

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.
- Sec. 2. Table of contents.
- Sec. 3. References.
- Sec. 4. Explanatory statement.
- Sec. 5. Statement of appropriations.

DIVISION A—AGRICULTURE, RURAL DEVELOPMENT, FOOD AND DRUG  
ADMINISTRATION, AND RELATED AGENCIES APPROPRIATIONS ACT, 2009

- Title I—Agricultural Programs
- Title II—Conservation Programs
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DIVISION B—COMMERCE, JUSTICE, SCIENCE, AND RELATED AGENCIES  
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DIVISION C—ENERGY AND WATER DEVELOPMENT AND RELATED  
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- Title I—Department of Defense—Civil: Department of the Army
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DIVISION D—FINANCIAL SERVICES AND GENERAL GOVERNMENT  
APPROPRIATIONS ACT, 2009

- Title I—Department of the Treasury
- Title II—Executive Office of the President and Funds Appropriated to the President
- Title III—The Judiciary
- Title IV—District of Columbia
- Title V—Independent Agencies

DEFENSE NUCLEAR NONPROLIFERATION

For Department of Energy expenses, including the purchase, construction, and acquisition of plant and capital equipment and other incidental expenses necessary for defense nuclear nonproliferation activities, in carrying out the purposes of the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), including the acquisition or condemnation of any real property or any facility or for plant or facility acquisition, construction, or expansion, and the purchase of not to exceed one passenger motor vehicle for replacement only, \$1,482,350,000, to remain available until expended: *Provided*, That, of the amount appropriated in this paragraph, \$1,903,000 shall be used for projects specified under the heading “Congressionally Directed Defense Nuclear Nonproliferation Projects” in the text and table under this heading in the explanatory statement described in section 4 (in the matter preceding division A of this consolidated Act).

NAVAL REACTORS

For Department of Energy expenses necessary for naval reactors activities to carry out the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), including the acquisition (by purchase, condemnation, construction, or otherwise) of real property, plant, and capital equipment, facilities, and facility expansion, \$828,054,000, to remain available until expended.

OFFICE OF THE ADMINISTRATOR

For necessary expenses of the Office of the Administrator in the National Nuclear Security Administration, including official reception and representation expenses not to exceed \$12,000, \$439,190,000, to remain available until expended: *Provided*, That, of the amount appropriated in this paragraph, \$23,311,750 shall be used for the projects specified in the table that appears under the heading “Congressionally Directed Office of the Administrator (NNSA) Projects” in the text and table under this heading in the explanatory statement described in section 4 (in the matter preceding division A of this consolidated Act).

ENVIRONMENTAL AND OTHER DEFENSE ACTIVITIES

DEFENSE ENVIRONMENTAL CLEANUP

(INCLUDING TRANSFER OF FUNDS)

For Department of Energy expenses, including the purchase, construction, and acquisition of plant and capital equipment and other expenses necessary for atomic energy defense environmental cleanup activities in carrying out the purposes of the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), including the acquisition or condemnation of any real property or any facility or for plant or facility acquisition, construction, or expansion, and the purchase of not to exceed four ambulances and three passenger motor vehicles for replacement only, \$5,657,250,000, to remain available until expended, of which \$463,000,000 shall be transferred to the “Uranium Enrichment Decontamination and Decommissioning Fund”: *Provided*, That, of the amount appropriated in this

#### H. R. 1105—100

paragraph, \$17,908,391 shall be used for projects specified in the table that appears under the heading “Congressionally Directed Defense Environmental Cleanup Projects” in the text and table under this heading in the explanatory statement described in section 4 (in the matter preceding division A of this consolidated Act).

#### OTHER DEFENSE ACTIVITIES

For Department of Energy expenses, including the purchase, construction, and acquisition of plant and capital equipment and other expenses, necessary for atomic energy defense, other defense activities, and classified activities, in carrying out the purposes of the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), including the acquisition or condemnation of any real property or any facility or for plant or facility acquisition, construction, or expansion, and the purchase of not to exceed 10 passenger motor vehicles for replacement only, \$1,314,063,000, to remain available until expended: *Provided*, That of the funds provided herein, \$487,008,000 is for project 99–D–143 Mixed Oxide Fuel Fabrication Facility, Savannah River Site, South Carolina: *Provided further*, That the Department of Energy adhere strictly to Department of Energy Order 413.3A for Project 99–D–143: *Provided further*, That, of the amount appropriated in this paragraph, \$999,075 shall be used for projects specified in the table that appears under the heading “Congressionally Directed Other Defense Activities Projects” in the text and table under this heading in the explanatory statement described in section 4 (in the matter preceding division A of this consolidated Act).

#### DEFENSE NUCLEAR WASTE DISPOSAL

For nuclear waste disposal activities to carry out the purposes of Public Law 97–425, as amended, including the acquisition of real property or facility construction or expansion, \$143,000,000, to remain available until expended.

#### POWER MARKETING ADMINISTRATIONS

##### BONNEVILLE POWER ADMINISTRATION FUND

Expenditures from the Bonneville Power Administration Fund, established pursuant to Public Law 93–454, are approved for official reception and representation expenses in an amount not to exceed \$1,500. During fiscal year 2009, no new direct loan obligations may be made.

##### OPERATION AND MAINTENANCE, SOUTHEASTERN POWER ADMINISTRATION

For necessary expenses of operation and maintenance of power transmission facilities and of marketing electric power and energy, including transmission wheeling and ancillary services pursuant to section 5 of the Flood Control Act of 1944 (16 U.S.C. 825s), as applied to the southeastern power area, \$7,420,000, to remain available until expended: *Provided*, That, notwithstanding 31 U.S.C. 3302, up to \$49,520,000 collected by the Southeastern Power Administration pursuant to the Flood Control Act of 1944 to recover

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**[House Appropriations Committee Print]**

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

**DIVISION C—ENERGY AND WATER DEVELOP-  
MENT AND RELATED AGENCIES APPRO-  
PRIATIONS ACT, 2009**

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ENVIRONMENTAL AND OTHER DEFENSE ACTIVITIES  
DEFENSE ENVIRONMENTAL CLEANUP

(INCLUDING TRANSFER OF FUNDS)

The bill provides \$5,657,250,000 for the Defense Environmental Cleanup program. The Department is directed to fund hazardous waste worker training at \$10,000,000 from within available funds.

*Internal reprogramming authority.*—In fiscal year 2009, the Department may transfer up to \$5,000,000 between accounts, as noted in the table below, to reduce health or safety risks or to gain cost savings as long as no program or project is increased or decreased by more than \$5,000,000 in total during the fiscal year. This reprogramming authority may not be used to initiate new programs or to change funding for programs specifically denied, limited, or increased by Congress in the Act or explanatory statement. The Committees on Appropriations must be notified within thirty days of the use of this reprogramming authority.

Account Control Points:

Closure Sites

Savannah River site, nuclear material stabilization and disposition

Savannah River site, 2012 accelerations

Savannah River site, 2035 accelerations

Savannah River Tank Farm

Waste Isolation Pilot Plant

Idaho National Laboratory

Oak Ridge Reservation

Hanford site 2012 accelerated completions

Hanford site 2035 accelerated completions

National Nuclear Security Agency Sites

Office of River Protection (ORP) Waste Treatment & Immobilization Plant (WTP)

ORP Tank Farms

ORP WTP Pretreatment facility

ORP WTP High-level waste facility

ORP WTP Low activity waste facility

ORP WTP Analytical laboratory

ORP WTP Balance of facilities

Program Direction

Program Support

Safeguards and Security

Uranium Enrichment D&D Fund contribution

Technology Development and Deployment

Construction line-items

*Closure Sites.*—The bill includes \$45,883,000 for Closure Sites environmental cleanup activities.

*Hanford Site.*—The bill provides \$966,976,000 for the Hanford Site. Within available funds, the Department is directed to fund the Volpentest Hazardous Materials Management and Emergency Response (HAMMER) training and education center, and B-Plant preservation activities.

*Idaho National Laboratory.*—The bill provides \$475,761,000 for the Idaho National Laboratory cleanup activities.

*NNSA Sites.*—The bill provides \$320,851,000 for cleanup activities at NNSA sites.

*Oak Ridge Reservation.*—The bill provides \$262,835,000 for Oak Ridge Reservation, to include \$58,000,000 for Building 3019 clean-up activities.

*Office of River Protection.*—The bill provides \$1,009,943,000 for the Office of River Protection, to include \$690,000,000 for the Waste Treatment Plant.

*Savannah River Site.*—Funding under this heading provides \$1,227,143,000 for cleanup activities at the Savannah River Site. The Department is directed to provide within 90 days of enactment of this Act a comprehensive lifecycle cost estimate, for the continuing operations of H-canyon that includes all waste disposal and contingency costs for nuclear material that will be included in the Department's H-canyon processing plans.

*Waste Isolation Pilot Plant.*—The bill provides \$231,661,000 for the Waste Isolation Pilot Plant.

*Program direction.*—The bill provides \$309,806,600 for program direction.

*Program support.*—The bill provides \$33,930,000 for program support.

*Safeguards and security.*—The bill provides \$260,341,000 for safeguards and security.

*Technology development and deployment.*—The bill provides \$32,320,000 for the technology development and deployment program.

*Federal Contribution to Uranium Enrichment Decontamination and Decommissioning Fund.*—The bill provides \$463,000,000 for the Federal contribution to the Uranium Enrichment Decontamination and Decommissioning Fund as authorized in Public Law 102-486.

*Use of prior-year balances.*—The Department is directed to use \$1,109,000 of prior year balances.

*Congressional directed projects.*—Funding in the bill provides \$17,908,391 for congressionally directed projects.

**CONGRESSIONALLY DIRECTED DEFENSE ENVIRONMENTAL CLEANUP  
PROJECTS**

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**PROJECT**

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CHARACTERISTICS AND CLEAN-UP OF US NUCLEAR LEGACY (MS)	\$3,806,000
MIAMISBURG MOUND, OU-1 (OH)	\$4,757,500
TESTING OF POLYMERIC HYDROGELS FOR RADIATION DECONTAMINATION (HI)	\$1,617,550
THE INTERNATIONAL ALTERNATIVE CLEAN-UP TECHNOLOGY AGREEMENT (PA)	\$2,854,500
WATER RESOURCES DATA, MODELING, AND VISUALIZATION CENTER (NV)	\$1,066,841
WIPP RECORDS ARCHIVE (NM)	\$3,806,000

## OTHER DEFENSE ACTIVITIES

The bill provides \$1,314,063,000 for Other Defense Activities.

## OFFICE OF HEALTH, SAFETY, AND SECURITY

The bill provides \$446,470,925 for the Office of Health, Safety, and Security (HSS), to include an additional \$1,999,075 for the Former Workers Medical Surveillance Program which includes the \$999,075 congressionally directed activity.

*Nuclear Safety.*—The Government Accountability Office’s (GAO) report “Department of Energy Needs to Strengthen its Independent Oversight of Nuclear Facilities and Operations”, (GAO 09–61), found that DOE had eliminated its independent nuclear safety oversight presence at nuclear sites, and suspended independent safety basis reviews for new and modified facilities. To correct this, the Department is directed, in addition to nuclear safety activities carried out by the line organizations and within appropriations provided in this Act, to commence implementation of GAO’s recommendations within 60 days of enactment of this Act. The Department shall submit a report to the Committees on Appropriations within 180 days of enactment of this Act detailing the organizational changes, staff assignments, budget and list of actions to implement the five recommendations outlined in the GAO report.

## LEGACY MANAGEMENT

The bill provides \$185,981,000 for the Office of Legacy Management.

## NUCLEAR ENERGY

The bill provides \$565,819,000 for defense nuclear energy activities including \$78,811,000 to fund defense-related activities at the Idaho National Laboratory and \$487,008,000 for the Mixed Oxide Fuel Fabrication Facility (MOX) at the Savannah River site. Language is provided directing the Department to manage the MOX facility in adherence to DOE Order 413.3A.

## DEFENSE-RELATED ADMINISTRATIVE SUPPORT

The bill includes \$108,190,000 to provide administrative support for programs funded in the atomic energy defense activities account.

## OFFICE OF HEARINGS AND APPEALS

The bill provides \$6,603,000 for the Office of Hearings and Appeals.

*Congressionally directed projects.*—Funding in the bill provides \$999,075 for congressionally directed projects.

**CONGRESSIONALLY DIRECTED OTHER DEFENSE ACTIVITIES**

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**PROJECT**

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MEDICAL MONITORING AT PADUCAH, KY, PORTSMOUTH, OH, AND OAK RIDGE, TN  
(KY)

\$999,075

## DEFENSE NUCLEAR WASTE DISPOSAL

The bill provides \$143,000,000 for Defense Nuclear Waste Disposal activities.

## POWER MARKETING ADMINISTRATIONS

## BONNEVILLE POWER ADMINISTRATION FUND

The bill provides no new borrowing authority for the Bonneville Power Administration (BPA) during fiscal year 2009.

OPERATION AND MAINTENANCE, SOUTHEASTERN POWER  
ADMINISTRATION

The bill provides \$7,420,000 for the Southeastern Power Administration, including \$63,522,000 for purchase power and wheeling and \$49,520,000 for offsetting collections.

OPERATION AND MAINTENANCE, SOUTHWESTERN POWER  
ADMINISTRATION

The bill provides \$28,414,000 for the Southwestern Power Administration, including \$46,000,000 for purchase power and wheeling and \$35,000,000 for offsetting collections.

CONSTRUCTION, REHABILITATION, OPERATION AND MAINTENANCE,  
WESTERN AREA POWER ADMINISTRATION

The bill includes \$218,346,000 for the Western Area Power Administration. The bill provides for a total program level of \$901,634,000 for Western, which includes \$74,544,000 for construction and rehabilitation, \$52,365,000 for system power operation and maintenance, \$600,960,000 for purchase power and wheeling, \$166,423,000 for program direction and \$7,342,000 for the Utah Mitigation and Conservation Fund.

Offsetting collections total \$406,484,000, including the use of \$3,366,000 of offsetting collections from the Colorado River Dam Fund (as authorized in Public Law 98–381).

## FALCON AND AMISTAD OPERATING AND MAINTENANCE FUND

The bill includes \$2,959,000 for the Falcon and Amistad Operating and Maintenance Fund.

## FEDERAL ENERGY REGULATORY COMMISSION

## SALARIES AND EXPENSES

The bill includes \$273,400,000 for the Federal Energy Regulatory Commission (FERC). Revenues for FERC are set at an amount equal to the budget authority, resulting in a net appropriation of \$0.

## TITLE III—GENERAL PROVISIONS

The bill includes language regarding competition of major Department of Energy contracts.

**ENERGY AND WATER DEVELOPMENT—Continued**

Agency	Account	Title	Amount	Requester(s)		
				House	Senate	Administration
Department of Energy	NNSA- Office of the Administrator	EAA HBCU GRADUATE PROGRAM (PA)	\$4,757,500	Fattah, Chaka		
Department of Energy	NNSA- Office of the Administrator	HISTORICALLY BLACK COLLEGE AND UNIVERSITIES SCIENCE ENHANCEMENT PROGRAM (SC)	\$9,990,750	Clyburn, James E.		
Department of Energy	NNSA- Office of the Administrator	MARSHALL FUND, MINORITY ENERGY SCIENCE INITIATIVE (NC, NY, TX, MD)	\$2,854,500	Butterfield, G. K.; Cummings, Elijah E.; Hoyer, Steny H.; Jackson-Lee, Sheila; Johnson, Eddie Bernice; Towns, Edolphus		
Department of Energy	NNSA- Office of the Administrator	MOREHOUSE COLLEGE MINORITY ENERGY SCIENCE RESEARCH AND EDUCATION INITIATIVE (GA)	\$1,903,000	Bishop, Jr., Sanford D.; Johnson, Jr., Henry C. Hank; Lewis, John; Marshall, Jim; Scott, David	Chambliss	
Department of Energy	NNSA- Office of the Administrator	WILBERFORCE UNIVERSITY (OH)	\$1,427,250	Hobson, David L.		
Department of Energy	Defense Environmental Cleanup	CHARACTERISTICS AND CLEAN-UP OF US NUCLEAR LEGACY (MS)	\$3,806,000		Cochran, Wicker	
Department of Energy	Defense Environmental Cleanup	MIAMISBURG MOUND, OU-1 (OH)	\$4,757,500	Turner, Michael R.		
Department of Energy	Defense Environmental Cleanup	TESTING OF POLYMERIC HYDROGELS FOR RADIATION DECONTAMINATION (HI)	\$1,617,550	Abercrombie, Neil; Hirono, Mazie K.		
Department of Energy	Defense Environmental Cleanup	THE INTERNATIONAL ALTERNATIVE CLEAN-UP TECHNOLOGY AGREEMENT (PA)	\$2,854,500	Doyle, Michael F.		

Department of Energy	Defense Environmental Cleanup	WATER RESOURCES DATA, MODELING, AND VISUALIZATION CENTER (NV)	\$1,066,841	Berkley, Shelley; Porter, Jon C.	Reid	
Department of Energy	Defense Environmental Cleanup	WIPP RECORDS ARCHIVE (NM)	\$3,806,000	Pearce, Stevan	Domenici, Bingaman	
Department of Energy	Other Defense Activities	MEDICAL MONITORING AT PADUCAH, KY, PORTSMOUTH, OH, AND OAK RIDGE, TN (KY)	\$999,075	Whitfield, Ed	McConnell	