

## At a Glance

### Subject of the Legislation

**As ordered reported by the House Committee on Education and the Workforce on June 13, 2024**

On June 13, 2024, the House Committee on Education and the Workforce ordered reported eight bills and one joint resolution. This comprehensive document provides estimates for seven of those bills and the resolution.

- H.R. 618 would have an insignificant effect on direct spending; thus, pay-as-you-go procedures apply. The other six bills and the resolution would not affect direct spending or revenues; thus, pay-as-you-go procedures do not apply to those pieces of legislation.
- H.R. 8606 would increase spending subject to appropriation by \$8 million over the 2024-2029 period. The other pieces of legislation would increase spending subject to appropriation by less than \$500,000.
- H.R. 8534 would impose an intergovernmental mandate by prohibiting states from designating varsity athletes of a school, conference, or association as employees of that entity. None of the other pieces of legislation would impose intergovernmental mandates. None of the bills or the resolution would impose private-sector mandates.

Details of the estimated costs of each piece of legislation are discussed in the text.

| Bill         | Net Increase or Decrease (-)<br>in the Deficit<br>Over the 2024-2034 Period<br>(Millions of Dollars) | Changes in Spending<br>Subject to Appropriation<br>Over the 2024-2029 Period<br>(Outlays, Millions of Dollars) | Mandate<br>Effects? |
|--------------|------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------|---------------------|
| H.J Res. 165 | 0                                                                                                    | *                                                                                                              | No                  |
| H.R. 618     | *                                                                                                    | *                                                                                                              | No                  |
| H.R. 5567    | 0                                                                                                    | *                                                                                                              | No                  |
| H.R. 6816    | 0                                                                                                    | *                                                                                                              | No                  |
| H.R. 8534    | 0                                                                                                    | *                                                                                                              | Yes                 |
| H.R. 8606    | 0                                                                                                    | 8                                                                                                              | No                  |
| H.R. 8648    | 0                                                                                                    | *                                                                                                              | No                  |
| H.R. 8649    | 0                                                                                                    | *                                                                                                              | No                  |

\* = between -\$500,000 and \$500,000.

**Detailed estimate begins on the next page.**



## Legislation Summary

On June 13, 2024, the House Committee on Education and the Workforce ordered to be reported eight bills and one joint resolution. This document provides estimates for seven of those bills and the resolution.

Generally, the legislation would:

- Repeal a rule submitted by the Department of Education relating to “Nondiscrimination on the Basis of Sex in Education Programs or Activities Receiving Federal Financial Assistance;”
- Allow nurse practitioners and physician assistants to diagnose, treat, and certify an injury and extent of disability for the purposes of federal workers’ compensation;
- Require elementary and secondary schools and institutions of higher education to meet new requirements in order to maintain eligibility for funding from the Department of Education;
- Prevent student athletes from being considered the employees of an institution of higher education; and
- Authorize appropriations for the educational activities of the United States Holocaust Memorial Museum.

## Estimated Federal Cost

The estimated costs of the legislation fall within budget function 500 (education, training, employment, and social services).

## Basis of Estimate

For this estimate, CBO assumes that the legislation will be enacted near the end of fiscal year 2024. The estimated costs do not include any interaction effects among the pieces of legislation. If all seven bills and the resolution were combined and enacted as a single piece of legislation, the estimated costs could be different than the sum of the separate estimates, although CBO expects that any difference would be small.

CBO estimates that implementing H.R. 8606 would cost \$8 million over the 2024-2029 period. Implementing the remaining bills and the joint resolution would each cost less than \$500,000 over the same period. Any related spending would be subject to the availability of appropriated funds.



**H.J. Res. 165, a joint resolution providing for Congressional disapproval under chapter 8 of title 5, United States Code, of the rule submitted by the Department of Education relating to “Nondiscrimination on the Basis of Sex in Education Programs or Activities Receiving Federal Financial Assistance”**

H.J. Res 165 would disapprove the rule submitted by the Department of Education relating to “Nondiscrimination on the Basis of Sex in Education Programs or Activities Receiving Federal Financial Assistance,” as published in the Federal Register on April 29, 2024.

The rule amends title IX of the Education Amendments of 1972 (title IX), which prohibits discrimination on the basis of sex in any education program or activity receiving federal financial assistance. The rule clarifies definitions related to sex-based discrimination and harassment and specifies the requirements for grievance procedures, and requirements for preventing sexual discrimination and remedying its effects.

Institutions that fail to comply with title IX, as amended by the rule, could lose federal funding. However, CBO expects that institutions will comply with the regulations to avoid doing so. On that basis, CBO estimates that disapproving the rule would not affect institutions’ eligibility for federal student aid.

Based on the costs of similar activities, CBO estimates that implementing the resolution would cost less than \$500,000 over the 2024-2029 period. Any related spending would be subject to the availability of appropriated funds.

**H.R. 618, Improving Access to Workers’ Compensation for Injured Federal Workers Act**

H.R. 618 would allow nurse practitioners and physician assistants to diagnose, prescribe treatment, and certify an injury and the extent of disability for the purpose of compensating federal workers under the Federal Employees’ Compensation Act (FECA). Using information from the Department of Labor, CBO expects that nonphysician providers would be compensated at the same rate as physicians and that total benefits provided to injured federal workers would not significantly change. Some people may receive treatment more quickly under the bill, which could increase costs over the 10-year period because some payments to medical providers that would have occurred in 2035 under current law could be paid in 2034. On the other hand, if injured workers receive treatment faster, some may return to work more quickly, which could reduce costs. CBO has no basis to estimate which effect would predominate, but we expect that those effects would roughly offset each other. Thus, CBO estimates that enacting H.R. 618 would affect net direct spending by an insignificant amount.

The FECA payments are mandatory. The costs of those payments are charged to a claimant’s employing agency, which reimburses the Department of Labor out of its salaries and expense accounts. Any effect on discretionary spending would be subject to future appropriation actions.

**H.R. 5567, CLASS Act**

H.R. 5567 would require public elementary and secondary schools that receive funding from the Department of Education to disclose to the department funds received or contracts signed with foreign sources that are more than \$10,000.

CBO expects schools would comply with the new requirements; thus, enacting the bill would not affect their eligibility to receive federal funds. Based on the costs of similar activities, CBO estimates that implementing the bill would cost the Department of Education less than \$500,000 over the 2024-2029 period. Any related spending would be subject to the availability of appropriated funds.

**H.R. 6816, PROTECT Our Kids Act**

H.R. 6816 would prohibit elementary and secondary schools that receive direct or indirect support from the government of the People's Republic of China (including Confucius Institutes), from receiving funds from the Department of Education.

The 2018 National Defense Authorization Act prohibited institutions of higher education from using federal funding for Chinese language programs at Confucius Institutes. As a result, nearly all Confucius Institutes at postsecondary institutions have closed, according to a Government Accountability Office report released in 2023.<sup>1</sup> On that basis, CBO expects schools would comply with the new requirements; thus, enacting the bill would not affect their eligibility to receive federal funds.

Based on the costs of similar activities, CBO estimates that implementing the bill would cost the Department of Education less than \$500,000 over the 2024-2029 period. Any related spending would be subject to the availability of appropriated funds.

**H.R. 8534, Protecting Student Athletes' Economic Freedom Act**

The bill would prohibit student athletes from being considered an employee of an institution based on the athletes' participation in a varsity intercollegiate athletic program or competition. Based on the costs of similar activities, CBO estimates that implementing the bill would cost the Department of Education less than \$500,000 over the 2024-2029 period. Any related spending would be subject to the availability of appropriated funds.

**H.R. 8606, Never Again Education Reauthorization and Study Act of 2024**

H.R. 8606 would authorize the appropriation of \$2 million each year from 2026 through 2030 for the Director of the United States Holocaust Memorial Museum to support education and training related to the lessons of the Holocaust. Under current law, the authorization of appropriations for those activities expires at the end of 2025. The bill also would require the Director to conduct a study on the educational activities being carried out at the state and local level. Assuming appropriation of the authorized amounts and using historical spending

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1. Government Accountability Office, *China: With Nearly All U.S. Confucius Institutes Closed, Some Schools Sought Alternative Language Support*, GAO-20-105981 (October 2023), [www.gao.gov/products/gao-24-105981](http://www.gao.gov/products/gao-24-105981).



patterns for those activities, CBO estimates that implementing H.R. 8606 would cost \$8 million over the 2024-2029 period and \$2 million after 2029.

### **H.R. 8648, Civil Rights Protection Act of 2024**

H.R. 8648 would require any institution of higher education that receives federal student aid to make publicly available its process for addressing violations of title VI of the Civil Rights Act and any complaints received regarding alleged violations. The bill also would require the Assistant Secretary for Civil Rights at the Department of Education to give monthly briefings on violations specific to race, color, or national origin, and report the findings of institutional complaints.

CBO expects institutions would comply with the new requirements; thus, enacting the bill would not affect their eligibility for federal student aid. Based on the costs of similar activities, CBO estimates that implementing the bill would cost the Department of Education less than \$500,000 over the 2024-2029 period. Any related spending would be subject to the availability of appropriated funds.

### **H.R. 8649, Transparency in Reporting Adversarial Contributions to Education Act**

The bill would require elementary and secondary schools that receive funding from the Department of Education to disclose to parents and the public any contributions received from foreign countries and the terms or conditions of such contributions.

CBO expects schools would comply with the new requirements; thus, enacting the bill would not affect their eligibility to receive federal funds. Based on the costs of similar activities, CBO estimates that implementing the bill would cost the Department of Education less than \$500,000 over the 2024-2029 period. Any related spending would be subject to the availability of appropriated funds.

### **Pay-As-You-Go Considerations**

The Statutory Pay-As-You-Go Act of 2010 establishes budget-reporting and enforcement procedures for legislation affecting direct spending or revenues. CBO estimates that enacting H.R. 618 would affect net direct spending by less than \$500,000 over the 2024-2034 period.

### **Increase in Long-Term Net Direct Spending and Deficits**

CBO estimates that enacting the joint resolution or any of the seven bills in this estimate would not increase net direct spending or deficits in any of the four consecutive 10-year periods beginning in 2035.

### **Mandates**

H.R. 8534 would impose an intergovernmental mandate as defined in the Unfunded Mandates Reform Act (UMRA) by prohibiting states from designating varsity athletes of a school, conference, or association as employees of that entity. CBO estimates that the net



costs of the direct effects of the legislation would not result in additional expenditures or losses in revenue; therefore, the cost of the preemption would not exceed the threshold established in UMRA for intergovernmental mandates (\$100 million in 2024, adjusted annually for inflation).

The bill would not impose a private-sector mandate as defined in UMRA.

Enacting the legislation may result in other secondary effects on private entities by denying employment-related benefits to varsity athletes that they may otherwise have qualified for as an employee. However, CBO's estimate of those effects is subject to uncertainty because the question of whether athletes affected by the bill should be recategorized as employees of their institutions remains unsettled as court rulings, administrative decisions, and changes in policies of the National Collegiate Athletics Association are announced. What effect, if any, the bill would have on private entities would depend on the final adjudication of the matter.

None of the remaining pieces of legislation contained in this estimate would impose intergovernmental or private-sector mandates as defined in UMRA.

### **Estimate Prepared By**

#### Federal Costs:

Meredith Decker (Department of Labor)

Leah Koestner (Department of Education)

Susanne Mehlman (United States Holocaust Memorial Museum)

Garrett Quenneville (Department of Education)

Mandates: Erich Dvorak, Brandon Lever, and Grace Watson



**Estimate Reviewed By**

Elizabeth Cove Delisle

Chief, Income Security Cost Estimates Unit

Justin Humphrey

Chief, Finance, Housing, and Education Cost Estimates Unit

Kathleen FitzGerald

Chief, Public and Private Mandates Unit

H. Samuel Papenfuss

Deputy Director of Budget Analysis

**Estimate Approved By**

A handwritten signature in black ink, appearing to read "Phillip L. Swagel". The signature is fluid and cursive, with a long, sweeping tail.

Phillip L. Swagel

Director, Congressional Budget Office