropriations shall be
20 identified and justified: *Provided further*, That subsections
21 (a) and (b) of section 6402 of the U.S. Troop Readiness,
22 Veterans' Care, Katrina Recovery, and Iraq Accountability
23 Appropriations Act, 2007 (Public Law 110-28) shall
24 apply to fiscal year 2010.

1 ALTERATION OF BRIDGES

2 For necessary expenses for alteration or removal of
3 obstructive bridges, as authorized by section 6 of the Tru-
4 man-Hobbs Act (33 U.S.C. 516), \$4,000,000, to remain
5 available until expended: *Provided*, That of the amounts
6 made available under this heading, \$4,000,000 shall be
7 for the Fort Madison Bridge in Fort Madison, Iowa.

8 RESEARCH, DEVELOPMENT, TEST, AND EVALUATION

9 For necessary expenses for applied scientific re-
10 search, development, test, and evaluation; and for mainte-
11 nance, rehabilitation, lease, and operation of facilities and
12 equipment; as authorized by law; \$29,745,000, to remain
13 available until expended, of which \$500,000 shall be de-
14 rived from the Oil Spill Liability Trust Fund to carry out
15 the purposes of section 1012(a)(5) of the Oil Pollution Act
16 of 1990 (33 U.S.C. 2712(a)(5)): *Provided*, That there may
17 be credited to and used for the purposes of this appropria-
18 tion funds received from State and local governments,
19 other public authorities, private sources, and foreign coun-
20 tries for expenses incurred for research, development, test-
21 ing, and evaluation.

22 RETIRED PAY

23 For retired pay, including the payment of obligations
24 otherwise chargeable to lapsed appropriations for this pur-
25 pose, payments under the Retired Serviceman's Family

1 Protection and Survivor Benefits Plans, payment for ca-
2 reer status bonuses, concurrent receipts and combat-re-
3 lated special compensation under the National Defense
4 Authorization Act, and payments for medical care of re-
5 tired personnel and their dependents under chapter 55 of
6 title 10, United States Code, \$1,361,245,000, to remain
7 available until expended.

8 UNITED STATES SECRET SERVICE

9 SALARIES AND EXPENSES

10 For necessary expenses of the United States Secret
11 Service, including purchase of not to exceed 652 vehicles
12 for police-type use, of which 652 shall be for replacement
13 only, and hire of passenger motor vehicles; purchase of
14 motorcycles made in the United States; hire of aircraft;
15 services of expert witnesses at such rates as may be deter-
16 mined by the Director of the Secret Service; rental of
17 buildings in the District of Columbia, and fencing, light-
18 ing, guard booths, and other facilities on private or other
19 property not in Government ownership or control, as may
20 be necessary to perform protective functions; payment of
21 per diem or subsistence allowances to employees where a
22 protective assignment during the actual day or days of the
23 visit of a protectee requires an employee to work 16 hours
24 per day or to remain overnight at a post of duty; conduct
25 of and participation in firearms matches; presentation of

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H.R. 2892

AMENDMENT

1 *representatives detailed expenditure plans for air cargo secu-*
2 *rity, and for checkpoint support and explosives detection*
3 *systems refurbishment, procurement, and installations on*
4 *an airport-by-airport basis for fiscal year 2010: Provided*
5 *further, That these plans shall be submitted no later than*
6 *60 days after the date of enactment of this Act.*

7 *FEDERAL AIR MARSHALS*

8 *For necessary expenses of the Federal Air Marshals,*
9 *\$860,111,000.*

10 *COAST GUARD*

11 *OPERATING EXPENSES*

12 *For necessary expenses for the operation and mainte-*
13 *nance of the Coast Guard, not otherwise provided for; pur-*
14 *chase or lease of not to exceed 25 passenger motor vehicles,*
15 *which shall be for replacement only; for purchase or lease*
16 *of small boats for contingent and emergent requirements (at*
17 *a unit cost of no more than \$700,000) and for repairs and*
18 *service-life replacements, not to exceed a total of*
19 *\$26,000,000; minor shore construction projects not exceed-*
20 *ing \$1,000,000 in total cost at any location; payments pur-*
21 *suant to section 156 of Public Law 97-377 (42 U.S.C. 402*
22 *note; 96 Stat. 1920); and recreation and welfare;*
23 *\$6,838,291,000, of which \$581,503,000 shall be for defense-*
24 *related activities, \$241,503,000 of which are designated as*
25 *being for overseas deployments and other activities pursu-*

1 ant to sections 401(c)(4) and 423(a)(1) of S. Con. Res. 13
2 (111th Congress), the concurrent resolution on the budget
3 for fiscal year 2010; of which \$24,500,000 shall be derived
4 from the Oil Spill Liability Trust Fund to carry out the
5 purposes of section 1012(a)(5) of the Oil Pollution Act of
6 1990 (33 U.S.C. 2712(a)(5)); of which not to exceed \$20,000
7 shall be for official reception and representation expenses;
8 and of which \$3,600,000 shall be available until expended
9 for the cost of repairing, rehabilitating, altering, modifying,
10 and making improvements, including customized tenant
11 improvements, to any replacement or expanded Operations
12 Systems Center facility: Provided, That none of the funds
13 made available by this or any other Act shall be available
14 for administrative expenses in connection with shipping
15 commissioners in the United States: Provided further, That
16 none of the funds made available by this Act shall be for
17 expenses incurred for recreational vessels under section
18 12114 of title 46, United States Code, except to the extent
19 fees are collected from yacht owners and credited to this
20 appropriation: Provided further, That the Coast Guard
21 shall comply with the requirements of section 527 of Public
22 Law 108–136 with respect to the Coast Guard Academy:
23 Provided further, That of the funds provided under this
24 heading, \$30,000,000 is withheld from obligation from
25 Headquarters Directorates until the second quarter acquisi-

1 *tion report required by Public Law 108–7 and the fiscal*
2 *year 2008 joint explanatory statement accompanying Pub-*
3 *lic Law 110–161 is received by the Committees on Appro-*
4 *priations of the Senate and the House of Representatives.*

5 *ENVIRONMENTAL COMPLIANCE AND RESTORATION*

6 *For necessary expenses to carry out the environmental*
7 *compliance and restoration functions of the Coast Guard*
8 *under chapter 19 of title 14, United States Code,*
9 *\$13,198,000, to remain available until expended.*

10 *RESERVE TRAINING*

11 *For necessary expenses of the Coast Guard Reserve, as*
12 *authorized by law; operations and maintenance of the re-*
13 *serve program; personnel and training costs; and equipment*
14 *and services; \$133,632,000.*

15 *ACQUISITION, CONSTRUCTION, AND IMPROVEMENTS*

16 *For necessary expenses of acquisition, construction,*
17 *renovation, and improvement of aids to navigation, shore*
18 *facilities, vessels, and aircraft, including equipment related*
19 *thereto; and maintenance, rehabilitation, lease and oper-*
20 *ation of facilities and equipment, as authorized by law;*
21 *\$1,597,580,000, of which \$20,000,000 shall be derived from*
22 *the Oil Spill Liability Trust Fund to carry out the purposes*
23 *of section 1012(a)(5) of the Oil Pollution Act of 1990 (33*
24 *U.S.C. 2712(a)(5)); of which \$123,000,000 shall be avail-*
25 *able until September 30, 2014, to acquire, repair, renovate,*

1 *or improve vessels, small boats, and related equipment; of*
2 *which \$147,500,000 shall be available until September 30,*
3 *2012, for other equipment; of which \$27,100,000 shall be*
4 *available until September 30, 2012, for shore facilities and*
5 *aids to navigation facilities, including not less than*
6 *\$300,000 for the Coast Guard Academy Pier and not less*
7 *than \$16,800,000 for Coast Guard Station Cleveland Har-*
8 *bor; of which \$105,200,000 shall be available for personnel*
9 *compensation and benefits and related costs; and of which*
10 *\$1,194,780,000 shall be available until September 30, 2014,*
11 *for the Integrated Deepwater Systems program: Provided,*
12 *That of the funds made available for the Integrated Deep-*
13 *water Systems program, \$305,500,000 is for aircraft and*
14 *\$734,680,000 is for surface ships: Provided further, That*
15 *the Secretary of Homeland Security shall submit to the*
16 *Committees on Appropriations of the Senate and the House*
17 *of Representatives, in conjunction with the President's fis-*
18 *cal year 2011 budget, a review of the Revised Deepwater*
19 *Implementation Plan that identifies any changes to the*
20 *plan for the fiscal year; an annual performance comparison*
21 *of Integrated Deepwater Systems program assets to pre-*
22 *Deepwater legacy assets; a status report of legacy assets;*
23 *a detailed explanation of how the costs of legacy assets are*
24 *being accounted for within the Integrated Deepwater Sys-*
25 *tems program; and the earned value management system*

1 *gold card data for each Integrated Deepwater Systems pro-*
2 *gram asset: Provided further, That the Secretary shall sub-*
3 *mit to the Committees on Appropriations of the Senate and*
4 *the House of Representatives a comprehensive review of the*
5 *Revised Deepwater Implementation Plan every 5 years, be-*
6 *ginning in fiscal year 2011, that includes a complete projec-*
7 *tion of the acquisition costs and schedule for the duration*
8 *of the plan through fiscal year 2027: Provided further, That*
9 *the Secretary shall annually submit to the Committees on*
10 *Appropriations of the Senate and the House of Representa-*
11 *tives, at the time that the President's budget is submitted*
12 *under section 1105(a) of title 31, United States Code, a fu-*
13 *ture-years capital investment plan for the Coast Guard that*
14 *identifies for each capital budget line item—*

15 (1) *the proposed appropriation included in that*
16 *budget;*

17 (2) *the total estimated cost of completion;*

18 (3) *projected funding levels for each fiscal year*
19 *for the next 5 fiscal years or until project completion,*
20 *whichever is earlier;*

21 (4) *an estimated completion date at the projected*
22 *funding levels; and*

23 (5) *changes, if any, in the total estimated cost of*
24 *completion or estimated completion date from pre-*
25 *vious future-years capital investment plans submitted*

