



**Legislative Bulletin.....September 8, 2008**

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**H.R. 3036—No Child Left Inside Act of 2008**

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**H.R. 3036—No Child Left Inside  
(Sarbanes, D-MD)**

**Please note the conservative concerns below.**

**Order of Business:** The bill is scheduled to be considered on Thursday, September 11, 2008, likely subject to a structured rule. The RSC will circulate a subsequent document summarizing the rule and any amendments made in order therein.

**Summary:** H.R. 3036 would reauthorize the National Environmental Education Act of 1990 (NEEA), as well as create a **new** grant program at the Department of Education focused on expanding the capacity of environmental education in K-12 education. The new grant program, the National Capacity Environmental Education (NCEE) grant, is intended to work in tandem with the programs already in existence under the NEAA. The bill authorizes \$14 million for FY 2009 for the NEEA (an increase of \$5 million over FY 2008 levels) and such sums for the new grant program.

The bill lists numerous purposes for the new grant program, including the following:

- “Developing and implementing challenging state academic content standards, students academic achievement standards, and state curriculum frameworks in environmental education, including the needs to balance conservation of the environment with the development of the Nation’s energy resources;
- “Replicating or disseminating information about proven and tested model environmental education programs that address issues of environmental justice, including policies and methods for eliminating disparate enforcement of environmental laws and regulations with respect to minority and low-income communities, with particular attention to the development of environmental justice curriculum at the middle and high school level;
- “Developing and implementing new policy approaches to advancing environmental education at the state and national level;
- “Conducting studies of national significance that evaluate the effectiveness of teaching environmental education as a separate subject, and as an integrating concept or theme;

- “Executing projects that advance widespread state and local educational agency adoption and use of environmental education content standards, including adoption and use of such standards in textbook selection criteria;
- “Developing a state environmental literacy play;
- “Developing evidence-based approaches to build capacity to increase the number of elementary and secondary environmental educators.”

The bill would require that, in order for an organization or school to continue receiving funds under the grant program, it must submit an annual report describing its activities and how the grantee has undertaken activities to accomplish certain goals, including:

- “Responsibly preparing children to understand and address major challenges facing the United States, such as increasing the supply of clean energy, **climate change**, environmental health risks, and environmental disaster; *[emphasis added]*
- “Supporting systematic education reform by strengthening environmental education;
- “Leveraging and expanding private and public support for environmental education partnerships at national, state, and local levels;
- “Restoring and increasing field experiences as part of the regular school curriculum and schedule in order to improve students’ overall academic performance, self-esteem, personal responsibility, community involvement, personal health (including addressing child obesity issues), and understanding of nature.”

The bill sets the federal matching amount at 90% for the first year of the grant program, 75% for the second, and 50% for the third. In addition, the bill would require the Secretary of Education to submit a report to Congress on the success and effectiveness of the grant program.

**Background:** The National Environmental Education Act (NEEA), passed in 1990, requires the Environmental Protection Agency (EPA) to provide leadership to “increase environmental literacy” and mandates that the EPA make environmental education in schools a priority. Furthermore, the Act includes environmental education grants for developing environmental curricula, training teachers, internships, fellowships, and awards. Specifically, the Act authorizes the EPA to award grants that support environmental education projects (Environmental Education Program). The Act also includes a requirement for the EPA to establish a federal task force, a National Environmental Education Advisory Council, and a National Environmental Education and Training Foundation to further the development of environmental awareness. Since FY 1992, EPA has already awarded \$40.6 million in grants for nearly 3,200 environmental education projects in all 50 states, D.C., and the territories.

In past years, the Administration has requested that the funding for the NEEA be eliminated, citing that the programs are not meeting necessary results. A CRS document with more information on the NEEA can be found [here](#).

Furthermore, many states are already implementing similar grant programs, without the direct approval and funding from the federal government.

**Conservative Concerns:** Many conservatives may be concerned that the new program authorized in H.R. 3036 is duplicative of the efforts of the NEEA, and an unnecessary expansion of federal

education policy. This Congress has already illustrated an intent to expand the federal government's purview over education policy to limits beyond what many conservatives feel are appropriate. Some conservatives may be concerned that this legislation is another tool to expand an already looming federal role in education, while further inflating an ever-increasing education budget for unnecessary grant programs.

During Committee consideration of the bill, RSC Member Tom Price (R-GA) offered an amendment to allow eligible entities receiving funds under the new NCEE grant program to develop new policy approaches to advance the understanding of energy issues. Rep. Price's amendment, which was rejected by party line vote, would have specifically allowed applicants to focus on American made energy and the effects of such policies on energy usage, the impact of greater usage on the environment, and any corresponding effects on the price of gasoline. Many conservatives may be concerned that the Democrats' intention with this legislation is to encourage unbalanced environmental education.

Finally, during Committee consideration of the bill, an amendment authored by Rep. Clarke (D-NY), which was adopted along party-line vote, would encourage the promotion of issues of environmental justice, including policies and methods for eliminating "disparate enforcement of environmental laws and regulations in minority and low-income communities." The amendment would encourage the development of environmental justice curriculum at the middle school and high school level. With the many important issues that can be addressed in the classroom, many conservatives might find this use of funds unnecessary and an overstep of the federal government's role. Many conservatives may believe that these specific education needs should be addressed at the local level and not mandated by the federal government.

**Committee Action:** On July 12, 2007, the bill was introduced and referred to the House Committee on Education and Labor, which, on June 18, 2008, marked up, amended, and ordered the bill reported to the full House by a vote of 37-8.

**Cost to Taxpayers:** CBO estimates that implementing H.R. 3036 would increase discretionary spending by \$24 million over the 2009-2012 period, assuming that no more than \$10 million per year would be necessary to operate the program. The bill would not affect direct spending or revenues.

**Does the Bill Expand the Size and Scope of the Federal Government?:** Yes, H.R. 3036 would authorize funds to make new grants for organizations and schools to teach environmental education.

**Does the Bill Contain Any New State-Government, Local-Government, or Private-Sector Mandates?:** No.

**Does the Bill Comply with House Rules Regarding Earmarks/Limited Tax Benefits/Limited Tariff Benefits?:** The Education and Labor Committee, in [House Report 110-754](#), asserts that, "H.R. 3036 does not contain any congressional earmarks, limited tax benefits, or limited tariff benefits as defined in clauses 9(d), 9(e) or 9(f) of rule XXI of the House of Representatives."

**Constitutional Authority:** The Education and Labor Committee, in [House Report 110-754](#), cites constitutional authority in Article I, Section 8, Clause 18 (Congress' power to make all Laws which

shall be necessary and proper for carrying into Execution the foregoing Powers), but fails to cite a foregoing power. House Rule XIII, Section 3(d)(1), requires that all committee reports contain “a statement citing the specific powers granted to Congress in the Constitution to enact the law proposed by the bill or joint resolution.” *[emphasis added]*

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