

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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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.

non-profit organization to develop and implement performance-based teacher and principal compensation systems in high-need schools: *Provided further*, That such performance-based compensation systems must consider gains in student academic achievement as well as classroom evaluations conducted multiple times during each school year among other factors and provide educators with incentives to take on additional responsibilities and leadership roles: *Provided further*, That up to 5 percent of such funds for competitive grants shall be available for technical assistance, training, peer review of applications, program outreach and evaluation activities: *Provided further*, That of the funds available for part B of title V, the Secretary shall use up to \$21,031,000 to carry out activities under section 5205(b) and under subpart 2, and shall use not less than \$195,000,000 to carry out other activities authorized under subpart 1.

SAFE SCHOOLS AND CITIZENSHIP EDUCATION

For carrying out activities authorized by subpart 3 of part C of title II, part A of title IV, and subparts 2, 3 and 10 of part D of title V of the Elementary and Secondary Education Act of 1965, \$690,370,000, of which \$294,759,000 shall become available on July 1, 2009, and remain available through September 30, 2010: *Provided*, That \$294,759,000 shall be available for subpart 1 of part A of title IV and \$220,240,000 shall be available for subpart 2 of part A of title IV: *Provided further*, That \$141,912,000 shall be available to carry out part D of title V: *Provided further*, That of the funds available to carry out subpart 3 of part C of title II, up to \$13,383,000 may be used to carry out section 2345 and \$2,957,000 shall be used by the Center for Civic Education to implement a comprehensive program to improve public knowledge, understanding, and support of the Congress and the State legislatures.

ENGLISH LANGUAGE ACQUISITION

For carrying out part A of title III of the Elementary and Secondary Education Act of 1965, \$730,000,000, which shall become available on July 1, 2009, and shall remain available through September 30, 2010, except that 6.5 percent of such amount shall be available on October 1, 2008, and shall remain available through September 30, 2010, to carry out activities under section 3111(c)(1)(C): *Provided*, That the Secretary of Education shall use the American Community Survey child counts to calculate State allocations under such part but, for any State that would otherwise receive greater than a 10-percent reduction from its previous year's allocation, the Secretary shall carry out such calculation using the average of the American Community Survey child counts for the 3 most recent years.

SPECIAL EDUCATION

For carrying out the Individuals with Disabilities Education Act ("IDEA") and the Special Olympics Sport and Empowerment Act of 2004, \$12,579,677,000, of which \$3,726,354,000 shall become available on July 1, 2009, and shall remain available through September 30, 2010, and of which \$8,592,383,000 shall become available on October 1, 2009, and shall remain available through

September 30, 2010, for academic year 2009–2010: *Provided*, That \$13,250,000 shall be for Recording for the Blind and Dyslexic, Inc., to support the development, production, and circulation of recorded educational materials: *Provided further*, That \$737,000 shall be for the recipient of funds provided by Public Law 105–78 under section 687(b)(2)(G) of the IDEA (as in effect prior to the enactment of the Individuals with Disabilities Education Improvement Act of 2004) to provide information on diagnosis, intervention, and teaching strategies for children with disabilities: *Provided further*, That the amount for section 611(b)(2) of the IDEA shall be equal to the lesser of the amount available for that activity during fiscal year 2008, increased by the amount of inflation as specified in section 619(d)(2)(B) of the IDEA, or the percentage increase in the funds appropriated under section 611(i) of the IDEA: *Provided further*, That funds made available for the Special Olympics Sport and Empowerment Act of 2004 may be used to support expenses associated with the Special Olympics National and World games hosted in the United States.

REHABILITATION SERVICES AND DISABILITY RESEARCH

For carrying out, to the extent not otherwise provided, the Rehabilitation Act of 1973, the Assistive Technology Act of 1998, and the Helen Keller National Center Act, \$3,387,762,000: *Provided*, That \$3,088,000 shall be used for the projects, and in the amounts, specified under the heading “Rehabilitation Services and Disability Research” in the explanatory statement described in section 4 (in the matter preceding division A of this consolidated Act).

SPECIAL INSTITUTIONS FOR PERSONS WITH DISABILITIES

AMERICAN PRINTING HOUSE FOR THE BLIND

For carrying out the Act of March 3, 1879, \$22,599,000.

NATIONAL TECHNICAL INSTITUTE FOR THE DEAF

For the National Technical Institute for the Deaf under titles I and II of the Education of the Deaf Act of 1986, \$64,212,000, of which \$1,175,000 shall be for construction and shall remain available until expended: *Provided*, That from the total amount available, the Institute may at its discretion use funds for the endowment program as authorized under section 207 of such Act.

GALLAUDET UNIVERSITY

For the Kendall Demonstration Elementary School, the Model Secondary School for the Deaf, and the partial support of Gallaudet University under titles I and II of the Education of the Deaf Act of 1986, \$124,000,000, of which \$6,000,000 shall be for construction and shall remain available until expended: *Provided*, That from the total amount available, the University may at its discretion use funds for the endowment program as authorized under section 207 of such Act.

CAREER, TECHNICAL, AND ADULT EDUCATION

For carrying out, to the extent not otherwise provided, the Carl D. Perkins Career and Technical Education Act of 2006, the

Department of Education—National Projects	Special Education	Washington Educational Television Association for a national program to provide information on diagnosis, intervention, and teaching strategies for children with disabilities authorized under Public Law 105-78	\$737,000		Cochran
Department of Education—National Projects	Special Education	Special Olympics for Special Olympics educational programs that can be integrated into classroom instruction and for activities to increase the participation of individuals with intellectual disabilities, as authorized under the Special Olympics Sport and Empowerment Act	\$8,095,000	DeLauro, Rosa L.; Honda, Michael M.; Hoyer, Steny H.; Price, David E.; Terry, Lee	Harkin; Craig; Ben Nelson
Department of Health & Human Services—National Projects	ACF	National Association of Child Care Resources and Referral Agencies for the Child Care Aware toll-free hotline authorized under the Child Care Development Block Grant Act	\$1,000,000	Moran, James	
Department of Health & Human Services—National Projects	HRSA	Native Hawaiian Health Care to provide primary health promotion and disease prevention services to Native Hawaiians through regional clinics under the Native Hawaiian Health Care Act of 1988	\$14,200,000	Abercrombie, Neil; Hirono, Mazie K.; Honda, Michael M.	Inouye; Akaka
Department of HHS—National Projects	HRSA	Delta Health Alliance, Inc. to improve the delivery of public health services in the Mississippi Delta region under title III of the Public Health Service Act	\$26,000,000		Cochran
Department of HHS—National Projects	HRSA	Denali Commission to support health projects and economic development activities for the arctic region under the Denali Commission Act of 1998	\$19,642,000		Murkowski
Department of Labor—National Projects	Departmental Management	International Program for the Elimination of Child Labor for the U.S. contribution to a multinational effort to combat child labor, consistent with Executive Order 12216 and the William Wilberforce Trafficking Victims Protection Reauthorization Act of 2008	\$39,260,000		Harkin
Department of Labor—National Projects	ETA	Denali Commission for job training activities under the Denali Commission Act of 1998	\$3,378,000		Murkowski
Department of Labor—National Projects	OSHA	Institutional Competency Grants under the Susan Harwood Training Program authorized under the Occupational Safety and Health Act	\$3,144,000	Miller, George	Harkin; Specter