This document contains the text of the "Albert Einstein Distinguished Educators Fellowship Act of 1994" (S. 2104) along with related analysis. The bill establishes a Department of Energy (DOE) fellowship program for math and science teachers that provides them opportunities to work at DOE labs in order to enhance coordination and communication among the educational community, the Congress, and the Executive Agencies responsible for developing and administering federal education programs. Following the text of the bill is a discussion of background and need and a description of DOE mathematics and science programs. A report on the bill's legislative history is included along with committee recommendations and a tabulation of committee votes. A Committee amendment expands the program to authorize fellowships in other parts of the Federal government, directs the Secretary of Energy to administer the program, broadens the qualification criteria for recipients, and authorizes a partnership with the Waste Management Education & Research Consortium. The document includes a section-by-section analysis, a statement of cost and budgetary considerations, regulatory impact evaluation, recounting of relevant executive communications, and a letter from the National Aeronautics and Space Administration. (JB)
ALBERT EINSTEIN DISTINGUISHED EDUCATOR FELLOWSHIP ACT OF 1994

AUGUST 19 (legislative day, AUGUST 18), 1994.—Ordered to be printed

Mr. JOHNSTON, from the Committee on Energy and Natural Resources, submitted the following

REPORT

[To accompany S. 2104]

The Committee on Energy and Natural Resources, to which was referred the bill (S. 2104) to establish within the National Laboratories of the Department of Energy a national Albert Einstein Distinguished Educator Fellowship Program, having considered the same, reports favorably thereon with an amendment and recommends that the bill, as amended, do pass.

The amendment is as follows:

Strike out all after the enacting clause and insert in lieu thereof the following:

SECTION 1. SHORT TITLE.
This Act may be cited as the "Albert Einstein Distinguished Educator Fellowship Act of 1994".

SEC. 2. FINDINGS.
The Congress finds that—

(1) the Department of Energy has unique and extensive mathematics and science capabilities that contribute to mathematics and science education programs throughout the nation;

(2) a need exists to increase understanding, communication, and cooperation between the Congress, the Department of Energy, other Federal agencies, and the mathematics and science education community;

(3) elementary and secondary school mathematics and science teachers can provide practical insight to the Legislative and Executive branches in establishing and operating education programs; and

(4) a pilot program that placed elementary and secondary school mathematics and science teachers in professional staff positions in the Senate and the House of Representatives has proven successful and demonstrated the value of expanding the program.

ED 382 605

103D CONGRESS 2d Session

103-350

SENATE

REPORT

BEST COPY AVAILABLE
SEC. 3 PURPOSE; DESIGNATION.

(a) PURPOSE.—The purpose of this Act is to establish within the Department of Energy a national fellowship program for elementary and secondary school mathematics and science teachers.

(b) DESIGNATION.—A recipient of a fellowship under this Act shall be known as an "Albert Einstein Fellow".

SEC. 4. DEFINITIONS.

As used in this Act—

(1) the term "elementary school" has the meaning provided by section 1471(8) of the Elementary and Secondary Education Act of 1965;
(2) the term "local educational agency" has the meaning provided by section 1471(12) of the Elementary and Secondary Education Act of 1965;
(3) the term "secondary school" has the meaning provided by section 1471(21) of the Elementary and Secondary Education Act of 1965; and
(4) the term "Secretary" means the Secretary of Energy.

SEC. 6. FELLOWSHIP PROGRAM AUTHORIZED.

(a) GENERAL.—

(1) ESTABLISHMENT.—The Secretary shall establish the Albert Einstein Distinguished Educator Fellowship Program (hereafter known as the Program) to provide 12 elementary or secondary school mathematics or science teachers with fellowships in each fiscal year in accordance with this Act.

(2) ORDER OF PRIORITY.—The Secretary may reduce the number of fellowships awarded under this Act for any fiscal year in which the amount appropriated for the Program is insufficient to support 12 fellowships. If the number of fellowships awarded under this Act is reduced for any fiscal year, then the Secretary shall award fellowships based on the following order of priority;

(A) three fellowships in the Department of Energy;
(B) two fellowships in the Senate;
(C) two fellowships in the House of Representatives; and
(D) one fellowship in each of the following:
   (1) the Department of Education;
   (2) the National Institutes of Health;
   (3) the National Science Foundation;
   (4) the National Aeronautics and Space Administration; and
   (5) the Office of Science and Technology Policy.

(3) TERMS OF FELLOWSHIPS.—Each fellowship awarded under this Act shall be awarded for a period of ten months that, to the extent possible, coincides with the academic year.

(b) PROGRAM ADMINISTRATION REQUIREMENTS.—The Secretary shall—

(1) provide for the development and administration of an application and selection process for fellowships under the Program including a process whereby final selections of fellowship recipients are made in accordance with subsection (c);
(2) provide for the publication of information on the Program in appropriate professional publications including an invitation for applications from teachers listed in the directories of national and State recognition programs;
(3) select from the pool of applicants 12 elementary and secondary school mathematics teachers and 12 elementary and secondary school science teachers;
(4) develop a program of orientation for fellowship recipients under this Act; and
(5) provide an annual report and evaluation of the Program to be submitted to the appropriate Committees of the Senate and the House of Representatives by August 31 of each year in which fellowships are awarded.

(c) SELECTION.—

(1) GENERAL.—The Secretary shall arrange for the 24 semifinalists to travel to Washington, D.C., to participate in interviews in accordance with the selection process described in section 5(c)(2) of this section.

(2) FINAL SELECTION.—(A) The final selection of fellowship recipients shall be made and announced prior to May 1 preceding each fellowship term.
(B) The Secretary shall provide for the development and administration of a process whereby the selection of fellowship recipients from the pool of semifinalists are made in the following manner:

(i) the Secretary shall select three fellowship recipients who shall be assigned to the Department of Energy;

(ii) the Majority Leader of the Senate and the Minority Leader of the Senate, or their designees, shall each select a fellowship recipient who shall be assigned to the Senate;

(iii) the Speaker of the House of Representatives and the Minority leader of the House of Representatives, or their designees, shall each select a fellowship recipient who shall be assigned to the House of Representatives; and

(iv) the Secretary of Education; the Director of the National Institutes of Health; the Director of the National Science Foundation; the Administrator of the National Aeronautics and Space Administration; and the Director of the Office of Science and Technology Policy; or their designees, shall each select one fellowship recipient who shall be assigned within the department, office, agency or institute that such individual administers.

SEC. 8. FELLOWSHIP AWARDS.

(a) FELLOWSHIP RECIPIENT COMPENSATION.—Each recipient of a fellowship under this Act shall be paid during the fellowship period at a rate of pay that shall not exceed the minimum annual rate payable for a position under GS-13 of the General Schedule.

(b) LOCAL EDUCATIONAL AGENCY.—The Secretary shall seek to ensure that no local educational agency penalizes a teacher who elects to participate in the Program.

SEC. 7. WASTE MANAGEMENT EDUCATION RESEARCH CONSORTIUM (WERC).

The Secretary is authorized to establish a partnership of Department of Energy laboratories, academic institutions and private sector industries to conduct environmentally related education programs, including those involving environmentally conscious manufacturing and waste management activities, that have undergraduate and graduate educational training as a component.

SEC. 8. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated for the Program $700,000 for fiscal year 1995, and such sums as may be necessary for each of the fiscal years 1996 through 2001. There are authorized to be appropriated for the WERC program such sums as may be necessary for each of the fiscal years 1996 through 2001.

PURPOSE OF THE MEASURE

The purpose of S. 2104, as reported by the Committee, is to establish within the Department of Energy the Albert Einstein Distinguished Educator Fellowship Program for elementary and secondary mathematics and science teachers in order to enhance coordination and communication among the educational community, Congress and the Executive Agencies responsible for developing and administering federal education programs.

BACKGROUND AND NEED

Albert Einstein Fellowship Program

The Albert Einstein Fellowship Program (the “Program”) was initiated in 1990 by the Triangle Coalition—a consortium of industry and labor organizations, scientific and engineering societies, education associations, and government agencies. The purpose of the Program is to increase the understanding of, and support for, science, mathematics and technology education among Members of Congress and their staffs and to provide a growth of political acumen among scientific and mathematics teachers.

A total of twelve science and mathematics teachers have served as fellows to Congressional committees and to House and Senate
members. Each fellowship term runs for ten months. The Program is open to high school and middle school teachers. A successful fellow must demonstrate exceptional competence in science or mathematics education.

Congressional authorization for the Program was sought initially in 1990 through Senate Concurrent Resolution 122 which would have provided funding for two fellows in the U.S. Senate and two in the U.S. House of Representatives. Although the measure passed in the Senate, the congressional session ended before the House acted on it. The Triangle Coalition for Science and Technology Education, however, was able to obtain sufficient funding for the Program for that year from the John D. and Catherine T. McArthur Foundation.

Funding for the Program in 1991 and 1992 came through a combination of House and Senate Resolutions and additional private funding arranged by the Triangle Coalition. By 1993, several of the Federal agencies that have programs in math and science education has taken note of the value of the Albert Einstein Fellowship Program and offered funding support through their various grant programs.

The Department of Energy, along with the National Aeronautics and Space Administration (NASA) and the National Institutes of Health, now support the Program. Each of these agencies provided $50,000 to fund the program in FY 1994. The Department of Energy has acted as the lead agency in providing overall coordination and support for administering the Program. Since support of mathematics and science education is a central part of Department of Energy's mission, the Department is well-suited to administer such a program.

Department of Energy Math and Science Programs

Historically, the Department of Energy's activities have been limited to defense and energy-related research, development and demonstration and basic scientific research carried out within the Department's extensive laboratory system. In recent years, however, both Congress and the private sector have recognized that the Department has unique and extraordinary capabilities within its laboratories in scientific and technological areas beyond those associated with weapons or energy systems. This broader view of the Department's value has spawned a variety of programs aimed at tapping these resources to further the Nation's goals in areas beyond defense and energy.

The Department of Energy Science Education Act, enacted as a part of the 1991 National Defense Authorization Act, made science, math and technology education a mission of the Department. The Act specifically authorizes the Department of Energy to use its facilities to enhance educational opportunities in science, mathematics, and engineering for American students and educators to improve the scientific literacy and competitiveness of the Nation.

In 1993, the Office of Science Education and Technical Information was created to coordinate the Department's science education activities and to directly support a number of science education programs. Two programs administered by the Office of Science Education and Technical Information provide opportunities for

The TRAC Program provides special eight-week summer research programs at the Department's laboratories for 7th through 12th grade teachers. The program is aimed at improving teachers' research skills and laboratory techniques. It also provides an opportunity for the participants to develop improved instructional materials and experiments for their classrooms.

The FCCSET Federal Laboratory Teacher Training Program is a multiagency program administered by the Department's Office of Science Education and Technical Information. The Program is composed of four-week summer institutes that expose teachers to cutting-edge science in specific areas. In addition to the Department of Energy, participating agencies include the National Aeronautics and Space Administration, the Environmental Protection Agency (EPA), the Department of Commerce, the Department of Agriculture and the Department Interior.

Other Department of Energy programs such as Energy Research and Defense Programs also support science education directly through grants as well as through partnerships with universities and private industries such as the Waste Management Education Research Consortium.

Throughout its history, the Albert Einstein Fellowship Program has relied on year-to-year authorization and piecemeal funding. While the Program's private sector sponsors have been successful in securing funding from year-to-year, such an approach jeopardizes the long-term continuity and viability of the Program. The Program is essentially a Federal program—one designed to operate within the Federal Government and to benefit the nation. It is, therefore, appropriate that the Federal Government assume the primary responsibility for supporting the Program. Program direction by a single Federal agency is needed to provide stability, continuity and more efficient operation of the Program.

LEGISLATIVE HISTORY

Senator Hatfield, with Senators Bingaman, Domenici and Cochran as original cosponsors, introduced S. 2104 on May 11, 1994. The bill was referred to the Committee on Energy and Natural Resources.

Senator Hatfield has sponsored a number of resolutions which passed the Senate during the 101st and 102nd Congresses establishing the Albert Einstein Congressional Fellowship Program. In the 102nd Congress, Senator Hatfield introduced S. 2031, the “Albert Einstein Teacher Fellowship Act of 1991.” S. 2031 would have authorized the Secretary of Education to establish a program to provide science and mathematics teachers with one-year fellowship opportunities in the Congress and Executive branch. The bill was referred to the Subcommittee on Education, Arts and Humanities of the Committee on Labor and Human Resources.

On June 28, 1994, the Subcommittee on Energy Research and Development Committee held a hearing on S. 2104. At a business
meeting on August 3, 1994, the Committee ordered S. 2104 favor-
ably reported with an amendment in the nature of a substitute.

On July 14, 1994, Representative Sawyer introduced H.R. 4759,
the “Albert Einstein Distinguished Educator Fellowship Act of
1994.” The bill was referred to the Subcommittee on Energy of the
House Science, Space and Technology Committee.

COMMITTEE RECOMMENDATIONS AND TABULATION OF VOTES

The Committee in open business session on August 3, 1994, by
a unanimous vote of a quorum present, recommends that the Sen-
ate pass S. 2104, if amended as described herein.

The roll call vote on reporting the measure was 20 yeas, 0 nays, as follows:

YEAS
Mr. Johnston
Mr. Bumpers 1
Mr. Ford
Mr. Bradley
Mr. Bingaman 1
Mr. Akaka
Mr. Shelby 1
Mr. Wellstone 1
Mr. Campbell 1
Mr. Mathews
Mr. Dorgan 1
Mr. Wallop
Mr. Hatfield
Mr. Domenici
Mr. Murkowski
Mr. Nickles
Mr. Craig
Mr. Bennett
Mr. Specter 1
Mr. Lott 1

NAYS

1 Indicates voted by proxy.

COMMITTEE AMENDMENT

The Committee adopted an amendment in the nature of a sub-
titute to S. 2104.

The amendment retains the basic purpose of S. 2104 as intro-
duced to establish with the Department of Energy the Albert Ein-
stein Distinguished Educator Fellowship Program (the “Program”) for outstanding elementary and secondary mathematics and science teachers. As introduced, S. 2104 would provide for teacher fellow-
ships within Department of Energy laboratories. The Committee believes that fellowships within the Department of Energy—both within its laboratories and within the agency itself—will provide ele-
mentary and secondary mathematics and science teachers an op-
portunity to participate in scientific research as well as a chance to shape Department of Energy science and education programs.

The primary focus of the existing Albert Einstein Fellowship Pro-
gram, however, has been to place fellows in the Legislative branch. This Program has proven successful and the Committee sees no
reason to discontinue legislative branch fellowships. Furthermore, the Committee believes the Program should be expanded to provide for fellowships not just within the Legislative branch and the Department of Energy, but within other Executive branch agencies that pursue scientific and technological missions. Thus, the Committee amendment expands the Program to authorize fellowships within other parts of the Federal Government.

Section 5 of the amendment provides for a total of twelve fellowships—three fellowships within the Department of Energy; two fellowships within the House and two in the Senate; and one fellowship in each of the Department of Education, the National Institutes of Health, the National Science Foundation, the National Aeronautics and Space Administration, and the Office of Science and Technology Policy.

The amendment directs the Secretary of Energy to administer the Program. The committee believes that the Department of Energy is well-suited to administer the program because of its mission to enhance science, mathematics and engineering education and its history in successfully establishing similar multiagency programs in pursuit of that mission.

Section 5(a)(4) of the amendment sets out the qualifications for fellowship recipients in lieu of the requirement in S. 2104 as introduced that only teachers who are "outstanding," as defined by the Act, could receive fellowships. The Committee believes that the fellowships under the Act should be awarded to only those teachers who have distinguished themselves in their field; however, the bill as introduced would require that a fellowship recipient has received a state or national award comparable to the Presidential Award for Excellence in Mathematics and Science Teaching or a Woodrow Wilson Fellowship. The Committee is concerned that such a specific statutory requirement significantly reduces the pool of otherwise exemplary mathematics and science teachers who could contribute to the Program. The Committee has, therefore, broadened the qualification criteria for fellowship recipients. The Committee expects the Secretary, nevertheless, to develop criteria that will result in the selection of only the Nation's most outstanding mathematics and science teachers for participation in the Program. The Committee also intends that the reference to mathematics and science teachers be construed broadly so as to encompass all categories of mathematics and science teachers including those in the applied sciences and technologies and engineering.

The Committee deleted the provision in S. 2104 as introduced that directed the Secretary to select a contractor to administer the Program. The Committee believes that the decision as to whether the Program can best be administered by a private contractor should be left to the discretion of the Secretary. The committee notes, however, that the existing Albert Einstein Fellowship Program has been successfully administered since its inception by the Triangle Coalition.

Section 5(b) directs the Secretary to provide for the development and administration of a process for selecting 24 semifinalists—12 elementary and 12 secondary school mathematics teachers and 12 elementary and secondary school science teachers. The Committee intends, by directing the Secretary to arrange for the 24 semifinalists
to travel to Washington, D.C. for final interviews that the travel expenses for the semifinalists be paid from Program funds.

Section 7 of the Committee amendment contains an authorization for the Waste Management Education & Research Consortium (WERC), a partnership that includes the Department of Energy, universities and private industries. WERC's mission is to expand the Nation’s capability to address waste management issues through education, research, technology development and technology transfer. It was begun as a five-year model program in 1990 to demonstrate that a partnership of universities, national laboratories and industry could expand the nation’s resources to address the management of all types of waste through education and technology development. WERC has proven to be one of the Department of Energy’s most successful educational consortia. WERC is an excellent example of a Department of Energy education program that can provide a mathematics or science teacher an opportunity to participate in scientific research and at the same time an opportunity to provide practical insight to the Department on the structure and operation of its educational programs.

SECTION-BY-SECTION ANALYSIS

Section 1 establishes the short title, the “Albert Einstein Distinguished Educator Fellowship Act of 1994”.

Section 2 establishes the findings. Congress finds that the Department of Energy's laboratories have unique mathematics and science education programs throughout the Nation. These capabilities, coupled with input from elementary and secondary school teachers, can be used to increase understanding, communication and cooperation among the Congress, Federal agencies and the education community.

Section 3 states that the purpose of the act is to create a national fellowship program for elementary and secondary mathematics and science teachers that will be administered by the Department of Energy. A fellowship recipient will be known as an “Albert Einstein Fellow.”

Section 4 establishes defined terms for purposes of the Act. Definitions from the Elementary and Secondary Education Act of 1965 are adopted where appropriate to provide consistency with that Act.

Section 5 directs the Secretary of Energy to establish a program that will provide fellowships each year for twelve elementary or secondary mathematics or science teachers. The fellowships are for ten months, preferably to coincide with the school year.

There are to be three fellows within the Department of Energy, two in the Senate and two in the House of Representatives, and one in each of the Department of Education, the National Institutes of Health, the National Science Foundation, the National Aeronautics and Space Administration and the Office of Science and Technology Policy. In any year that appropriations are insufficient to fund all twelve fellowships, the Secretary is directed to fund fellowships on the basis of the foregoing order of priority.

Fellowship recipients are to be selected on the basis of their recognized excellence as mathematics or science teachers and their
ability to contribute to the program through sharing of their expertise and experience.

Section 6 provides the level of compensation for fellowship recipients. The Section also directs the Secretary to attempt to remove penalties to which a teacher might be subject by electing to participate in the Program. The Committee understands that some State and local teacher contract provisions could be interpreted to adversely affect benefits or seniority when a teacher returns to his or her former position upon completion of a fellowship of the kind provided by this Act. The Committee intends that the Secretary take appropriate steps to assist the fellowship recipient in negotiating with the State of local contracting entity to eliminate or minimize any such adverse consequences.

Section 7 authorizes the Secretary to continue the Waste Management Education Research Consortium (WERC).

Section 8 authorizes funds to be appropriated to the Secretary for the fellowship program and the WERC program.

**COST AND BUDGETARY CONSIDERATIONS**

The following estimate of the cost of this measure has been provided by the Congressional Budget Office:

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,

Hon. J. BENNETT JOHNSTON,
Chairman, Committee on Energy and Natural Resources,
U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: The Congressional Budget Office has reviewed S. 2104, the Albert Einstein Distinguished Educator Fellowship Act of 1994, as ordered reported by the Senate Committee on Energy and Natural Resources on August 3, 1994. Assuming the appropriation of funds authorized in the bill, S. 2104 would increase federal outlays by $500,000 to $800,000 per year over the next five years.

S. 2104 would establish within the Department of Energy a national fellowship program for elementary and secondary school mathematics and science teachers. The bill would authorize the appropriate of $700,000 in fiscal year 1995, and such sums as may be necessary for fiscal years 1996 through 2001, to carry out the fellowship program. CBO estimates that outlays would total about $500,000 in 1995 and approximately $3.5 million over the 1995-1999 period, assuming the appropriation of the necessary funds.

Enactment of S. 2104 would not affect direct spending or receipts. Therefore, pay-as-you-go procedures would not apply to the bill. In addition, CBO estimates that the bill would not affect the budgets of state or local governments.

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

Sincerely,

JAMES L. BLUM
(For Robert D. Reischauer, Director).
REGULATORY IMPACT EVALUATION

In compliance with paragraph 11(b) of rule XXVI of the Standing Rules of the Senate, the Committee makes the following evaluation of the regulatory impact which would be incurred in carrying out S. 2104. The bill is not a regulatory measure in the sense of imposing Government-established standards or significant economic responsibilities on private individuals and businesses.

No personal information would be collected in administrating the program. Therefore, there would be no impact on personal privacy. Little, if any, additional paperwork would result from the enactment of S. 2104, as ordered reported.

EXECUTIVE COMMUNICATIONS

On June 7, 1994, the Committee requested legislative reports from the Department of Energy, the Department of Education, the National Science Foundation, and the Office of Management Budget. On June 16, the Committee requested executive comment from the National Aeronautics and Space Administration and the Department of Health and Human Services.

The Department of Energy responded by setting forth their views in testimony before the Subcommittee on Energy Research and Development on June 28, 1994.

The pertinent legislative report received by the Committee on July 12, 1994, from the National Aeronautics and Space Administration setting forth Executive agency recommendations relating to S. 2104 is set forth below:

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION,

Hon. J. BENNETT JOHNSTON,
Chairman, Committee on Energy and Natural Resources,
U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN. Thank you for your letter to Mr. Goldin dated June 16, 1994, in which you request NASA's comments on the bill, S. 2104, the "Albert Einstein Distinguished Educator Fellowship Act of 1994."

S. 2104 would authorize the Secretary of Energy to establish the "Department of Energy Albert Einstein Distinguished Educator Fellowship Program." under this program, ten elementary or secondary school mathematics or science teachers would be awarded ten-month fellowships within the Department of Energy's National Laboratories.

NASA supports the intent of this legislation, to foster increased understanding, communications, and cooperation between the Federal government and the mathematics and science education community. We believe the Einstein fellowship concept proposed in this bill can further these goals.

NASA has been involved in the past in providing assistance for the Einstein fellowship pilot program described in Senator Hatfield's statement accompanying his introduction of this bill. The pilot program has been an excellent demonstration of how educators can be involved in, and what they can contribute to, the legislative process. Recently, Einstein fellows have been involved in

Since this legislation would create an Einstein fellowship program in the Department of Energy, we defer to the Department of Energy for comments on the specific provisions of S. 2104. As a general comment, we note that the current language of the bill does not articulate a purpose for the proposed Einstein Fellowship program. We believe that such a statement of purpose would be helpful in the implementation of this legislation, if it is enacted.

The Office of Management and Budget has advised that, from the standpoint of the Administration’s program, there is no objection to the submission of this report to the Congress.

Sincerely,

JEFF LAWRENCE,
Associate Administrator for Legislative Affairs.

Reports from the other agencies the Committee requested executive comment from had not been received at the time the report was filed. When the reports become available, the Chairman will request they be printed in the Congressional Record for the advice of the Senate.

CHANGES IN EXISTING LAW

In compliance with paragraph 12 of rule XXVI of the Standing Rules of the Senate, the Committee notes that no changes in existing law are made by the bill S. 2104 as ordered reported.