

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.

IMPACT AID

For carrying out programs of financial assistance to federally affected schools authorized by title VIII of the Elementary and Secondary Education Act of 1965, \$1,265,718,000, of which \$1,128,535,000 shall be for basic support payments under section 8003(b), \$48,602,000 shall be for payments for children with disabilities under section 8003(d), \$17,509,000 shall be for construction under section 8007(b) and shall remain available through September 30, 2010, \$66,208,000 shall be for Federal property payments under section 8002, and \$4,864,000, to remain available until expended, shall be for facilities maintenance under section 8008: *Provided*, That for purposes of computing the amount of a payment for an eligible local educational agency under section 8003(a) for school year 2008–2009, children enrolled in a school of such agency that would otherwise be eligible for payment under section 8003(a)(1)(B) of such Act, but due to the deployment of both parents or legal guardians, or a parent or legal guardian having sole custody of such children, or due to the death of a military parent or legal guardian while on active duty (so long as such children reside on Federal property as described in section 8003(a)(1)(B)), are no longer eligible under such section, shall be considered as eligible students under such section, provided such students remain in average daily attendance at a school in the same local educational agency they attended prior to their change in eligibility status.

SCHOOL IMPROVEMENT PROGRAMS

For carrying out school improvement activities authorized by parts A, B, and D of title II, part B of title IV, subparts 6 and 9 of part D of title V, parts A and B of title VI, and parts B and C of title VII of the Elementary and Secondary Education Act of 1965 (“ESEA”); the McKinney-Vento Homeless Assistance Act; section 203 of the Educational Technical Assistance Act of 2002; the Compact of Free Association Amendments Act of 2003; and the Civil Rights Act of 1964, \$5,362,016,000, of which \$3,495,865,000 shall become available on July 1, 2009, and remain available through September 30, 2010, and of which \$1,681,441,000 shall become available on October 1, 2009, and shall remain available through September 30, 2010, for academic year 2009–2010: *Provided*, That of the funds available for section 2103(a) of the ESEA, \$5,000,000 shall be available for a school leadership partnership initiative and up to \$7,500,000 shall be available for teacher and principal quality national activities administered by the Secretary of Education, as specified in the explanatory statement described in section 4 (in the matter preceding division A of this consolidated Act): *Provided further*, That funds made available to carry out part B of title VII of the ESEA may be used for construction, renovation and modernization of any elementary school, secondary school, or structure related to an elementary school or secondary school, run by the Department of Education of the State of Hawaii, that serves a predominantly Native Hawaiian student body: *Provided further*, That from the funds referred to in the preceding proviso, not less than \$1,500,000 shall be for a grant to the Department of Education of the State of Hawaii for the activities described in such proviso, and \$1,500,000 shall be for a grant to the University of Hawaii School of Law for a Center

of Excellence in Native Hawaiian law: *Provided further*, That funds made available to carry out part C of title VII of the ESEA may be used for construction: *Provided further*, That up to 100 percent of the funds available to a State educational agency under part D of title II of the ESEA may be used for subgrants described in section 2412(a)(2)(B) of such Act: *Provided further*, That \$57,113,000 shall be available to carry out section 203 of the Educational Technical Assistance Act of 2002: *Provided further*, That \$33,791,000 shall be available to carry out part D of title V of the ESEA: *Provided further*, That no funds appropriated under this heading may be used to carry out section 5494 under the ESEA: *Provided further*, That \$17,687,000 shall be available to carry out the Supplemental Education Grants program for the Federated States of Micronesia and the Republic of the Marshall Islands: *Provided further*, That up to 5 percent of these amounts may be reserved by the Federated States of Micronesia and the Republic of the Marshall Islands to administer the Supplemental Education Grants programs and to obtain technical assistance, oversight and consultancy services in the administration of these grants and to reimburse the United States Departments of Labor, Health and Human Services, and Education for such services: *Provided further*, That \$7,360,000 of the funds available for the Foreign Language Assistance Program shall be available for 5-year grants to local educational agencies that would work in partnership with one or more institutions of higher education to establish or expand articulated programs of study in languages critical to United States national security that will enable successful students to advance from elementary school through college to achieve a superior level of proficiency in those languages.

INDIAN EDUCATION

For expenses necessary to carry out, to the extent not otherwise provided, title VII, part A of the Elementary and Secondary Education Act of 1965, \$122,282,000.

INNOVATION AND IMPROVEMENT

For carrying out activities authorized by part G of title I, subpart 5 of part A and parts C and D of title II, parts B, C, and D of title V, and section 1504 of the Elementary and Secondary Education Act of 1965, \$996,425,000: *Provided*, That \$10,649,000 shall be provided to the National Board for Professional Teaching Standards to carry out section 2151(c), including \$1,000,000 to develop a National Board certification for principals of elementary and secondary schools: *Provided further*, That from funds for subpart 4, part C of title II, up to 3 percent shall be available to the Secretary of Education for technical assistance and dissemination of information: *Provided further*, That \$347,640,000 shall be available to carry out part D of title V: *Provided further*, That \$88,015,000 shall be used for the projects, and in the amounts, specified under the heading “Innovation and Improvement” in the explanatory statement described in section 4 (in the matter preceding division A of this consolidated Act): *Provided further*, That \$97,270,000 of the funds for subpart 1 shall be for competitive grants to local educational agencies, including charter schools that are local educational agencies, or States, or partnerships of: (1) a local educational agency, a State, or both; and (2) at least one

[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**

based reading instruction programs that have been proven effective.

The Department is directed to strengthen professional development partnerships for early childhood educators through grants awarded under Early Reading First.

IMPACT AID

The bill includes \$1,265,718,000 for the Impact Aid account, which is \$25,000,000 above the fiscal year 2008 funding level and the budget request.

SCHOOL IMPROVEMENT PROGRAMS

The bill includes \$5,362,016,000 for the School Improvement Programs account, which is \$72,939,000 above the fiscal year 2008 funding level and \$795,693,000 above the budget request. The bill provides \$3,680,575,000 in fiscal year 2009 and \$1,681,441,000 in fiscal year 2010 funding for this account.

Within the amount provided for Teacher Quality State Grants, \$5,000,000 shall be for a national initiative to recruit, train, and support results-oriented, highly motivated individuals to lead high-need schools with a focus on raising the achievement of all students and closing the achievement gap in these schools. The Department shall provide a grant to New Leaders for New Schools (NLNS) to build the organization's capacity to develop and deliver training for aspiring principals and support for principals; conduct research to create a national knowledge base to inform the recruitment, selection, and training of principals for high-need schools; and produce a report on rural school leadership based on existing research and available data from rural schools and systems. NLNS and its partners shall provide not less than a 150 percent match in cash or in-kind for the Federal funds provided under this heading. The match may consist of cash or in-kind offerings by private philanthropy or public sources, including funding allocated by partner State and school systems. In addition, up to \$7,500,000 shall be for the Secretary to use for teacher and principal quality initiatives designed to improve recruitment, training, mentoring, retention and placement, and transform education outcomes.

Within the \$1,131,166,000 provided for 21st Century Community Learning Centers, the Department shall encourage States to use 40 percent of their additional allocation over the fiscal year 2008 funding level to provide supervised and supportive after-school activities to middle and high school students.

Within the \$9,489,000 provided for Training and Advisory Services, \$2,500,000 is available for competitive grants to school districts to arrange and pay for technical assistance in preparing, adopting, or modifying, and implementing student assignment plans in accordance with the parameters of recent Supreme Court decisions pertaining to school desegregation, which require a compelling governmental interest in avoiding racial isolation and the resulting re-segregation in the Nation's schools, and in facilitating student diversity. School districts shall utilize the grant funds to seek assistance and expertise from student assignment specialists, demographers, community relations specialists, facility and other

planners, curriculum specialists and others in comparable school districts with relevant and successful experience, as well as specialists and consultants from academia, non-profit organizations, civil rights organizations, and the private sector. Further, the Department shall administer these grants in amounts not to exceed \$250,000 each, in a manner that reflects the particular needs and complexity of plans from differing communities, and allows for short-term or multi-year assistance as necessary.

The bill includes language that allows funds under the Education of Native Hawaiians program to be used for construction, renovation, and modernization of any elementary school, secondary school, or structure related to an elementary school or secondary school run by the Department of Education of the State of Hawaii that serves a predominantly Native Hawaiian student body. The bill also includes language which designates, within the amount provided for the Education of Native Hawaiians program, not less than \$1,500,000 to the Hawaii Department of Education for school construction/renovation activities, and \$1,500,000 for the University of Hawaii's Center of Excellence in Native Hawaiian Law.

The bill includes language that allows funds for the Alaska Native Educational Equity program to be used for construction.

INDIAN EDUCATION

The bill includes \$122,282,000 for the Indian Education account, which is \$2,718,000 above the fiscal year 2008 funding level and the budget request.

INNOVATION AND IMPROVEMENT

The bill includes \$996,425,000 for the Innovation and Improvement account, which is \$10,908,000 above the fiscal year 2008 funding level and \$128,908,000 above the budget request.

For the Advanced Credentialing program, the bill specifies \$10,649,000 for the National Board of Professional Teaching Standards (NBPTS), of which \$1,000,000 shall be available for NBPTS to develop a national board certification for elementary and secondary school principals.

The bill modifies language for the Charter Schools program to permit the Secretary of Education to use funds in excess of \$195,000,000 to carry out the State Facilities Incentive and Credit Enhancement for Charter Facilities programs.

Fund for the Improvement of Education (FIE)

The bill includes \$250,370,000 for the Fund for the Improvement of Education.

The bill includes funding for the following activities authorized under section 5411 of the Elementary and Secondary Education Act:

| Budget Activity | FY 2009 Bill | FY 2009 Bill compared to— | |
|--|--------------|---------------------------|------------------------|
| | | FY 2008 | FY 2009 Budget Request |
| Evaluation and data quality initiative | \$1,890,000 | +\$98,848 | -\$110,000 |
| National Institute of Building Science for the National Clearinghouse for Educational Facilities | 700,000 | +12,229 | +700,000 |

LABOR, HEALTH AND HUMAN SERVICES, EDUCATION—Continued

| Agency | Account | Project | Amount | Requester(s) | |
|---|--|---|--------------|---|--|
| | | | | House | Senate |
| Department of Education—National Projects | Safe Schools and Citizenship Education | National Council on Economic Education for the Cooperative Education Exchange program, which is authorized in the Elementary and Secondary Education Act as part of the Civic Education Program | \$5,019,000 | Abercrombie, Neil; Arcuri, Michael A.; Becerra, Xavier; Berkley, Shelley; Boswell, Leonard L.; Boyda, Nancy E.; Capps, Lois; Carnahan, Russ; Castle, Michael N.; Cohen, Steve; Costa, Jim; Davis, Danny K.; Davis, Susan A.; Dent, Charles W.; Doyle, Michael F.; Ellsworth, Brad; Etheridge, Bob; Gerlach, Jim; Gonzalez, Charles A.; Green, Gene; Herseeth Sandlin, Stephanie; Hinojosa, Rubén; Hirono, Mazie K.; Johnson, Eddie Bernice; Johnson, Jr., Henry C. Hank; Johnson, Timothy V.; Kildee, Dale E.; Kucinich, Dennis J.; Langevin, James R.; Lofgren, Zoe; McGovern, James P.; Miller, Brad; Moore, Dennis; Nadler, Jerrold; Pascrell, Jr., Bill; Perlmutter, Ed; Pomeroy, Earl; Price, David E.; Rahall, II, Nick J.; Roskam, Peter J.; Rush, Bobby L.; Schakowsky, Janice D.; Scott, David; Shays, Christopher; Shea-Porter, Carol; Sherman, Brad; Solis, Hilda L.; Sutton, Betty; Van Hollen, Chris; Walz, Timothy J.; Young, Don | Cochran; Durbin; Feinstein; Johnson; Leahy; Reed; Akaka; Baucus; Bayh; Biden; Bingaman; Boxer; Brown; Bunning; Cantwell; Cardin; Clinton; Coleman; Collins; Dodd; Dole; Ensign; Graham; Hagel; Kennedy; Kerry; Kyl; Levin; Lieberman; Lincoln; Lugar; Martinez; Menendez; Murkowski; Bill Nelson; Pryor; Roberts; Rockefeller; Salazar; Schumer; Smith; Snowe; Sessions; Stabenow; Tester; Webb; Whitehouse; Wicker; Wyden |
| Department of Education—National Projects | School Improvement | New Leaders for New Schools for activities authorized under the Elementary and Secondary Education Act | \$5,000,000 | Miller, George; Regula, Ralph; Walsh, James T. | |
| Department of Education—National Projects | School Improvement | Alaska Native Educational Equity for activities authorized under the Elementary and Secondary Education Act | \$33,315,000 | Young, Don | Inouye; Murkowski |
| Department of Education—National Projects | School Improvement | Education for Native Hawaiians for activities authorized under the Elementary and Secondary Education Act | \$33,315,000 | Abercrombie, Neil; Hirono, Mazie K.; Honda, Michael M. | Inouye; Murkowski; Akaka |
| Department of Education—National Projects | Special Education | Recording for the Blind and Dyslexic, Inc. for development, production, and circulation of recorded educational materials as authorized under section 674(c)(1)(D) of the Individuals with Disabilities Education Act | \$13,250,000 | Holt, Rush D. | Harkin; Specter |