

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.

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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.

available to establish State-administered controlled substance monitoring systems as authorized by Public Law 109–60: *Provided further*, That \$772,000 shall be for reimbursing the General Services Administration for environmental testing and remediation on the federally owned facilities at St. Elizabeths Hospital, including but not limited to testing and remediation conducted prior to fiscal year 2009: *Provided further*, That in addition to amounts provided herein, the following amounts shall be available under section 241 of the PHS Act: (1) \$79,200,000 to carry out subpart II of part B of title XIX of the PHS Act to fund section 1935(b) technical assistance, national data, data collection and evaluation activities, and further that the total available under this Act for section 1935(b) activities shall not exceed 5 percent of the amounts appropriated for subpart II of part B of title XIX; (2) \$21,039,000 to carry out subpart I of part B of title XIX of the PHS Act to fund section 1920(b) technical assistance, national data, data collection and evaluation activities, and further that the total available under this Act for section 1920(b) activities shall not exceed 5 percent of the amounts appropriated for subpart I of part B of title XIX; (3) \$22,750,000 to carry out national surveys on drug abuse and mental health; and (4) \$8,596,000 to collect and analyze data and evaluate substance abuse treatment programs: *Provided further*, That section 520E(b)(2) of the PHS Act shall not apply to funds appropriated under this Act for fiscal year 2009.

AGENCY FOR HEALTHCARE RESEARCH AND QUALITY

HEALTHCARE RESEARCH AND QUALITY

For carrying out titles III and IX of the Public Health Service Act (“PHS Act”), part A of title XI of the Social Security Act, and section 1013 of the Medicare Prescription Drug, Improvement, and Modernization Act of 2003, amounts received from Freedom of Information Act fees, reimbursable and interagency agreements, and the sale of data shall be credited to this appropriation and shall remain available until expended: *Provided*, That the amount made available pursuant to section 937(c) of the PHS Act shall not exceed \$372,053,000.

CENTERS FOR MEDICARE AND MEDICAID SERVICES

GRANTS TO STATES FOR MEDICAID

For carrying out, except as otherwise provided, titles XI and XIX of the Social Security Act, \$149,335,031,000, to remain available until expended.

For making, after May 31, 2009, payments to States under title XIX of the Social Security Act for the last quarter of fiscal year 2009 for unanticipated costs, incurred for the current fiscal year, such sums as may be necessary.

For making payments to States or in the case of section 1928 on behalf of States under title XIX of the Social Security Act for the first quarter of fiscal year 2010, \$71,700,038,000, to remain available until expended.

Payment under title XIX may be made for any quarter with respect to a State plan or plan amendment in effect during such quarter, if submitted in or prior to such quarter and approved in that or any subsequent quarter.

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PAYMENTS TO HEALTH CARE TRUST FUNDS

For payment to the Federal Hospital Insurance Trust Fund and the Federal Supplementary Medical Insurance Trust Fund, as provided under sections 217(g), 1844, and 1860D–16 of the Social Security Act, sections 103(c) and 111(d) of the Social Security Amendments of 1965, section 278(d) of Public Law 97–248, and for administrative expenses incurred pursuant to section 201(g) of the Social Security Act, \$195,383,000,000.

In addition, for making matching payments under section 1844, and benefit payments under section 1860D–16 of the Social Security Act, not anticipated in budget estimates, such sums as may be necessary.

PROGRAM MANAGEMENT

For carrying out, except as otherwise provided, titles XI, XVIII, XIX, and XXI of the Social Security Act, titles XIII and XXVII of the Public Health Service Act (“PHS Act”), and the Clinical Laboratory Improvement Amendments of 1988, not to exceed \$3,305,386,000, to be transferred from the Federal Hospital Insurance Trust Fund and the Federal Supplementary Medical Insurance Trust Fund, as authorized by section 201(g) of the Social Security Act; together with all funds collected in accordance with section 353 of the PHS Act and section 1857(e)(2) of the Social Security Act, funds retained by the Secretary of Health and Human Services pursuant to section 302 of the Tax Relief and Health Care Act of 2006; and such sums as may be collected from authorized user fees and the sale of data, which shall be credited to this account and remain available until expended: *Provided*, That all funds derived in accordance with 31 U.S.C. 9701 from organizations established under title XIII of the PHS Act shall be credited to and available for carrying out the purposes of this appropriation: *Provided further*, That \$35,700,000, to remain available through September 30, 2010, shall be for contract costs for the Healthcare Integrated General Ledger Accounting System: *Provided further*, That \$108,900,000, to remain available through September 30, 2010, shall be for the Centers for Medicare and Medicaid Services (“CMS”) Medicare contracting reform activities: *Provided further*, That funds appropriated under this heading shall be available for the Healthy Start, Grow Smart program under which the CMS may, directly or through grants, contracts, or cooperative agreements, produce and distribute informational materials including, but not limited to, pamphlets and brochures on infant and toddler health care to expectant parents enrolled in the Medicaid program and to parents and guardians enrolled in such program with infants and children: *Provided further*, That the Secretary is directed to collect fees in fiscal year 2009 from Medicare Advantage organizations pursuant to section 1857(e)(2) of the Social Security Act and from eligible organizations with risk-sharing contracts under section 1876 of that Act pursuant to section 1876(k)(4)(D) of that Act: *Provided further*, That \$4,542,000 shall be used for the projects, and in the amounts, specified under the heading “Program Management” in the explanatory statement described in section 4 (in the matter preceding division A of this consolidated Act): *Provided further*, That \$75,000,000 is available for the State high risk health insurance pool program as authorized by the State High Risk Pool Funding Extension Act of 2006.

[House Appropriations Committee Print]

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

**DIVISION F—DEPARTMENTS OF LABOR,
HEALTH AND HUMAN SERVICES, AND EDU-
CATION, AND RELATED AGENCIES APPRO-
PRIATIONS ACT, 2009**

cal year 2009, AHRQ will be able to increase the number of participating hospitals within each of the 10 States, as well as increase the number of participating States, to bring this important and successful initiative to additional communities and healthcare facilities. In addition, AHRQ is urged to initiate a similar approach to CUSP in addressing other HAIs, including urinary tract infections and surgical site infections, as well as expand its activities to include research on ways to reduce HAIs in other healthcare settings, including hospital locations outside the ICU, dialysis centers, nursing homes, and ambulatory care settings.

AHRQ received funding in fiscal year 2008 to identify and reduce the spread of MRSA and other HAIs. Due to concern about the prevalence of these preventable infections, the bill provides AHRQ with \$8,000,000 to continue its work in this area. Funding is included to increase AHRQ's investment in evidence-based research to help healthcare providers and others implement quality improvement strategies to reduce the incidence of MRSA and other HAIs. In this effort, AHRQ is encouraged to continue to develop partnerships with healthcare delivery networks to implement system-wide MRSA prevention programs.

CENTERS FOR MEDICARE AND MEDICAID SERVICES

GRANTS TO STATES FOR MEDICAID

The bill includes \$149,335,031,000 for grants to States for Medicaid, which is \$7,706,975,000 above the fiscal year 2008 level and the same as the budget request.

PAYMENTS TO HEALTH CARE TRUST FUNDS

The bill provides \$195,383,000,000 for payments to health care trust funds, which is \$6,938,000,000 above the fiscal year 2008 level and \$75,000,000 above the budget request.

PROGRAM MANAGEMENT

The bill provides \$3,305,386,000 for program management, which is \$153,735,000 above the fiscal year 2008 level and \$1,958,000 below the budget request.

The bill includes language providing \$35,700,000, available through fiscal year 2010, for the Healthcare Integrated General Ledger Accounting System.

The bill includes language providing \$108,900,000, available through fiscal year 2010, for Medicare contractor reform activities.

The bill includes \$4,542,000 within research, demonstration and evaluation to support the following projects in the following amounts:

Project	Amount
Bedford Ride, Bedford, VA for a program to assist seniors.....	95,000
Bi-State Primary Care Association, Concord, NH for primary care workforce recruitment.....	105,000
Bi-State Primary Care Association, Concord, NH to treat uninsured patients.....	618,000
Bi-State Primary Care Association, Montpelier, VT to treat uninsured patients.....	190,000
Bucks County Health Improvement Partnership, Langhorne, PA to provide access to low-income patients.....	343,000
City of Milwaukee, WI, to improve access to and utilization of primary and preventive health care among low-income residents.....	171,000
Health Improvement Partnership of Santa Cruz County, Scotts Valley, CA to treat uninsured patients.....	238,000
Hope Through Housing Foundation, Rancho Cucamonga, CA for the Program of All-Inclusive Care for the Elderly (PACE) in Fontana, CA.....	238,000
Hospice Foundation of America, Washington, DC, for education programs.....	571,000
MAGNET, Inc., Cleveland, OH to establish Lean healthcare services at Humility of Mary Health Partners.....	143,000
Maryland Disability Law Center, Baltimore, MD for legal advocacy for disabled Medicaid recipients.....	95,000
Maternity Care Coalition, Philadelphia, PA for the MOMobile outreach program.....	285,000
Medical Foundation of Chattanooga, Chattanooga, TN, for Project Access to provide medical care to low-income patients.....	190,000
Medicare Chronic Care Practice Research Network, Sioux Falls, SD, to evolve and continue the Medicare Coordinated Care Demonstration project.....	666,000
Medicare Rights Center, New York, NY for interactive health care workshops.....	95,000
Miami Jewish Home and Hospital for the Aged, Miami, FL for the Palliative Care Center.....	214,000
Patient Advocate Foundation, Newport News, VA for a patient assistance program for the uninsured.....	190,000
University of Pittsburgh Medical Center, Pittsburgh, PA, to develop a comprehensive health care delivery model.....	95,000

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Within the total funding for research, demonstration, and evaluation, the bill includes \$5,000,000 for Real Choice Systems Change Grants to States.

The bill provides \$45,000,000 for the State Health Insurance Program.

The Centers for Medicare and Medicaid Services (CMS) is directed to include in the next publication of “Medicare & You” information regarding the importance of writing and updating advance directives and living wills.

HEALTH CARE FRAUD AND ABUSE CONTROL ACCOUNT

The bill includes \$198,000,000 from the Medicare trust funds for health care fraud and abuse control, which is \$198,000,000 above the fiscal year 2008 level and the same as the budget request. This level includes funding for CMS to expand its efforts to link Medicare claims and public records data and to initiate new demonstration projects using data mining technologies.

ADMINISTRATION FOR CHILDREN AND FAMILIES

PAYMENTS TO STATES FOR CHILD SUPPORT ENFORCEMENT AND FAMILY SUPPORT PROGRAMS

The bill includes \$2,759,078,000 for Child Support Enforcement and Family Support programs, which is \$238,892,000 below the fiscal year 2008 level and the same as the budget request.

LOW-INCOME HOME ENERGY ASSISTANCE

Public Law 110–329, the Consolidated Security, Disaster Assistance, and Continuing Appropriations Act, 2009, provided fiscal year 2009 funding of \$5,100,000,000 for the Low-Income Home Energy Assistance program (LIHEAP), which is \$2,529,672,000 above the fiscal year 2008 level and \$3,100,000,000 over the budget request. As a result, this bill does not include funding for LIHEAP.

REFUGEE AND ENTRANT ASSISTANCE

The bill includes \$633,442,000 for Refugee and Entrant Assistance programs, which is \$22,189,000 below the fiscal year 2008 level and \$5,398,000 above the budget request. With carryover funds, a total of \$685,493,000 will be available for these programs. In addition, the bill includes language providing for availability of funds through September 30, 2011 to reimburse the costs of services for all programs within the jurisdiction of the Office of Refugee Resettlement (ORR).

ORR is requested to provide adequate funding under Transitional and Medical Assistance to unaccompanied refugee minor programs for capacity development so that they have the necessary infrastructure to accommodate increasing numbers of unaccompanied and separated refugee children.

Within the funds provided for Social Services, the bill includes \$19,000,000 for continued support to communities with large concentrations of Cuban and Haitian entrants of varying ages whose cultural differences make assimilation especially difficult, justifying a more intense level and longer duration of Federal assistance.

Department of Health & Human Services	Centers for Disease Control and Prevention (CDC)	St. Mary Medical Center Foundation, Long Beach, CA for the Well Woman Outreach and Education Program focusing on chronic disease community outreach, education, and support	\$238,000	Richardson, Laura	Boxer
Department of Health & Human Services	Centers for Disease Control and Prevention (CDC)	State of Alaska Department of Health and Social Services, Anchorage, AK, for a program to prevent, control, and reduce incidence of obesity	\$476,000		Murkowski
Department of Health & Human Services	Centers for Disease Control and Prevention (CDC)	Texas Tech University Health Sciences Center, El Paso, TX, for the Center for Border Health Research	\$285,000		Hutchison
Department of Health & Human Services	Centers for Disease Control and Prevention (CDC)	University of Nebraska-Medical Center, Omaha, NE to establish an environmental health informatics database	\$238,000	Fortenberry, Jeff; Terry, Lee	Ben Nelson
Department of Health & Human Services	Centers for Disease Control and Prevention (CDC)	University of North Carolina at Greensboro, Greensboro, NC for the North Carolina Council for Health Literacy initiative	\$238,000	Coble, Howard	
Department of Health & Human Services	Centers for Disease Control and Prevention (CDC)	University of North Carolina-Chapel Hill in conjunction with East Carolina University, Chapel Hill, NC, to study racial disparities in cardiovascular disease	\$309,000		Dole; Burr
Department of Health & Human Services	Centers for Disease Control and Prevention (CDC)	University of Wisconsin—Milwaukee, Milwaukee, WI, to support and expand public health training programs	\$285,000		Kohl
Department of Health & Human Services	Centers for Disease Control and Prevention (CDC)	West San Gabriel Valley YMCA, San Gabriel, CA for an initiative to combat obesity	\$95,000	Schiff, Adam B.	
Department of Health & Human Services	Centers for Disease Control and Prevention (CDC)	Wheeling Jesuit University, Wheeling, WV, for the Mining and Industry Safety Technology and Training Innovation Center	\$2,854,000		Byrd
Department of Health & Human Services	Centers for Disease Control and Prevention (CDC)	Whitman-Walker Clinic, Inc., Washington, DC for HIV screening and education materials	\$48,000	Norton, Eleanor Holmes	
Department of Health & Human Services	Centers for Disease Control and Prevention (CDC)	Yale New Haven Health System, New Haven, CT, for emergency preparedness education and training activities at the Connecticut Center for Public Health Preparedness	\$238,000		Dodd; Lieberman
Department of Health & Human Services	Centers for Medicare and Medicaid Services (CMS)—Research & Demonstration	Bedford Ride, Bedford, VA for a program to assist seniors	\$95,000	Goode, Jr., Virgil H.	

LABOR, HEALTH AND HUMAN SERVICES, EDUCATION—Continued

Agency	Account	Project	Amount	Requester(s)	
				House	Senate
Department of Labor—National Projects	Mine Safety and Health Administration	United Mine Workers of America for mine rescue team training activities authorized under the Mine Safety and Health Act	\$1,808,000		Specter; Byrd
Department of Health & Human Services	Centers for Medicare and Medicaid Services (CMS)—Research & Demonstration	Bi-State Primary Care Association, Concord, NH for primary care workforce recruitment	\$105,000	Hodes, Paul W.	
Department of Health & Human Services	Centers for Medicare and Medicaid Services (CMS)—Research & Demonstration	Bi-State Primary Care Association, Concord, NH to treat uninsured patients	\$618,000	Hodes, Paul W.	Gregg; Sununu
Department of Health & Human Services	Centers for Medicare and Medicaid Services (CMS)—Research & Demonstration	Bi-State Primary Care Association, Montpelier, VT to treat uninsured patients	\$190,000	Welch, Peter	
Department of Health & Human Services	Centers for Medicare and Medicaid Services (CMS)—Research & Demonstration	Bucks County Health Improvement Partnership, Langhorne, PA to provide access to low-income patients	\$343,000	Murphy, Patrick J.	
Department of Health & Human Services	Centers for Medicare and Medicaid Services (CMS)—Research & Demonstration	City of Milwaukee, WI, to improve access to and utilization of primary and preventive health care among low-income residents	\$171,000		Kohl
Department of Health & Human Services	Centers for Medicare and Medicaid Services (CMS)—Research & Demonstration	Health Improvement Partnership of Santa Cruz County, Scotts Valley, CA to treat uninsured patients	\$238,000	Farr, Sam	
Department of Health & Human Services	Centers for Medicare and Medicaid Services (CMS)—Research & Demonstration	Hope Through Housing Foundation, Rancho Cucamonga, CA for the Program of All-Inclusive Care for the Elderly (PACE) in Fontana, CA	\$238,000	Baca, Joe	
Department of Health & Human Services	Centers for Medicare and Medicaid Services (CMS)—Research & Demonstration	Hospice Foundation of America, Washington, DC, for education programs	\$571,000		Harkin

Department of Health & Human Services	Centers for Medicare and Medicaid Services (CMS)—Research & Demonstration	MAGNET, Inc., Cleveland, OH to establish Lean healthcare services at Humility of Mary Health Partners	\$143,000	Ryan, Tim	Voinovich
Department of Health & Human Services	Centers for Medicare and Medicaid Services (CMS)—Research & Demonstration	Maryland Disability Law Center, Baltimore, MD for legal advocacy for disabled Medicaid recipients	\$95,000	Ruppersberger, C. A. Dutch	Cardin
Department of Health & Human Services	Centers for Medicare and Medicaid Services (CMS)—Research & Demonstration	Maternity Care Coalition, Philadelphia, PA for the MOMobile outreach program	\$285,000	Schwartz, Alyson Y.	
Department of Health & Human Services	Centers for Medicare and Medicaid Services (CMS)—Research & Demonstration	Medical Foundation of Chattanooga, Chattanooga, TN, for Project Access to provide medical care to low-income patients	\$190,000	Wamp, Zach	
Department of Health & Human Services	Centers for Medicare and Medicaid Services (CMS)—Research & Demonstration	Medicare Chronic Care Practice Research Network, Sioux Falls, SD, to evolve and continue the Medicare Coordinated Care Demonstration project	\$666,000		Johnson
Department of Health & Human Services	Centers for Medicare and Medicaid Services (CMS)—Research & Demonstration	Medicare Rights Center, New York, NY for interactive health care workshops	\$95,000	Lowey, Nita M.	
Department of Health & Human Services	Centers for Medicare and Medicaid Services (CMS)—Research & Demonstration	Miami Jewish Home and Hospital for the Aged, Miami, FL for the Palliative Care Center	\$214,000	Meek, Kendrick B.	
Department of Health & Human Services	Centers for Medicare and Medicaid Services (CMS)—Research & Demonstration	Patient Advocate Foundation, Newport News, VA for a patient assistance program for the uninsured	\$190,000	Scott, Robert C. Bobby	
Department of Health & Human Services	Centers for Medicare and Medicaid Services (CMS)—Research & Demonstration	University of Pittsburgh Medical Center, Pittsburgh, PA, to develop a comprehensive health care delivery model	\$95,000		Specter
Department of Health & Human Services	Health Resources and Services Administration (HRSA)—Health Facilities and Services	Access Community Health Network, Chicago, IL for facilities and equipment	\$181,000	Jackson, Jr., Jesse L.	
Department of Health & Human Services	Health Resources and Services Administration (HRSA)—Health Facilities and Services	Access Community Health Network, Chicago, IL, for construction at Holy Cross Hospital	\$476,000		Durbin