

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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H. R. 1105—2

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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

1 available to carry out section 208 of the Educational Tech-
2 nical Assistance Act may be used for State data coordina-
3 tors and for awards to public or private organizations or
4 agencies to improve data coordination.

5 DEPARTMENTAL MANAGEMENT

6 PROGRAM ADMINISTRATION

7 For carrying out, to the extent not otherwise pro-
8 vided, the Department of Education Organization Act, in-
9 cluding rental of conference rooms in the District of Co-
10 lumbia and hire of three passenger motor vehicles,
11 \$433,482,000, of which \$5,400,000, to remain available
12 until expended, shall be for relocation of, and renovation
13 of buildings occupied by, Department staff.

14 OFFICE FOR CIVIL RIGHTS

15 For expenses necessary for the Office for Civil
16 Rights, as authorized by section 203 of the Department
17 of Education Organization Act, \$96,826,000.

18 OFFICE OF THE INSPECTOR GENERAL

19 For expenses necessary for the Office of the Inspector
20 General, as authorized by section 212 of the Department
21 of Education Organization Act, \$54,539,000.

22 **GENERAL PROVISIONS**

23 SEC. 301. No funds appropriated in this Act may be
24 used for the transportation of students or teachers (or for
25 the purchase of equipment for such transportation) in
26 order to overcome racial imbalance in any school or school

1 be transferred between appropriations, but no such appro-
2 priation shall be increased by more than 3 percent by any
3 such transfer: *Provided*, That the transfer authority
4 granted by this section shall be available only to meet
5 emergency needs and shall not be used to create any new
6 program or to fund any project or activity for which no
7 funds are provided in this Act: *Provided further*, That the
8 Committees on Appropriations of the House of Represent-
9 atives and the Senate are notified at least 15 days in ad-
10 vance of any transfer.

11 SEC. 305. The signature pages submitted by Heart
12 Butte School District in Pondera County, Montana, as
13 part of its application for Impact Aid under title VIII of
14 the Elementary and Secondary Education Act of 1965,
15 shall be considered to have been timely and complete for
16 purposes of receiving funding under such program for fis-
17 cal year 2009.

18 SEC. 306. The Outlying Areas may consolidate funds
19 received under this Act as well as any remaining funds
20 received under the Department of Education Appropria-
21 tions Act, 2008, pursuant to 48 U.S.C. 1469a, under part
22 A of title V of the Elementary and Secondary Education
23 Act.

24 This title may be cited as the “Department of Edu-
25 cation Appropriations Act, 2009”.

[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

For TRIO, the Department shall reserve \$7,745,000 of the funding increase, for a total of \$290,045,000, for the Student Support Services program, which will be re-competed in fiscal year 2009. Further, \$5,000,000 of the funding increase for Student Support Services shall be for college completion awards to provide grant aid to participating students who are at high risk of dropping out of college due to financial need. The Department shall ensure that Student Support Services projects that receive the college completion awards provide matching funds equal to 33 percent of the total award.

For other TRIO programs, the Department shall reserve the following: \$3,100,000 of the funding increase for Upward Bound Math-Science, for a total of \$34,100,000; \$1,300,000 of the increase, for a total of \$14,400,000, for Veterans Upward Bound; and \$2,970,000 of the funding increase, for a total of \$46,570,000, for the McNair Postbaccalaureate Achievement Program. The Department shall use any additional funds for Upward Bound Math Science, Upward Bound Veterans, and the McNair programs to fund high-ranking applicants from the 2007 competitions for these programs that did not receive an award.

The Department shall not obligate any funds for an Upward Bound evaluation until the Department submits a report including the specifications for the evaluation and provides a briefing to the Committees on Appropriations of the House of Representatives and the Senate on its proposal.

Within the \$313,212,000 provided for GEAR UP, the Department shall reserve \$4,405,000 of the increase over fiscal year 2008 for State grants. In addition, within the \$4,405,000, half of that shall be used to provide student scholarships. In addition, the Department shall reserve \$5,384,000 for Partnership grants. The Department shall give favorable consideration in any GEAR UP competition to Partnership Grant applicants that, in addition to providing early intervention services, guarantee college scholarships to GEAR UP students.

For Teacher Quality Enhancement Grants, the bill specifies that \$6,556,000 shall be available for the Department to continue funding the recipients of multi-year grants that were in effect prior to the recent reauthorization of the Higher Education Act, which modified the authorization for Teacher Recruitment Grants.

HOWARD UNIVERSITY

The bill includes \$234,977,000 for Howard University, which is \$1,733,000 above the fiscal year 2008 funding level and \$1,732,000 above the budget request. Within this amount, \$28,946,000 is for the Howard University hospital.

COLLEGE HOUSING AND ACADEMIC FACILITIES LOANS PROGRAM

The bill includes \$461,000 for the College Housing and Academic Facilities Loans Program, which is \$12,000 below the fiscal year 2008 funding level and the same as the budget request.

HISTORICALLY BLACK COLLEGE AND UNIVERSITY CAPITAL FINANCING PROGRAM ACCOUNT

The bill includes \$10,354,000 for the HBCU Capital Financing Program Account, which is \$10,169,000 above the fiscal year 2008 funding level and the same as the budget request.

The bill specifies that within the amount provided, \$10,000,000 shall be used for loan subsidy costs. The bill also increases the total limit on bonds insured under this program from \$375,000,000 to \$725,000,000.

INSTITUTE OF EDUCATION SCIENCES

The bill includes \$617,175,000 for the Institute of Education Sciences (IES), which is \$71,070,000 above the fiscal year 2008 funding level and \$41,072,000 below the budget re-

quest. The bill specifies that \$312,241,000 of total funding shall be available through fiscal year 2010.

IES should be the lead agency for congressionally authorized evaluations of Federal education programs using various methodologies, to ensure that the evaluations are rigorous, include scientific peer review, and are independent of the program offices. Given the concerns raised regarding the methodology utilized in at least one of IES's program evaluations as well as the operation of the What Works Clearinghouse, IES should be mindful that the methodology it employs for any program evaluation or assessment of evidence regarding the effectiveness of education interventions must be beyond reproach so as to ensure the highest degree of public confidence in the objectivity of its analyses.

Within the amount provided for Research, Development, and Dissemination, \$8,023,000 is included for the What Works Clearinghouse. GAO shall examine the What Works Clearinghouse reviews to determine if they meet current standards in terms of emphasizing large randomized and matched experiments, using outcome measures independent of treatments, and emphasizing research done over significant time periods. In addition, GAO should examine the pace of completion of reviews, the degree of consistency of standards and review procedures from topic to topic, and the clarity and usefulness of the What Works Clearinghouse for practicing educators, including the extent to which practicing educators utilize the What Works Clearinghouse. GAO shall also make recommendations for how the What Works Clearinghouse can make its reviews more scientifically valid, fair, timely and meaningful to educators and researchers at a lower cost. GAO shall submit a report of its findings to the Committees on Appropriations of the House of Representatives and the Senate.

DEPARTMENTAL MANAGEMENT PROGRAM ADMINISTRATION

The bill includes \$433,482,000 for Program Administration, which is \$22,208,000 above the fiscal year 2008 funding level and \$10,957,000 below the budget request.

The Secretary is directed to provide to the Committees on Appropriations of the House of Representatives and the Senate, a detailed inventory of the Department's greenhouse gas emissions, and a plan to reduce these emissions by December 31, 2009.

States and school districts face significant financial challenges in implementing all of the requirements of the No Child Left Behind Act. The Department is encouraged to provide a report to the Committees on Appropriations of the House of Representatives and the Senate detailing the amount of money Federal, State, and local governments are spending on No Child Left Behind-related testing requirements and how many hours in a school year are dedicated to testing, within one year following the enactment of this Act.

OFFICE FOR CIVIL RIGHTS

The bill includes \$96,826,000 for the Office for Civil Rights, which is \$7,214,000 above the fiscal year 2008 funding level and \$4,214,000 below the budget request.

The Department is encouraged to collaborate with relevant organizations to conduct a campus survey on the frequency of sexual harassment incidents on college campuses in order to assess the need for an online reporting system for sexual harassment.

OFFICE OF THE INSPECTOR GENERAL

The bill provides \$54,539,000 for the Office of the Inspector General, which is \$3,690,000 above the fiscal year 2008 funding level and the same as the budget request.

GENERAL PROVISIONS

Sec. 301. The bill continues a provision that prohibits funds under this Act from being used for the transportation of students or teachers in order to overcome racial imbalances or to carry out a plan of racial desegregation.

Sec. 302. The bill continues a provision that prohibits funds under this Act from being used to require the transportation of any student to a school other than the school which is nearest the student's home in order to comply with Title VI of the Civil Rights Act of 1964.

Sec. 303. The bill continues a provision that prohibits funds under this Act from being used to prevent the implementation of programs of voluntary prayer and meditation in public schools.

(TRANSFER OF FUNDS)

Sec. 304. The bill continues a provision that allows up to one percent of any discretionary funds appropriated for the Department of Education to be transferred between appropriations accounts, provided that no appropriation is increased by above three percent by any such transfer.

Sec. 305. The bill includes new language that states the signature pages submitted by Heart Butte School District in Pondera County, Montana, as part of its application for Impact Aid under Title VIII of the Elementary and Secondary Education Act of 1965 shall be considered to have been submitted timely and complete for purposes of receiving funding under such program for fiscal year 2009.

Sec. 306. The bill includes new language which allows the Outlying Areas to consolidate funds under title V of the Elementary and Secondary Education Act.

TITLE IV—RELATED AGENCIES COMMITTEE FOR PURCHASE FROM PEOPLE WHO ARE BLIND OR SEVERELY DISABLED

SALARIES AND EXPENSES

The bill includes \$5,094,000 for the Committee for Purchase From People Who Are Blind or Severely Disabled, which is \$187,000 above the fiscal year 2008 level and the same as the budget request.

CORPORATION FOR NATIONAL AND COMMUNITY SERVICE

OPERATING EXPENSES

The bill includes \$680,564,000 for the operating expenses of the programs administered by the Corporation for National and Community Service (CNCS), which is \$35,355,000 more than the fiscal year 2008 funding level and \$61,221,000 more than the budget request. Funding for the National Service Trust is provided in a separate appropriations account.

The maximum total dollars that may be used in fiscal year 2009 for Grants.gov/eGrants support, Training and Technical Assistance, and Recruitment and Retention activities shall not exceed the amount provided for these activities in fiscal year 2008.

Within the total for Innovation, Assistance, and Other Activities, the bill includes sufficient funding for merit-based competitive grants for supporting and expanding volunteerism. Previous partnership grantees, such as the Points of Light Foundation, America's Promise, and Communities in Schools, are expected to be among the eligible applicants. National programs that build alignment among youth-serving organizations and other sectors to promote coordination of services for disadvantaged youth to achieve better outcomes are recommended for consideration.

NATIONAL SERVICE TRUST (INCLUDING TRANSFER OF FUNDS)

The bill includes \$131,075,000 for the National Service Trust (Trust), to be available

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; Herseth 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
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
Department of Education	General Provision	Impact Aid eligibility for Heart Butte School District in Pondera County, MT		Rehberg, Dennis R.	