

YOSEMITE NATIONAL PARK EDUCATION IMPROVEMENT  
ACT

APRIL 16, 2002.—Committed to the Committee of the Whole House on the State of  
the Union and ordered to be printed

Mr. HANSEN, from the Committee on Resources,  
submitted the following

R E P O R T

[To accompany H.R. 3421]

[Including cost estimate of the Congressional Budget Office]

The Committee on Resources, to whom was referred the bill (H.R. 3421) to provide adequate school facilities within Yosemite National Park, and for other purposes, having considered the same, report favorably thereon with an amendment and recommend that the bill as amended do pass.

The amendment is as follows:

Strike all after the enacting clause and insert the following:

**SECTION 1. SHORT TITLE.**

This Act may be cited as the “Yosemite National Park Education Improvement Act”.

**SEC. 2. FINDINGS AND PURPOSE.**

(a) **FINDINGS.**—Congress finds the following:

(1) The three elementary schools serving the children of employees of Yosemite National Park are served by the Bass Lake Joint Union Elementary School District and the Mariposa Unified School District.

(2) The schools are in remote mountainous areas and long distances from other educational and administrative facilities of the two local educational agencies.

(3) Because of their remote locations and relatively small number of students, schools serving the children of employees of the Park provide fewer services in more basic facilities than the educational services and facilities provided to students that attend other schools served by the two local educational agencies.

(4) Because of the long distances involved and adverse weather and road conditions that occur during much of the school year, it is impractical for the children of employees of the Park who live within or near the Park to attend other schools served by the two local educational agencies.

(b) **PURPOSE.**—The purpose of this Act is to authorize the Secretary of the Interior to provide supplemental funding and other services that are necessary to assist the State of California or local educational agencies in California in providing educational services for students attending schools located within the Park.

**SEC. 3. PAYMENTS FOR EDUCATIONAL SERVICES.**

(a) **AUTHORITY TO PROVIDE FUNDS.**—For fiscal years 2003 through 2007, the Secretary may provide funds to the Bass Lake Joint Union Elementary School District and the Mariposa Unified School District for educational services to students who are dependents of persons engaged in the administration, operation, and maintenance of the Park or students who live at or near the Park upon real property of the United States.

(b) **LIMITATION ON USE OF FUNDS.**—Payments made by the Secretary under this section may not be used for new construction, construction contracts, or major capital improvements, and may be used only to pay public employees for services otherwise authorized by this Act.

(c) **LIMITATION ON AMOUNT OF FUNDS.**—Payments made under this section shall not exceed the lesser of \$750,000 in any fiscal year or the amount necessary to provide students described in subsection (a) with educational services that are normally provided and generally available to students who attend public schools elsewhere in the State of California.

(d) **ADJUSTMENT OF PAYMENTS.**—Subject to subsection (c), the Secretary is authorized to adjust payments made under this section if the State of California or the appropriate local educational agencies do not continue to provide funding for educational services at Park schools at per student levels that are equivalent to or greater than those provided in the fiscal year prior to the date of enactment of this Act.

(e) **SOURCE OF PAYMENTS.**—

(1) **AUTHORIZED SOURCES.**—Except as provided in paragraph (2), in order to make payments under this section, the Secretary may use funds available to the National Park Service from appropriations, donations, or fees.

(2) **EXCEPTIONS.**—Funds from the following sources may not be used to make payments under this section:

(A) Fees authorized and collected under the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 4601–4 et seq.).

(B) The recreational fee demonstration program under section 315 of the Department of the Interior and Related Agencies Appropriations Act, 1996 (as contained in section 101(c) of Public Law 104–134; 16 U.S.C. 4601–6a note).

(C) The national park passport program established under section 602 of the National Parks Omnibus Management Act of 1998 (16 U.S.C. 5992).

(D) Emergency appropriations for Yosemite flood recovery.

(f) **DEFINITIONS.**—For the purposes of this Act, the following definitions apply:

(1) **LOCAL EDUCATIONAL AGENCIES.**—The term “local educational agencies” has the meaning given that term in section 9101(26) of the Elementary and Secondary Education Act of 1965.

(2) **EDUCATIONAL SERVICES.**—The term “educational services” means services that may include maintenance and minor upgrades of facilities and transportation to and from school.

(3) **PARK.**—The term “Park” means Yosemite National Park.

(4) **SECRETARY.**—The term “Secretary” means the Secretary of the Interior.

**PURPOSE OF THE BILL**

The purpose of H.R. 3421 is to provide adequate school facilities within Yosemite National Park, and for other purposes.

**BACKGROUND AND NEED FOR LEGISLATION**

Yosemite Valley, El Portal and Wawona schools serve the children of employees of Yosemite National Park and its concessionaire. These small kindergarten through grade 12 facilities are in dire straits and are in danger of closing. There has been a precipitous decline in the number of families living in Yosemite National Park and concessionaire housing following historic January 1997 floods. This has reduced the number of students in the three schools and thus funding from the State of California based upon the average daily attendance. This has left inadequate resources to pay for mandated levels of educational services and virtually no funds for construction, maintenance or other operations of the schools. To address this shortcoming, Congressman George Radano-

vich sought and obtained in the Fiscal Year 2000 Labor/HHS/Education appropriations Bill an earmark for the Mariposa County School District to maintain services at two of the three schools. However, obtaining special earmarks each year is an inadequate way to budget for schools, and the alternative of legislation was identified.

All three schools, while in different circumstances, are similarly situated in that access to “town schools” where more services are available is very difficult. Yosemite Valley is well over one hour from the town of Mariposa on a narrow mountainous road. El Portal is also over 40 minutes from Mariposa, and Wawona is over 30 minutes from Oakhurst on a narrow mountain road. All three schools are at nearly 4000 feet, and have many snow days. The roads between Yosemite National Park and the outlying communities are often closed due to weather or rockslides. It would be nearly impossible and clearly dangerous to transport the students in these conditions.

In addition, there is precedent for financial support of park-based schools in other national parks. Yellowstone National Park has operated a park-based school that since 1948 has had statutory provisions for supplemental funds and facilities provided by the National Park Service (NPS).

As ordered reported, H.R. 3421 would authorize the Secretary of Interior to provide supplemental funding and other services necessary to assist the State of California or local school districts in providing educational services for students attending the three schools located within Yosemite National Park. Payments for educational services and facilities would be derived from Park entrance and user fees or from donated funds. H.R. 3421 creates a very limited support program for three isolated small schools serving NPS employees and NPS concessionaire employees in an isolated area. This will ensure an adequate education for these employees’ children while supporting a dedicated workforce for the Park.

#### COMMITTEE ACTION

H.R. 3421 was introduced on December 6, 2001, by Congressman George Radanovich (R-CA). The bill was referred to the Committee on Resources, and within the Committee to the Subcommittee on National Parks, Recreation, and Public Lands. The bill was additionally referred to the Committee on Education and the Workforce. On December 13, 2001, the Subcommittee held a hearing on the bill. On March 7, 2002, the Subcommittee met to mark up the bill. Mr. Radanovich offered an amendment in the nature of a substitute that clarified funds may be used for general upkeep and maintenance of school facilities and are prohibited from being used for new construction, construction contracts, or major capital improvements, established a five year authorization on payments and limits total pavements for educational services to \$750,000.00 in any fiscal year, and restricted the source of the funding under the Act. It was adopted by voice vote. The bill, as amended, was then ordered favorably reported to the Full Committee by voice vote. On March 20, 2002, the Full Resources Committee met to consider the bill. Congressman Radanovich offered an amendment in the nature of a substitute that made two technical changes and clarified that only public employees may be paid from funds authorized under

the Act for services permitted by the Act. The amendment was adopted by unanimous consent. The bill as amended was ordered favorably reported by unanimous consent to the House of Representatives.

COMMITTEE OVERSIGHT FINDINGS AND RECOMMENDATIONS

Regarding clause 2(b)(1) of rule X and clause 3(c)(1) of rule XIII of the Rules of the House of Representatives, the Committee on Resources' oversight findings and recommendations are reflected in the body of this report.

CONSTITUTIONAL AUTHORITY STATEMENT

Article I, section 8 of the Constitution of the United States grants Congress the authority to enact this bill.

COMPLIANCE WITH HOUSE RULE XIII

1. Cost of Legislation. Clause 3(d)(2) of rule XIII of the rules of the House of Representatives requires an estimate and a comparison by the Committee of the costs which would be incurred in carrying out this bill. However, clause 3(d)(3)(B) of that rule provides that this requirement does not apply when the Committee has included in its report a timely submitted cost estimate of the bill prepared by the Director of the Congressional Budget Office under section 402 of the Congressional Budget Act of 1974.

2. Congressional Budget Act. As required by clause 3(c)(2) of rule XIII of the Rules of the House of Representatives and section 308(a) of the Congressional Budget Act of 1974, this bill does not contain any new budget authority, spending authority, credit authority, or an increase or decrease in tax expenditures. According to the Congressional Budget Office, enactment of this bill could increase direct spending, but any such increase would be less than \$500,000 a year.

3. General Performance Goals and Objectives. As required by clause 3(c)(4) of rule XIII, the general performance goal or objective of this bill is to provide adequate school facilities within Yosemite National Park.

4. Congressional Budget Office Cost Estimate. Under clause 3(c)(3) of rule XIII of the rules of the House of Representatives and section 403 of the Congressional Budget Act of 1974, the Committee has received the following cost estimate for this bill from the Director of the Congressional Budget Office:

U.S. CONGRESS,  
CONGRESSIONAL BUDGET OFFICE,  
*Washington, DC, April 8, 2002.*

Hon. JAMES V. HANSEN,  
*Chairman, Committee on Resources,  
House of Representatives, Washington, DC.*

DEAR MR. CHAIRMAN: The Congressional Budget Office has prepared the enclosed cost estimate for H.R. 3421, the Yosemite National Park Education Improvement Act.

If you wish further details on this estimate, we will be pleased to provide them. The CBO staff contact is Megan Carroll.

Sincerely,

BARRY B. ANDERSON  
(For Dan L. Crippen, Director).

Enclosure.

*H.R. 3421—Yosemite National Park Education Improvement Act*

Summary: H.R. 3421 would authorize the Secretary of the Interior to make payments to two California school districts that serve the families of Yosemite National Park employees. The school districts would use those funds to enhance educational services provided to their students.

CBO estimates that implementing H.R. 3421 would cost \$750,000 in 2003 and about \$4 million over the 2003–2007 period, assuming the availability of appropriated funds. The bill could increase direct spending; therefore, pay-as-you-go procedures would apply, but we estimate that any such increase would be less than \$550,000 a year. H.R. 3421 contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act (UMRA) and would impose no costs on state, local, or tribal governments. Enacting this legislation could benefit the California school districts eligible to receive the authorized funds.

Estimated cost to the Federal Government: For this estimate, CBO assumes that H.R. 3421 will be enacted by the end of fiscal year 2002 and that amounts necessary to implement the bill will be appropriated near the start of each fiscal year. The estimated budgetary impact of H.R. 3421 is shown in the following table. The costs of this legislation fall within budget function 300 (natural resources and environment).

	By fiscal year, in millions of dollars—				
	2003	2004	2005	2006	2007
CHANGES IN SPENDING SUBJECT TO APPROPRIATION					
Estimated Authorization Level .....	1	1	1	1	1
Estimated Outlays .....	1	1	1	1	1

Basis of estimate: For each of fiscal years 2003 through 2007, H.R. 3421 would authorize the Secretary of the Interior to pay a total of up to \$750,000 to two California school districts that serve the families of Yosemite National Park employees. To make those payments, H.R. 3421 would authorize the Secretary to use appropriated funds, donations, or offsetting receipts from certain fees collected by the National Park Service (NPS). For this estimate, CBO assumes that the Secretary would principally rely on appropriated funds to make the payments authorized by the bill because very few collections and donations are available to spend on new activities. Hence, we estimate that implementing H.R. 3421 would increase new activities. Hence, we estimate that implementing H.R. 3421 would increase discretionary spending by \$750,000 a year over the next five years, assuming the availability of appropriated funds. That annual amount could be lower if the Secretary chooses to use funds from other sources to make payments to the school districts, as discussed below.

Pay-as-you-go considerations: H.R. 3421 would authorize the Secretary to use certain fees and donations to make payments to the school districts. According to the NPS, the agency already has authority to spend nearly all such collections; hence, we estimate that any increase in direct spending of such fees under H.R. 3421 would be less than \$500,000 a year.

Intergovernmental and private-sector impact: H.R. 3421 contains no intergovernmental or private-sector mandates as defined in UMRA and would impose no costs on state, local, or tribal governments. Enacting this legislation could benefit the California school districts eligible to receive the authorized funds.

Estimate prepared by: Federal Costs: Megan Carroll; impact on State, local, and tribal governments: Marjorie Miller; impact on the private sector: Lauren Marks.

Estimate approved by: Peter H. Fontaine, Deputy Assistant Director for Budget Analysis.

#### COMPLIANCE WITH PUBLIC LAW 104-4

This bill contains no unfunded mandates.

#### PREEMPTION OF STATE, LOCAL OR TRIBAL LAW

This bill is not intended to preempt any State, local or tribal law.

#### CHANGES IN EXISTING LAW

If enacted, this bill would make no changes in existing law.

#### COMMITTEE CORRESPONDENCE

HOUSE OF REPRESENTATIVES,  
COMMITTEE ON RESOURCES,  
*Washington, DC, April 9, 2002.*

Hon. JOHN BOEHNER,  
*Chairman, Committee on Education and the Workforce,  
Rayburn House Office Building, Washington, DC.*

DEAR MR. CHAIRMAN: On March 20, 2002, the Committee on Resources ordered favorably reported H.R. 3421, to provide adequate school facilities within Yosemite National Park, and for other purposes. This bill was referred primarily to the Committee on Resources and additionally to the Committee on Education and the Workforce.

H.R. 3421 is a narrowly drawn bill which addresses a problem experienced by three small, isolated schools located in Yosemite National Park in California. These schools serve the children of the Park employees and its concessionaire and have suffered a lack of funds for basic educational services and facility maintenance and repair. Congressman George Radanovich, chairman of our Subcommittee on National Parks, Recreation and Public Lands and the representative of this area, has sought an alternative source of funds to supplement existing funds for the schools.

With slightly over 50 legislative days left in the 107th Congress, Congressman Radanovich would like to move H.R. 3421 expeditiously to the Floor for consideration by the House in the hope that it could be enacted before the start of the fall school term. I understand that the Subcommittee on National Parks staff has worked closely with your staff to ensure that the bill does not impinge on

Department of Education programs and that this work was reflected in an amendment adopted to the bill during its consideration by the Committee on Resources.

Therefore, I ask that you allow the Committee on Education and the Workforce to be discharged from further consideration of the bill to allow it to be scheduled for a House vote as quickly as possible. By not fully exercising the Committee on Education and the Workforce's referral, you would in no way be waiving your jurisdiction over the subject matter of the bill nor would this action be precedent for any other bill. Moreover, if a conference on this bill or a similar Senate bill should become necessary, I would support your request to have your Committee represented on the conference committee. Finally, I would be pleased to include this letter and your reply in the Committee on Resources bill report to document our agreement.

I thank you for your assistance in this matter and that of your staff. I look forward to your response to my request.

Sincerely,

JAMES V. HANSEN,  
*Chairman.*

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HOUSE OF REPRESENTATIVES,  
COMMITTEE ON EDUCATION AND THE WORKFORCE,  
*Washington, DC, April 12, 2002.*

Hon. JAMES V. HANSEN,  
*Chairman, Committee on Resources, Longworth HOB, Washington, DC.*

DEAR CHAIRMAN HANSEN: Thank you for your letter of April 9, 2002 and for working with me regarding H.R. 3421, the "Yosemite National Park Educational Facilities Improvement Act," which was referred to the Committee on Resources and in addition the Committee on Education and the Workforce. I very much appreciate the cooperation both you and Rep. George Radanovich have given in crafting legislation that meets our mutual concerns. I thank you for adopting those changes to the legislation during your markup. As a result, I do not intend to hold a hearing or markup on this legislation.

In agreeing to waive consideration by our Committee, I would expect you to agree that the procedural route should not be construed to prejudice the Committee on Education and the Workforce's jurisdictional interest and prerogatives on this or any similar legislation and will not be considered as precedent for consideration of matters of jurisdictional interest to my Committee in the future. I would also expect your support in my request to the Speaker for the appointment of conferees from my Committee with respect to matters within the jurisdiction of my Committee should a conference with the Senate be convened on this or similar legislation.

I would appreciate your including my letter in your Committee's report to accompany H.R. 3421. Again, I thank you for working

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with me in developing this legislation and I look forward to working with you on issues in the future.  
Sincerely,

JOHN BOEHNER,  
*Chairman.*

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