



Legislative Bulletin.....April 30, 2002

Contents:

- H.R. 169**—Notification and Federal Employee Anti-discrimination and Retaliation Act (Concur in Senate Amendment)
H. R. 3909—Gunn McKay Nature Preserve Act
H. R. 3421— Yosemite National Park Education Improvement Act
H.Res. 261—Recognizing the historical significance of the Aquia sandstone quarries of Government Island in Stafford County, Virginia, for their contributions to the construction of the Capital of the United States
H.R. 2109 — Virginia Key Beach Resource Study Act
H. R. 2628—To direct the Secretary of the Interior to conduct a study of the suitability and feasibility of establishing the Muscle Shoals National Heritage Area in Alabama, and for other purposes
H.R. 64—Strengthening Science at the Environmental Protection Agency Act
S. 2248 — Export-Import Bank Extension Act
Use of Capitol Grounds: H.Con.Res. 347— Authorizing the use of the Capitol Grounds for the National Peace Officers' Memorial Service -- **H.Con.Res. 348** - Authorizing the use of the Capitol Grounds for the National Book Festival -- **H.Con.Res. 354**—Authorizing the use of the Capitol Grounds for the District of Columbia Special Olympics Law Enforcement Torch Run -- **H.Con.Res. 356**—Authorizing the use of the Capitol Grounds for the Greater Washington Soap Box Derby
H.Con.Res. 358—Supporting the goals and ideals of National Better Hearing and Speech Month
H.Con.Res. 388—Expressing the sense of the Congress that there should be established a National Minority Health and Health Disparities Month
H.Con.Res. 386 — Supporting a National Charter Schools Week
H.R. 3801 — Education Sciences Reform Act of 2002
H.Con.Res. 391— Honoring the University of Minnesota Golden Gophers men's hockey and wrestling teams and the University of Minnesota-Duluth Bulldogs women's hockey team for winning the 2002 National Collegiate Athletic Association championship.
H.Res. 401—Congratulating the University of Connecticut Huskies for winning the 2002 National Collegiate Athletic Association Division I women's basketball championship

H.R. 169—Notification and Federal Employee Anti-discrimination and Retaliation Act (Concur in Senate Amendment) (Sensenbrenner)

Order of Business: The bill as amended by the Senate is scheduled to be considered on Tuesday, April 30th, under a motion to suspend the rules and pass the bill. The House first passed H.R. 169 on October 2, 2001, by a vote of 420-0. On April 23, 2002, the Senate passed H.R. 169 with amendments by unanimous consent.

Summary (Senate amendments in *bold italics*): H.R. 169 would require that any payment to any current or former federal employee or applicant in connection with certain anti-discrimination and whistle-blower protection proceedings come from a fund established for

such payments out of operating expenses of the agency to which the discriminatory conduct is attributable. In other words, federal agencies would become financially and otherwise accountable for violations of anti-discrimination and whistleblower protection laws.

Each federal agency would be required to submit an annual report to the Speaker of the House, the President pro tempore of the Senate, the Equal Employment Opportunity Commission (EEOC), and the Attorney General providing detailed information concerning anti-discrimination and whistle-blower cases. *(New requirements for the annual report were added by the Senate.)*

The President would be required to issue rules to carry out this title and mandate an executive branch study to determine the best practices for federal agency disciplinary actions against such employees.

The General Accounting Office would be required to report on the effects of eliminating the requirement that federal employees exhaust administrative remedies before filing complaints with the EEOC. *The GAO would also be directed to study and report to Congress on how the Department of Justice could ascertain the personnel and administrative costs incurred in defending discrimination and whistleblower cases and on the length of time that federal agencies took to complete a reimbursement to a federal employee under this bill. Additionally, the GAO would be directed to study the administrative and personnel costs incurred by the Department of the Treasury in enforcement of this legislation.*

The bill would direct each federal agency to post on its website certain statistical data relating to equal employment opportunity complaints filed by federal employees with the agency.

H.R. 169 would express a sense of Congress that federal agencies should not retaliate for court judgments or settlements relating to discrimination and whistleblower laws by targeting the claimant or other employees with reductions in compensation, benefits, or workforce to pay for such judgments or settlements.

Additional Background: Under current law, court-ordered monetary settlements in favor of employees who sue federal agencies in discrimination or reprisal complaints are paid out of the judgment fund of the Treasury.

Cost to Taxpayers: According to CBO, implementing H.R. 169 as amended would cost up to \$5 million each year, subject to appropriations.

Does the Bill Create New Federal Programs or Rules?: Yes, it would create a new annual report from all federal agencies, new executive branch studies, and a new financial system for paying fines.

Constitutional Authority: The Judiciary Committee (in House Report 107-101) cites constitutional authority in Article I, Section 8, but fails to cite a specific clause.

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H. R. 3909—Gunn McKay Nature Preserve Act (Hansen)

Order of Business: The bill is scheduled to be considered on Tuesday, April 30th, under a motion to suspend the rules and pass the bill.

Summary: H.R. 3909 designates approximately 15 acres of Forest Service land near Huntsville, Utah, as the Gunn McKay Nature Preserve, and subject to valid existing rights, **would withdraw those lands from programs to develop mineral and geothermal resources.** The bill authorizes the Forest Service to work with the city of Huntsville and the Gunn McKay Nature Preserve Foundation to develop a “management plan,” within 120 days of the bill’s enactment. The preserve would be managed by the Forest Service in cooperation with the Gunn McKay Nature Preserve Foundation.

Additional Information: According to the Committee, “Several years ago, residents of Huntsville, Utah, learned that the U.S. Forest Service was planning to build a heliport landing area near the city limits on undeveloped federal land to facilitate fighting wildfires in the surrounding forests. Concerned about helicopters landing and taking off in such close proximity to their neighborhoods, Huntsville residents proposed to the Forest Service that this open-space instead be designated as a nature preserve. A non-profit organization was formed to that end, and the Forest Service agreed with the residents' proposal.” The Preserve is named after the late Rep. Gunn McKay, who represented Utah's 1st District from 1971 to 1981.

According to the Congressional Research Service, the Federal Government owns 64.5% of land in Utah.

Cost to Taxpayers: CBO estimates that H.R. 3909 would have no significant impact on the federal budget. Withdrawing lands within the area from leasing and development could result in lost revenue if the lands would otherwise produce revenue. According to the Forest Service, however, those lands currently generate no significant receipts, and the agency does not expect them to generate significant receipts over the next 10 years.

Does the Bill Create New Federal Programs or Rules?: The bill creates a new 15-acre preserve in a pre-existing parcel of federal Forest Service land in Utah, which may no longer be explored for mineral or geothermal resources.

Constitutional Authority: The Resources Committee (in report #107-392) finds constitutional authority under Article I, section 8 of the Constitution (Powers of Congress) but fails to cite a specific clause.

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H. R. 3421— Yosemite National Park Education Improvement Act (Radanovich)

Order of Business: The bill is scheduled to be considered on Tuesday, April 30th, under a motion to suspend the rules and pass the bill.

Summary: H.R. 3421 would authorize the Secretary of the Interior to make payments to two California school districts, containing 3 elementary schools, which serve the families of Yosemite National Park employees. These funds are in addition to the state education money from the State of California, distributed by formula according to student enrollment. The school districts may only use the funds “to pay public employees” for educational services provided to the students, and may not use the funds for “*new* construction, constructions contracts, or *major* capital improvements” [emphasis added].

According to Administration testimony, there are currently 116 students in these schools (46 in Yosemite Valley School, 50 in El Portal, and 20 in Wawona—though Wawona is filled to capacity and some students have been turned away). **Assuming the student population remains stable, the bill would authorize expenditures totaling \$35,483 per student over the next 5 years, not counting the State of California’s per pupil expenditure which averages \$7,002 per student per year (\$812,000 per year for these 3 schools’ 116 students).**

The Committee reports that these 3 elementary schools are in danger of closing due to the small number of families living in the Yosemite Park housing. In the FY2000 Labor/HHS/Education appropriation bill, Rep. Radanovich earmarked \$111,000 for the Mariposa County School District to maintain services at two of the three schools.

Administration Testimony: In testimony before the Subcommittee, David Mihalic, Superintendent of Yosemite National Park with the National Park Service, testified that, “**The Administration is generally concerned about the notion of diverting limited park funds to what is essentially a State responsibility. We do not want this to set a precedent that parks should take over responsibility for schools or create an NPS school system.**”

Cost to Taxpayers: CBO estimates that implementing H.R. 3421 would cost \$750,000 in 2003 and about \$4 million over the 2003-2007 period, subject to appropriations.

Does the Bill Create New Federal Programs or Rules?: Yes. The bill authorizes a new program in the Department of Interior to disperse federal funds to local educational agencies to assist the education of National Park Service employees’ children.

Constitutional Authority: The Resources Committee (in report #107-410) finds constitutional authority under Article I, Section 8 of the Constitution (Powers of Congress) but fails to cite a specific clause.

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**H.Res. 261—Recognizing the historical significance of the Aquia sandstone quarries of Government Island in Stafford County, Virginia, for their contributions to the construction of the Capital of the United States
(Davis, Jo Ann)**

Order of Business: The resolution is scheduled to be considered on Tuesday, April 30th, under a motion to suspend the rules and pass the bill.

Summary: H.Res. 261 would resolve that the House:

- “recognizes the national historical significance of the Aquia sandstone quarries of Government Island in Stafford County, Virginia, for their substantial contribution to the construction of the new Capital of the United States under the direction of President George Washington; and
- “commends the Board of Supervisors and residents of Stafford County, Virginia, for their efforts to preserve Government Island and to make it available for visitation by the public.”

Additional Background: President George Washington, acting under the authority of the Residence Act passed by the First Congress, selected the present site of the District of Columbia as the new federal Capital and personally took charge of the plans for developing the new capital. President Washington, a boyhood resident of Stafford County, Virginia, recommended that the freestone quarries on Aquia Creek in Stafford County be purchased by the Commissioners of Public Buildings as stone quarries for D.C.’s public buildings, a recommendation acted on by Pierre L’Enfant, the planner of the new capital city. Washington hoped that the grandeur of stone buildings in the new American capital would rival that of the European capitals.

These quarries, later renamed Government Island, became the major source of building stone for the Capitol, the White House, and numerous other public buildings in D.C.

Bush Administration Position: On February 7, 2002, the Department of the Interior testified at a hearing about this resolution. Since the resolution involves a statement of congressional recognition and would not become law, the Department limited its comments to providing background information and did not take a position on the resolution.

Cost to Taxpayers: The resolution would not authorize any expenditure.

Does the Bill Create New Federal Programs or Rules?: No.

Constitutional Authority: The House Committee on Resources, in House Report 107-407, cites constitutional authority in Article I, Section 8, but does not cite a specific clause. However, House rules do not require a citation of constitutional authority for this type of resolution.

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H.R. 2109 — Virginia Key Beach Resource Study Act (*Meek*)

Order of Business: The bill is scheduled for consideration on Tuesday, April 30th, under a motion to suspend the rules and pass the bill.

Summary: H.R. 2109 requires the Secretary of the Interior to conduct a study of Virginia Key Beach Park in Biscayne Bay, Florida, to determine whether or not the park should be added to the National Park System. The Secretary is also required to issue a report to Congress on the results of the study and recommendations.

Additional Background: African Americans used Virginia Key Beach for recreation at a time when public beaches were racially segregated by law. The City of Miami, which owns the beach, operated Virginia Key Beach Park until its closing in 1982 due to the high cost of maintaining and operating the park.

Cost to Taxpayers: CBO estimates the study will cost \$50,000 over 3 years.

Does the Bill Create New Federal Programs or Rules?: The bill requires the Secretary of the Interior to complete a study and report.

Constitutional Authority: The Committee Report cites Article I, Section 8, Powers of Congress, but fails to cite a specific clause.

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H. R. 2628—To direct the Secretary of the Interior to conduct a study of the suitability and feasibility of establishing the Muscle Shoals National Heritage Area in Alabama, and for other purposes (*Cramer*)

Order of Business: The bill is scheduled to be considered on Tuesday, April 30th, under a motion to suspend the rules and pass the bill.

Summary: H.R. 2628 would require the National Park Service (NPS) to study an area of northern Alabama to determine the suitability and feasibility of establishing it as a National Heritage Area. The legislation would require the agency to report to the Congress on its findings within three years of receiving funding for the study.

The National Park Service has defined a National Heritage Area as a place designated by Congress where natural, cultural, historic, and scenic resources combine to form a cohesive, nationally distinctive landscape arising from patterns of human activity shaped by geography. It is not the role of the National Park Service to manage or regulate a national heritage area,

but to assist the variety of local partners and landowners that work together to achieve the common goal of protecting and interpreting important places where people live and work.

Additional Information: Muscle Shoals was selected by President Woodrow Wilson as the site for a dam for electric power and two nitrate production plants as a national defense measure during World War I, and was possibly the nation's largest public work of its time. The completion of the dam in 1925, named for President Wilson, created a lake over the shoals and thus solved the river's navigation problems. A major debate over public versus private ownership of the Wilson Dam and the nitrate facilities made Muscle Shoals a focus of national attention during the 1920's and 1930's, until the Tennessee Valley Authority (TVA) was established in 1933 and the facilities were transferred to the TVA. When President-elect Franklin Roosevelt visited Wilson Dam and the Muscle Shoals in 1933, he said it inspired his concept of creating a "Tennessee Valley Authority to develop the entire river basin for hydroelectric power production and allied purposes," calling Muscle Shoals "the Genesis of a new America."

Administration Position: "The Department supports this bill, but we did not request additional funding for this study in Fiscal Year 2003. We believe that any funding requested should be directed towards completing previously authorized studies. **Presently, there are 40 studies pending,** of which we hope to transmit 15 to Congress by the end of 2002. **We have concerns about adding new funding requirements for new park units, national trails, wild and scenic rivers or heritage areas at the same time that we are trying to work down the deferred maintenance backlog.**"

—Subcommittee Testimony by Durand Jones, National Park Service, February 7, 2002.

Cost to Taxpayers: CBO estimates that completing the required study and report would cost the federal government \$250,000 over the next three to four years, subject to appropriation.

Does the Bill Create New Federal Programs or Rules?: The bill requires the NPS to do a study of an area in Alabama for possible inclusion as a National Heritage Area.

Constitutional Authority: The Resources Committee (in report # 107-398) finds constitutional authority under Article I, Section 8 of the Constitution (Powers of Congress) but fails to cite a specific clause.

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H.R. 64—Strengthening Science at the Environmental Protection Agency Act (Ehlers)

Order of Business: The bill is scheduled to be considered on Tuesday, April 30th, under a motion to suspend the rules and pass the bill.

Summary: H.R. 64 would establish the position of Deputy Administrator for Science and Technology of the Environmental Protection Agency (EPA), subject to presidential appointment and Senate confirmation. The Deputy would coordinate the science and technology activities of the EPA and ensure that EPA decisions are research-driven.

Specifically, the Deputy would:

- “provide advice to the Administrator regarding science and technology issues and their relationship to Agency policies, procedures, and decisions;
- “participate in developing the Agency's strategic plans and policies and review the science and technology aspects of those plans and policies;
- “coordinate the acquisition and compilation of relevant science and technology information available from academic sources, government agencies, and the private sector;
- “develop and oversee guidelines for the dissemination of research results conducted, sponsored, or cited by the Agency to the public, including historically black colleges and universities, Hispanic-serving institutions, minority communities, and rural communities; and
- “develop and oversee guidelines for peer review of science and technology research.”

H.R. 64 would establish “conducting, sponsoring, and evaluating environmental science and technology research” as a central EPA mission.

This bill would also create an Assistant Administrator for Research and Development of the EPA, who would also have the title of “Chief Scientist.” Appointments to this position would be for a term of five years, unless sooner removed by the President. The bill does not explicitly outline what the Assistant Administrator would do.

Additional Background: According to House Report 107-311, prepared by the House Committee on Science, since as long ago as 1992 the EPA has been studying how it could improve its research and scientific foundations for the regulatory and policy decisions it makes. According to the Science Committee, expert panels commissioned by the EPA and Congress have concluded that the EPA needs to establish “top-level scientific leadership to better coordinate science within the Agency and create a culture that fosters the use of science as a basis for regulatory action.”

Cost to Taxpayers: CBO estimates that H.R. 64 would authorize about \$2.0 million per fiscal year, subject to annual appropriation.

Does the Bill Create New Federal Programs or Rules?: Yes. The bill would create two new presidential appointees within EPA and add scientific research as a central mission of the EPA.

Constitutional Authority: The Committee on Science, in House Report 107-311, cites constitutional authority in Article I, Section 8, but fails to cite a specific clause.

Outside Organizations: The National Center for Public Policy Research wrote that “the concept [behind H.R. 64] is right but the execution is flawed. There is no question that an office is needed to insure use of sound science at EPA. However, H.R. 64 leaves too much room for a future administrator to tamper with the office and subvert the process.”

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S. 2248 — Export-Import Bank Extension Act (*Sen. Sarbanes*)

Order of Business: The bill is scheduled for consideration on Tuesday, April 30th, under a motion to suspend the rules and pass the bill.

Summary: S. 2248 temporarily extends the authorization of the Export-Import Bank to May 31, 2002.

Additional Background: The Export-Import Bank of the United States was created in 1934 and established under its present law in 1945 to aid in financing and promoting U.S. exports. The Bank operates under a renewable charter, the Export-Import Bank Act of 1945, and was last authorized in 1997 through September 30, 2001.

A short-term authorization extension through March 31, 2002 was contained in the Foreign Operations Appropriations bill enacted last year and an extension to April 30, 2002 was passed by voice vote on March 19, 2002. A four-year reauthorization bill, H.R. 2871, is scheduled for consideration by the House on Wednesday, May 1.

Possible RSC Concerns: Members may view the activities of the Export-Import Bank as questionable and a form of “corporate welfare.” Past Export-Import Bank subsidies have gone to foreign governments, including the Communist regime in China, and to large multi-national corporations such as General Electric and Boeing.

Many RSC Members voted to strike Export-Import Bank funding from the FY 2002 Foreign Operations Appropriations bill ([Roll Call #261, July 24, 2001](#)).

Cost to Taxpayers: The bill does not authorize any additional spending. FY 2002 funding for the Export-Import Bank was provided in last year’s Foreign Operations Appropriations bill.

Does the Bill Create New Federal Programs or Rules?: No.

Constitutional Authority: No committee report citing constitutional authority is available.

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Resolutions Authorizing the Use of the Capitol Grounds

Order of Business: The following resolutions are scheduled to be considered on Tuesday, April 30th, under separate motions to suspend the rules and pass the bills.

Summaries:

H.Con.Res. 347— Authorizing the use of the Capitol Grounds for the National Peace Officers' Memorial Service (LaTourette)

The 21st Annual National Peace Officers' Memorial Service to honor the over 230 federal, state and local law enforcement officers killed in the line of duty in 2001, is scheduled to be held on the Capitol grounds on **May 15, 2002**.

For More Information: <http://www.grandlodgefop.org/auxiliary/memorial.html>

H.Con.Res. 348 - Authorizing the use of the Capitol Grounds for the National Book Festival (LaTourette)

The National Book Festival sponsored by the Library of Congress in cooperation with First Lady Laura Bush is scheduled to be held on the west front of the Capitol grounds on **September 21, 2002**. The book festival is an event with special activities promoting literacy, including readings by a variety of noted authors and national celebrities. The event will also include performances by well-known artists and authors chronicling American storytelling through music such as folk, rock, jazz, and blues.

For More Information: <http://www.loc.gov/bookfest/welcome.html>

H.Con.Res. 354—Authorizing the use of the Capitol Grounds for the District of Columbia Special Olympics Law Enforcement Torch Run (LaTourette)

The 2002 District of Columbia Special Olympics Law Enforcement Torch Run may be run through the Capitol Grounds as part of the journey of the Special Olympics torch to the DC Special Olympics summer games at Gallaudet University on **June 7, 2002**.

The mission of the Law Enforcement Torch Run for Special Olympics is to raise funds for and awareness of the Special Olympics movement worldwide. Law enforcement officers from

every state and more than 30 countries carry the Flame of Hope in honor of the Special Olympics athletes in their area and around the world.

The Law Enforcement Torch Run is the largest grass-roots fund-raiser and public awareness vehicle for Special Olympics in the world. In 1999, this international program raised \$14 million to support Special Olympics programs. 75,000 law enforcement officers from thousands of agencies have carried the Flame of Hope.

For More Information: <http://www.specialolympics.org/torchrun/>

H.Con.Res. 356—Authorizing the use of the Capitol Grounds for the Greater Washington Soap Box Derby (*Hoyer*)

The Greater Washington Soap Box Derby is sponsored by WANADA (Washington Area New Automobile Dealers Association) and other Washington area dealers and businesses, this 58-year-old annual event offers motorless racing competition for youngsters, aged nine to 16 who build their own cars. The Derby is scheduled for **June 22, 2002**.

For More Information: <http://www.wanada.org/community.htm>

Cost to Taxpayers: CBO estimates that because all of these resolutions would require that the sponsors assume responsibility for all expenses and liabilities associated with the event, passage would result in no significant cost to the federal government.

Constitutional Authority: All the resolutions reported from the Committee on Transportation and Infrastructure find (in reports #107-399 through 107-402) constitutional authority under Article I, Section 8 of the Constitution (Powers of Congress).

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H.Con.Res. 358—Supporting the goals and ideals of National Better Hearing and Speech Month (*Ryun*)

Order of Business: The resolution is scheduled to be considered on Tuesday, April 30th, under a motion to suspend the rules and pass the bill.

Summary: H.Con.Res. 358 would resolve that Congress:

- “supports the goals and ideals of National Better Hearing and Speech Month;
- “commends the 41 States that have implemented routine hearing screenings for every newborn before the newborn leaves the hospital;
- “supports the efforts of speech and hearing professionals in their efforts to improve the speech and hearing development of children; and

- “encourages the people of the United States to have their hearing checked regularly and to avoid environmental noise that can lead to hearing loss.”

Additional Background: According to the resolution, the National Institute on Deafness and Other Communication Disorders (NIDCD) reports that approximately 42,000,000 people in the United States suffer from a speech, voice, language, or hearing impairment. One out of every Americans over 65 years of age suffers from hearing loss, and hearing loss is the most common congenital disorder in newborns.

For the last 75 years, May has been celebrated as National Better Hearing and Speech Month in order to “raise awareness regarding speech, voice, language, and hearing impairments and to provide an opportunity for Federal, State, and local governments, members of the private and nonprofit sectors, speech and hearing professionals, and the people of the United States to focus on preventing, mitigating, and curing such impairments.”

The resolution also points out that more than one million children received speech or language disorder services under the Individuals with Disabilities Education Act (20 U.S.C. 1400 et seq.) during the school year ending in 1998.

In 1999, as part of the FY 2000 Labor / HHS / Education Appropriations (Omnibus bill) Congress created a new federal program to develop statewide newborn and infant hearing screening, evaluation, and intervention programs and systems and to provide technical assistance and research.

Cost to Taxpayers: The resolution would authorize no expenditure.

Does the Bill Create New Federal Programs or Rules?: No.

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H.Con.Res. 388—Expressing the sense of the Congress that there should be established a National Minority Health and Health Disparities Month (Watts)

Order of Business: The resolution is scheduled to be considered on Tuesday, April 30th, under a motion to suspend the rules and pass the bill.

Summary: H.Con.Res. 388 would resolve that Congress:

- calls for the establishment of a National Minority Health and Health Disparities Month to “promote educational efforts on the health problems currently facing minorities and other health disparity populations;”
- urges the Department of Health and Human Services to run public service announcements on health promotion and disease prevention among minorities and on health disparities in America;

- appeals to the President to issue a proclamation recognizing the “immediate need” to reduce health disparities;
- calls on federal, state, and local governments to work with the private sector to stress the **“recruitment and retention of qualified individuals from racial, ethnic, and gender groups that are currently underrepresented in health care professions;”**
- encourages the Agency for Healthcare Research and Quality to continue to collect and report data on health care access and utilization by **“race, ethnicity, socioeconomic status, and where possible, primary language;”**
- feels that “the information gained from research about factors associated with health care utilization and access, patient attitudes toward health services, and risk and protective behaviors that affect health and illness, should be disseminated to all health care professionals so that they may better communicate with all patients, regardless of race or ethnicity, without bias or prejudice.”

Additional Background: The resolution asserts that there are “continuing health disparities in the burden of illness and death experienced by African-Americans, Hispanics, Native Americans, Alaska Natives, Asians, and Pacific Islanders, compared to the United States population as a whole.” According to the resolution, minorities are more likely to die from cancer, cardiovascular disease, stroke, chemical dependency, diabetes, infant mortality, violence, and AIDS.

Though the resolution offers no further details on such disparities, more specific data can be found at the National Institutes of Health’s webpage about health disparities:
<http://healthdisparities.nih.gov/>

In 1998 Congress and the President enacted legislation focusing on minority health disparities. 101 Republicans opposed this legislation in large part because of the concern that in the process of attempting to focus resources on minority health disparities, the legislation was creating racial set-asides and preferences for medical institutions and schools based on their minority enrollment. Many Republicans argued that funding should instead be targeted to those best demonstrating an ability to address minority health disparities.

Cost to Taxpayers: The resolution would authorize no expenditure.

Does the Bill Create New Federal Programs or Rules?: No.

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H.Con.Res. 386 — Supporting a National Charter Schools Week (Keller)

Order of Business: The resolution is scheduled for consideration on Tuesday, April 30th, under a motion to suspend the rules and pass the bill.

Summary: The resolution includes several clauses citing the successes and academic contributions of charter schools, including:

- Charter schools are “vehicles for improving student achievement for students who attend them, for stimulating change and improvement in all public schools, and for benefiting all public school students;”
- The schools “must meet the same Federal student achievement accountability requirements as all public schools, and often set higher and additional goals, to ensure that they are of high quality and truly accountable to the public;”
- Charters “give parents new freedom to choose their public school, charter schools routinely measure parental approval, and charter schools must prove their ongoing and increasing success to parents, policymakers, and their communities;” and
- Charter schools “serve significant numbers of students from families with lower income, minority students, and students with disabilities, and in a majority of charter schools, almost half the students are considered at risk or are former dropouts.”

The resolution also acknowledges the broad bipartisan support for charter schools and the 37 states (and the District of Columbia and Puerto Rico) that have passed charter school laws.

The resolution also honors the 10th anniversary of the opening of the first charter school in the U.S. and expresses support for the goals of National Charter Schools Week, which is April 29 to May 3.

Cost to Taxpayers: None.

Does the Bill Create New Federal Programs or Rules?: No.

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H.R. 3801 — The Education Sciences Reform Act of 2002 (Castle)

Order of Business: The bill is scheduled for consideration on Tuesday, April 30th, under a motion to suspend the rules and pass the bill.

Summary: H.R. 3801 reauthorizes the functions of the Office of Educational Research and Improvement (OERI) at the Department of Education. OERI is the office within the Department of Education responsible for: 1) conducting research and demonstration projects to help improve education; 2) collecting statistics on the status and progress of schools and education throughout the nation; and 3) distributing information and providing technical

assistance to those working to improve education. Authorization for OERI expired in FY 1999, but money has continued to be appropriated.

H.R. 3801 eliminates OERI and replaces it with a new Academy of Education Sciences. The Academy, like OERI, would oversee education research, statistics gathering, and dissemination of information. It would also oversee program evaluations, which are currently done elsewhere within the Department. The Academy would be located within the Department of Education, but would function as a separate office under the direction of a new Board for Education Sciences (much like the National Academy of Sciences). The board would consist of 15 members appointed by the President and confirmed by the Senate.

The Academy would consist of three main Centers: the National Center for Education Research, the National Center for Education Statistics, and the National Center for Education Evaluation. A Commissioner appointed by the Director of the Academy would head each center.

H.R. 3801 includes provisions to protect educational research from political influence and requires research to meet the definition of “scientifically valid research” contained in the bill. In addition, more coordination is required between the Academy and education practitioners to ensure that research and other activities of the Academy are relevant to classroom instruction. The bill also includes provisions ensuring that the Academy conducts its research and other work in a manner that complies with privacy laws protecting students and families.

H.R. 3801 includes the following prohibitions:

- Prohibits the development of a nationwide database of individually identifiable information on individuals involved in studies or other data collection.
- Prohibits the federal government from mandating, directing or controlling the curriculum, program of instruction, or allocation of state or local resources.
- Prohibits federal endorsement or sanctioning of any curriculum.
- Prohibits funds from being used to develop, pilot test, implement, administer or distribute any federally sponsored national test, unless specifically authorized by law (this prohibition does not apply to the National Assessment of Education Progress or international comparative assessments given to a sample of students).

Additional Background: Many have raised concerns in the past several years with the quality of education research and evaluation conducted by the Department of Education. These concerns include that OERI’s research has become politicized and irrelevant to classroom practices, and that the Department’s self-evaluation of its programs does not provide an accurate picture of program quality and performance.

In the 106th Congress, the Subcommittee on Early Childhood, Youth and Families (now the Subcommittee on Education Reform) of the Committee on Education and the Workforce, passed H.R. 4875, the Scientifically Based Education Research, Statistics, Evaluation and Information Act of 2000. This legislation was nearly identical to H.R. 3801, but was not considered by the whole House. No action was taken by the Senate to reauthorize OERI.

Response to Outside Concerns: Members with regional laboratories or centers in their district or state may have heard concerns from these institutions regarding the consolidation of their duties under H.R. 3801. H.R. 3801 eliminates the current system of research, technical assistance, and information dissemination that occurs through these regional entities, making the process more competitive. Current regional laboratories and centers could receive funding if it is determined that they are the most qualified to continue performing these services.

Possible RSC Concerns: Members may also be concerned with authorization levels in the H.R. 3801. For FY 2003, the bill authorizes **\$701.1 million**, and such sums as may be necessary for FY 2004 through FY2008. The FY 2002 appropriations total for OERI was \$443.9 million (this figure does not include funding for program evaluation that is currently funded out of ED Salaries and Expenses).

Cost to Taxpayers: The bill would authorize total appropriations of \$701 million in 2003. CBO estimates that total authorizations under H.R. 3801 would amount to about **\$4.4 billion over the 2003-2008 period.**

Does the Bill Create New Federal Programs or Rules?: The bill restructures the Office of Educational Research and Improvement as described above.

Constitutional Authority: The committee report cites Article I, section 8, clause 1, “The Congress shall have Power To lay and collect Taxes, Duties, Imposts and Excises, to pay the Debts and provide for the common Defence and general Welfare of the United States; but all Duties, Imposts and Excises shall be uniform throughout the United States.”

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H.Con.Res. 391— Honoring the University of Minnesota Golden Gophers men’s hockey and wrestling teams and the University of Minnesota-Duluth Bulldogs women’s hockey team for winning the 2002 National Collegiate Athletic Association championship (Kennedy)

Order of Business: The resolution is scheduled for consideration on Tuesday, April 30th, under a motion to suspend the rules and pass the bill.

Summary: The resolution cites several accomplishments of the University of Minnesota’s men’s hockey and wrestling teams and the University of Minnesota-Duluth’s women’s hockey team, including:

- The 2002 NCAA championship win by the men’s hockey team;
- The second consecutive NCAA championship of the men’s wrestling team won in 2002, while the team also went undefeated;
- The second consecutive NCAA championship of the women’s hockey team; and
- Average team grade point averages above the university-wide average.

The resolution goes on to honor all three teams for their NCAA championship wins.

Cost to Taxpayers: None.

Does the Bill Create New Federal Programs or Rules?: No.

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**H.Res. 401—Congratulating the University of Connecticut Huskies for
winning the 2002 National Collegiate Athletic Association Division I
women’s basketball championship (Simmons)**

Order of Business: The resolution is scheduled to be considered on Tuesday, April 30th, under a motion to suspend the rules and pass the bill.

Summary: H.Res. 401 would resolve that the House “commends the University of Connecticut Huskies women’s basketball team for winning the 2002 National Collegiate Athletic Association Division I women’s basketball championship and for completing the 2001–2002 season with a 39–0 record.”

The resolution also asserts that:

- “the high caliber of the University of Connecticut Huskies in both athletics and academics has significantly advanced the sport of women’s basketball and provided inspiration for future generations of young men and women alike; and
- “the University of Connecticut Huskies’ championship season has rallied Connecticut residents of all ages behind a common purpose and triggered a wave of euphoria across the State.”

Additional Background: The UConn Huskies women’s basketball team won its second national championship in three years by defeating the University of Oklahoma by a score of 82-70.

Cost to Taxpayers: The resolution would authorize no expenditure.

Does the Bill Create New Federal Programs or Rules?: No.

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