

One Hundred Eleventh Congress  
of the  
United States of America

AT THE FIRST SESSION

*Begun and held at the City of Washington on Tuesday,  
the sixth day of January, two thousand and nine*

An Act

Making omnibus appropriations for the fiscal year ending September 30, 2009,  
and for other purposes.

*Be it enacted by the Senate and House of Representatives of  
the United States of America in Congress assembled,*

**SECTION 1. SHORT TITLE.**

This Act may be cited as the “Omnibus Appropriations Act,  
2009”.

**SEC. 2. TABLE OF CONTENTS.**

The table of contents of this Act is as follows:

- Sec. 1. Short title.
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- Title I—Agricultural Programs
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Title I—Department of Transportation  
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DIVISION J—FURTHER PROVISIONS RELATING TO THE DEPARTMENT OF  
HOMELAND SECURITY AND OTHER MATTERS

**SEC. 3. REFERENCES.**

Except as expressly provided otherwise, any reference to “this Act” contained in any division of this Act shall be treated as referring only to the provisions of that division.

**SEC. 4. EXPLANATORY STATEMENT.**

The explanatory statement regarding this Act printed in the House of Representatives section of the Congressional Record on or about February 23, 2009 by the Chairman of the Committee on Appropriations of the House shall have the same effect with respect to the allocation of funds and implementation of this Act as if it were a joint explanatory statement of a committee of conference.

**SEC. 5. STATEMENT OF APPROPRIATIONS.**

The following sums in this Act are appropriated, out of any money in the Treasury not otherwise appropriated, for the fiscal year ending September 30, 2009.

H. R. 1105—202

SEC. 118. None of the funds in this Act may be used to further reduce the number of Axis or Fallow deer at Point Reyes National Seashore below the number as of the date of enactment of this Act.

TITLE II

ENVIRONMENTAL PROTECTION AGENCY

SCIENCE AND TECHNOLOGY

For science and technology, including research and development activities, which shall include research and development activities under the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, as amended; necessary expenses for personnel and related costs and travel expenses; procurement of laboratory equipment and supplies; and other operating expenses in support of research and development, \$790,051,000, to remain available until September 30, 2010.

ENVIRONMENTAL PROGRAMS AND MANAGEMENT

For environmental programs and management, including necessary expenses, not otherwise provided for, for personnel and related costs and travel expenses; hire of passenger motor vehicles; hire, maintenance, and operation of aircraft; purchase of reprints; library memberships in societies or associations which issue publications to members only or at a price to members lower than to subscribers who are not members; administrative costs of the brownfields program under the Small Business Liability Relief and Brownfields Revitalization Act of 2002; and not to exceed \$19,000 for official reception and representation expenses, \$2,392,079,000, to remain available until September 30, 2010: *Provided*, That of the funds included under this heading, not less than \$95,846,000 shall be for the Geographic Programs specified in the explanatory statement described in section 4 (in the matter preceding division A of this consolidated Act).

OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978, as amended, \$44,791,000, to remain available until September 30, 2010.

BUILDINGS AND FACILITIES

For construction, repair, improvement, extension, alteration, and purchase of fixed equipment or facilities of, or for use by, the Environmental Protection Agency, \$35,001,000, to remain available until expended.

HAZARDOUS SUBSTANCE SUPERFUND

(INCLUDING TRANSFERS OF FUNDS)

For necessary expenses to carry out the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (CERCLA), as amended, including sections 111(c)(3), (c)(5), (c)(6),

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**[House Appropriations Committee Print]**

**Omnibus Appropriations Act, 2009**  
**(H.R. 1105; Public Law 111-8)**

**DIVISION E—DEPARTMENT OF THE INTERIOR,  
ENVIRONMENT, AND RELATED AGENCIES  
APPROPRIATIONS ACT, 2009**

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*Nanotechnology.*—The House and Senate Committees on Appropriations support EPA’s ongoing efforts to work with the National Academy of Sciences and other Federal partners to conduct a third-party review of the Government’s environmental, health and safety research strategy and have provided funds to support this effort.

ENVIRONMENTAL PROGRAMS AND MANAGEMENT

Appropriation enacted, 2008 .....	\$2,327,962,000
Budget estimate .....	2,338,353,000
Bill, 2009 .....	2,392,079,000
Comparisons:	
Appropriations, 2008 .....	+64,117,000
Budget estimate, 2009 .....	+53,726,000

The detailed allocation of funding by program area for this account is included in the table at the end of this section of the statement. In addition to these specific amounts, the bill includes the following:

*Air Toxics and Quality.*—Within the amount provided, \$1,000,000 is to restore the Sunwise program. In addition, the Agency is directed to fully fund the National Emissions Inventory.

*Brownfields.*—Within the amount provided, \$1,200,000 is to restore the Smart Growth Program to the enacted level.

*Climate Protection Program.*—Within the amount provided, \$50,000,000 is for the Energy Star Program and \$6,500,000 is to promulgate and begin implementing the Greenhouse Gas reporting rule authorized by P.L. 110–161. Bill language regarding this rule is also included in the Administrative Provisions Section. The bill eliminates funding for the Asian Pacific Partnership program.

*Compliance.*—Within the amount provided, \$23,835,000 is for Compliance Assistance and Centers and \$9,000,000 is for Compliance Incentives.

*Enforcement.*—Within the amount provided, \$136,000,000 is for Civil Enforcement and \$45,500,000 is for Criminal Enforcement. These increases are provided to begin to restore staffing in the Office of Enforcement and Compliance Assurance, with the Civil Enforcement increase available for implementation of the EISA. In addition, the bill includes no less than \$7,000,000 for Environmental Justice programs.

*Environmental Protection/National Priorities.*—The funds shall be allocated as follows: \$11,500,000 for the National Rural Water Association; \$2,000,000 for the Small Public Water System Technology Assistance Centers; \$2,500,000 for the Rural Community Assistance Partnership; \$700,000 for the Water Systems Council/WellCare; and, \$750,000 for the National Biosolids Partnership. Funds for the Technical Assistance Centers should be divided equally between the existing centers.

*Geographic Programs.*—The detailed allocation of funding by specific geographic program area is included in the table at the end of this section of the statement. In addition to these specific amounts, the bill includes the following directives. Funding for the Chesapeake Bay Program is allocated as follows: \$21,001,000 for the base program, \$8,000,000 for Nutrient Removal grants, and \$2,000,000 for Small Watershed grants. The increase to the Great Lakes National Program Office is provided for additional staff to manage the Great Lakes Legacy Act. Funds for the San Francisco

Bay program shall be used to continue grants to State and local governments and partner organizations to implement projects that improve water quality and restore Bay watersheds. Matching funds of no less than 25 percent shall be required, with priority given to organizations that emphasize the ability to leverage additional funds. Funds shall be awarded competitively. The Puget Sound restoration funds are provided in conjunction with the Clean Water Act for development and implementation of programs that will improve water quality, air quality, and minimize the adverse impacts of rapid development in the Puget Sound Basin, including activities linked to nonpoint sources or habitat restoration work. Funds shall be awarded competitively.

The bill also eliminates funding for the Regional Geographic Initiatives Program, which reflects continued concerns about the scope and purpose of the program.

*Indoor Air.*—The increase provided is directed to Reduced Risks from Indoor Air to restore the reduction to the Asthma program.

*Information Exchange/Outreach.*—From within the funds provided, the Agency is directed to fund the Environmental Education program at its historic level of \$9,000,000. The bill includes an increase of \$6,448,000 for this program and the Agency is directed to provide the additional \$2,552,000 from the four program-projects which “housed” the Environmental Education FTE in the President’s budget. The Agency also is directed to apply the funding formula mandated in the Environmental Education statute to the entire \$9,000,000. The bill provides \$1,000,000 less than requested for the Exchange Network to reflect the fiscal year 2008 reprogramming which initiated the Integrated Trade Data System. The bill also provides \$15,702,000 for the TRI/Right to Know program.

*International Programs.*—From within the funds provided, \$5,590,000 is for the US/Mexican Border Program.

*IT/Data Management/Security.*—The Agency is directed to take the reduction of \$2,000,000 to this program area from activities other than those to restore the Agency library system.

*Legal/Science/Regulatory/Economic Review.*—The bill provides \$19,443,000 for the Regulatory Innovation Program, and the Agency is directed to apply no less than \$3,500,000 of the reduction to the Performance Track Program. In addition, the bill provides \$16,415,000 for the Regulatory-Economic Management and Analysis Program.

*Operations and Administration.*—The bill provides \$73,623,000 for Central Planning and Budgeting and the Agency is directed to apply the reduction to the Financial System Modernization Project.

*Resource Conservation and Recovery Act (RCRA).*—The \$2,000,000 reduction to this program area eliminates the requested funding for the Electronic Manifest for Hazardous Waste, pending Congressional authorization of the fees.

*Toxics Risk Review and Prevention.*—Within the funds provided, \$5,743,000 is for the Toxic Substances: Chemical Risk Management program; \$8,560,000 is for the Endocrine Disruptor program; and, \$12,531,000 is for the High Production Volume Challenge/Voluntary Children’s Chemical Evaluation Program.

*Water: Ecosystems.*—The bill provides \$37,000,000 for implementation of the Great Lakes Legacy Act and \$26,607,000 for the National Estuaries/Coastal Waterways program, which includes \$16,800,000 for the Section 320 grant program. The Agency is directed to provide at least \$600,000 to each National Estuary.

*WaterISAC.*—The bill provides the request of \$2,000,000 for this activity and the Agency is directed to implement the program through a grant to the Association of Metropolitan Water Agencies.

*Endocrine Disruptors.*—The House and Senate Appropriations Committees remain deeply concerned about the delays associated with assessing the impact of endocrine disrupting chemicals on the environment and public health. The Agency is directed to address this issue as a first priority and to submit to the Committees within 6 months of enactment a plan to address the backlog and delays in the Endocrine Disruptor Screening Program.

*Life-cycle Inventory Analysis.*—The Agency is encouraged to develop, in consultation with the National Renewable Energy Laboratory of the Department of Energy, a comprehensive life-cycle inventory analysis, including a carbon profile, for specification grade recycled scrap commodities utilized by manufacturers that produce both virgin and recycled materials for use as feedstock as well as manufacturers that use recycled material as feedstock.

*Perchlorate.*—The House and Senate Committees on Appropriations are concerned about EPA’s preliminary decision not to issue national primary drinking water regulations for perchlorate under the Safe Drinking Water Act, and urge EPA to reconsider its position and to issue regulations establishing a maximum contaminant level for perchlorate as soon as possible. To facilitate this effort, EPA is encouraged to consult with its Science Advisory Board and States which have established maximum contaminant levels for perchlorate in drinking water supplies in order to develop a safe national standard for all populations.

OFFICE OF INSPECTOR GENERAL

Appropriation enacted, 2008 .....	\$41,099,000
Budget estimate .....	39,483,000
Bill, 2009 .....	44,791,000
Comparisons:	
Appropriations, 2008 .....	+3,692,000
Budget estimate, 2009 .....	+5,308,000

The detailed allocation of funding by program area for this account is included in the table at the end of this section of the statement. In addition to these specific amounts, the bill includes the following:

None of the funds are to be used for “buy-outs” associated with staffing reductions. The Inspector General is to continue submitting quarterly staffing reports. The bill also includes \$9,975,000 in the Superfund account for activities related to investigations and audits of that program. To support the Inspector General’s role as IG for the Chemical Safety and Hazard Investigations Board, the bill also includes a transfer of \$300,000 from the Board’s appropriation account to this account. The IG is directed to expand the scope of its reviews of the Board, beginning with the issues recently identified by the Government Accountability Office.

**INTERIOR / ENVIRONMENT—Continued**

Agency	Account	State	Project	Amount	Requester(s)	
					Senate	House
Minerals Management Service	Minerals Management Service	MS	Center for Marine Resources and Environmental Technology	\$900,000	Cochran, Wicker	Childers
Bureau of Indian Affairs	Operation of Indian Programs	IL	National Ironworkers Training Program for American Indians	\$400,000		Lynch, Stephen F.
Bureau of Indian Affairs	Operation of Indian Programs	Multi	Inter-Tribal Bison Cooperative	\$1,000,000	Dorgan, Johnson, Bingaman, Salazar	Herseth Sandlin, Stephanie; Udall, Tom
Bureau of Indian Affairs	Operation of Indian Programs	ND	United Tribes Technical College	\$4,000,000	Dorgan, Conrad	Pomeroy, Earl
Bureau of Indian Affairs	Operation of Indian Programs	NM	Navajo Technical College	\$2,000,000	Bingaman	
Bureau of Indian Affairs	Operation of Indian Programs	NV	Western Shoshone Claims Distribution Act	\$263,000	Reid	
Bureau of Indian Affairs	Operation of Indian Programs	WA	Lake Roosevelt security program	\$345,000	Murray, Cantwell	
Bureau of Indian Affairs	Operation of Indian Programs	WA	Timber-Fish-Wildlife program	\$1,713,000	Murray, Cantwell	
Environmental Protection Agency	Science & Technology	CA	Southwest Consortium for Environmental Research and Policy	\$1,000,000	Feinstein, Bingaman, Boxer	Pastor, Ed
Environmental Protection Agency	Science & Technology	Nat	Water Environment Research Foundation	\$2,000,000	Mikulski, Kohl, Durbin, Lautenberg, Brown, Cardin, Clinton, Kennedy, Kerry, Salazar, Schumer, Collins, Smith, Snowe	Moran, James P.

Environmental Protection Agency	Science & Technology	Nat	Consortium for Plant Biotechnology	\$750,000	Inouye, Johnson, Ben Nelson, Bond, McConnell, Levin, Stabenow, Brown, Klobuchar, Lugar, Chambliss, Bunning	Price, David E.; Miller, Brad; Rogers (MI), Mike; Conyers, Jr., John; Rogers, Harold; Towns, Edolphus; Lewis, John; Stupak, Bart
Environmental Protection Agency	Science & Technology	Nat	American Water Works Research Foundation (Water Research Foundation)	\$1,700,000	Reed, Bennett, Allard, Reid, Salazar, Whitehouse, Ensign, Hatch	Berkley, Shelley; Woolsey, Lynn C.; Jackson-Lee, Sheila; Murphy, Christopher S.; Heller, Dean
Environmental Protection Agency	Environmental Programs and Management	CA	San Francisco Bay Restoration Grants	\$5,000,000	Feinstein	
Environmental Protection Agency	Environmental Programs and Management	Nat	Small Public Water Systems Technology Assistance Program	\$2,000,000	Specter, McConnell, Baucus, Tester, Wicker, Murkowski	
Environmental Protection Agency	Environmental Programs and Management	Nat	Water Systems Council WellCare	\$700,000	Harkin, Durbin, Reed, Baucus, Cardin, Casey, Lincoln, Pryor, Schumer, Tester, Whitehouse, Wyden, Dole, Crapo, Grassley, Lugar, Smith, Thune, Voinovich	Miller, Brad; Langevin, James R.; Murphy, Christopher S.; Walsh, James T.; Loeb sack, David; Allen, Thomas H.; Boswell, Leonard L.; Arcuri, Michael A.; Souder, Mark E.
Environmental Protection Agency	Environmental Programs and Management	Nat	National Biosolids Partnership Program	\$750,000	Kohl, Murray, Allard, Salazar, Collins, Snowe	Allen, Thomas H.; Larsen, Rick; Moran, James P.

**INTERIOR / ENVIRONMENT—Continued**

Agency	Account	State	Project	Amount	Requester(s)	
					Senate	House
Environmental Protection Agency	Environmental Programs and Management	Nat	National Rural Water Association	\$11,500,000	Leahy, Harkin, Murray, Dorgan, Durbin, Johnson, Landrieu, Reed, Ben Nelson, Specter, Bond, Shelby, Craig, Brownback, Biden, Bingaman, Brown, Cantwell, Clinton, Conrad, Dodd, Kennedy, Kerry, Levin, Lincoln, Menendez, Pryor, Salazar, Sanders, Schumer, Stabenow, Tester, Webb, Wyden, Barrasso, Bunning, Chambliss, Coleman, Collins, Cornyn, Dole, Ensign, Enzi, Grassley, Hagel, Hatch, Inhofe, Lugar, Murkowski, Roberts, Smith, Snowe, Sununu, Thune, Voinovich, Wicker	Etheridge, Bob; Aderholt, Robert B.; LoBiondo, Frank A.; Murphy, Christopher S.; McHugh, John M.; Arcuri, Michael A.; Cleaver, Emanuel
Environmental Protection Agency	Environmental Programs and Management	Nat	Water Information Sharing and Analysis Center / Association of Metropolitan Water Agencies	\$2,000,000	Reed, Bennett, Akaka, Bingaman, Boxer, Kennedy, Kerry, Lieberman, Stabenow, Coleman, Snowe	Richardson, Laura; Calvert, Ken
Environmental Protection Agency	Environmental Programs and Management	Nat	Rural Community Assistance Partnership	\$2,500,000	Leahy, Harkin, Mikulski, Landrieu, Bingaman, Brown, Conrad, Lincoln, Pryor, Rockefeller, Tester, Wyden, Coleman, Crapo, Grassley, Smith, Voinovich	Rogers, Harold; Walsh, James T.; Duncan, Jr., John J.
Environmental Protection Agency	STAG—Other	CA	Hunter's Point Naval Shipyard remediation	\$8,000,000	Feinstein	