



Legislative Bulletin.....July 24, 2003

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**H.R. 2210—School Readiness Act of 2003 (Head Start Reauthorization)
(Castle)**

RSC NOTE: Given the changes made to the authorization levels in the Castle Substitute (which is now original text for the purpose of amendment), Mrs. Myrick and others believe that the bill now adequately addresses the concerns / requests raised at the RSC Members meeting.

Order of Business: The bill is scheduled for consideration on Thursday, July 24th, under a structured rule. The rule makes in order two amendments, described below, and provides for a substitute amendment to be considered as the original text. The rule also provides for one motion to recommit.

Summary: H.R. 2210 reauthorizes the Head Start Act, which provides early childhood education programs for low-income children. The Act was last reauthorized in 1998. Title I of the bill includes changes to the current Head Start and Early Head Start programs, while Title II authorizes a new state demonstration program. The summary below reflects the text of the Castle substitute amendment, although changes from the Committee-reported bill are noted.

Title I Summary--

- Authorizes \$6,870,000,000 for fiscal year 2004, \$6,988,750,000 for the fiscal year 2005, \$7,106,500,000 for the fiscal year 2006, \$7,245,000,000 for the fiscal year 2007, and \$7,427,000,000 for the fiscal year 2008 (the Committee-reported bill authorized “such sums” for fiscal years 2005-2008).
- Sets percentages for training and technical assistance, with not less than 50 percent of funds allotted for local Head Start agencies, not less than 30 percent allotted for states, and not less than 20 percent allotted for the Secretary of Health and Human Services (HHS). Caps the training and technical assistance set-aside from at least 2 percent to at least 1 percent with a cap of 2 percent. Funds can’t be used for long-distance travel if similar training is available locally or regionally.

- Reserves 60 percent of new funding for quality improvement activities in fiscal years 2004-2008.
- Specifies that states receiving a collaboration grant must collaborate with state agencies overseeing education, health and human services, and child care as well as local educational agencies, community- and faith-based organizations, and the state Head Start association.
- Requires all curricula and instructional materials to be scientifically based and age appropriate and gives parents the ability to inspect any curricula or instructional material upon request.
- **Allows community- and faith-based organizations to be designated as a Head Start agency.**
- **Revises current-law nondiscrimination provisions to allow faith-based organizations to maintain their right to hire employees on a religious basis under Title VII of the Civil Rights Act.**
- Requires grantees to establish goals for improving the school readiness of children participating in the program in order to be eligible for designation as a Head Start agency. Grantees must demonstrate that they have met their goals in order to receive subsequent grants.
- Revises current education performance standards to increase academic focus. The new standards require that children demonstrate:
 - Language skills;
 - Prereading knowledge and skills;
 - Premathematics knowledge and skills;
 - Cognitive abilities related to academic achievement;
 - Social and emotional development important for child development, early learning, and school success; and
 - Progress toward English language acquisition in the case of limited-English proficient children.
- Adds to performance measure characteristics requirements that they be appropriate for the population served and reviewed not less than every 4 years.
- Replaces current educational performance measures with a requirement that results-based measures shall be designed to promote the competencies of children in Head Start, with an emphasis on competencies that have a strong scientifically-based predictability of a child's school readiness and later performance in school.
- Requires Head Start agencies to coordinate with the local educational agency (LEA) or other public agency operating a local prekindergarten program if there are such programs in the community.
- Adds to K-12 coordination requirements that Head Start must coordinate with the LEA to develop continuity of curricula, promote parental involvement, and increase participation of underserved populations of children.
- Requires that by September 30, 2008, at least 50 percent of all Head Start teachers must have at least a baccalaureate degree. Requires all new teachers (hired after the date of enactment) to have at least an associate degree within three years or be enrolled in a program leading to an associate degree in early childhood education or a related field. (Current law requires at least 50 percent of all teachers to have an

associate degree.) Requires Head Start agencies to create professional development plans for all full-time employees who provide direct services to children.

- Replaces the current-law Quality Improvement Study (conducted by the Secretary) with a panel established with the National Academy of Sciences to review Head Start and issue recommendations within 18 months of convening.
- The bill does not include any provisions to move Head Start to the Department of Education or implement new tests/assessments.

Title II Summary--

- Establishes an eight state demonstration project allowing eligible states to combine Head Start funds with funds for other early childhood programs serving children in the same age group. A state could participate for a maximum of five years.
- For a state to be eligible to participate in the demo, it must:
 - Currently spend in Head Start or state pre-kindergarten programs an amount equal to at least half of the state's Head Start allotment;
 - Have school readiness standards in place in fiscal year 2003 (a state in the process of developing such standards would not be eligible, unlike the Committee-reported bill);
 - Have existing professional development criteria for early childhood education teachers; and
 - Have an established means of inter-agency coordination.
- Demo states would have to comply with participation agreement provisions, which require states to (this section was not in the Committee-reported bill but with the exception of #8, substantively reflects provisions in the Committee-reported bill):
 - 1) Maintain or increase fiscal year 2003 state funding levels for early childhood education;
 - 2) Provide an additional contribution of non-federal funds equal to five percent of the state's federal Head Start allotment;
 - 3) Use Head Start funding only for the purposes of Head Start;
 - 4) Provide all comprehensive social services currently available to Head Start children, including health and nutrition;
 - 5) Develop a strategy to maximize parental involvement to enable parents to become full partners in the education of their children;
 - 6) Demonstrate that the qualifications and credentials for early childhood teachers meet or exceed the standards in section 648A(a)(2)(A), (B), and (C);
 - 7) Enforce quality standards for school readiness that are aligned with K-12 educational standards and generally meet or exceed the federal Head Start performance standards;
 - 8) Continue funding, for a period of 5 years, all current Head Start grantees in compliance with all Head Start performance standards and the state plan requirements approved by the Secretary (the Committee-reported bill had a hold-harmless of 3 years);
 - 9) Provide services that are at least as extensive as were provided under Head Start, and to at least as many low-income children and families in the state, in each fiscal year as were provided such services in the base year;

- 10) Establish a comprehensive collaboration effort to integrate Head Start, state-funded pre-kindergarten programs, Even Start, Title I preschool, and Early Reading First;
 - 11) Participate in independent evaluations of the demonstration program authorized under this subchapter
 - 12) Submit to Federal oversight by the Secretary
- Provides that if a state chooses to commingle federal and state funds under the demo, federal laws regarding the funds apply. **This language protects the ability of Head Start funds to be used at faith-based organizations in demo states that have Blaine amendments prohibiting state funding of religious institutions.**

Committee Action: H.R. 2210 was introduced on May 22 and referred to the Committee on Education and the Workforce. The Committee approved the bill on June 19 by a party line vote of 27 to 20.

Amendments:

Woolsey/Edwards/Frank/Scott (VA)/Van Hollen #16 (20 minutes): Strikes the section of the bill protecting the right of faith-based organizations to hire on a religious basis. *All RSC Members Are Strongly Urged to Oppose This Amendment.*

Miller, George (CA) # 24 (60 minutes): Amendment in nature of a substitute. Changes in the substitute to the current text of H.R. 2210 include striking the section of the bill protecting the right of faith-based organizations to hire on a religious basis, striking the state demonstration project, and keeping the Committee-reported authorization levels of \$6.87 billion in FY 2004 and such sums for FY 2005-2008.

Administration Position: The Administration supports H.R. 2210 (<http://hhs.gov/news/press/2003pres/20030619.html>)

Cost to Taxpayers: CBO estimated that authorizations under the Committee-reported bill will total \$35.9 billion over the 2004-2008 period and that appropriation of the authorized levels would result in additional outlays of \$31.8 billion over the 2004-2008 period. The Castle substitute reduces authorizations over the five-year period of the bill relative to the Committee-reported bill by \$208.75 million.

Does the Bill Create New Federal Programs or Rules?: The bill reauthorizes the Head Start Act and creates within Head Start a new state demonstration program.

Constitutional Authority: The Education and the Workforce Committee, in House Report 108-184, cites Article I, Section 8, Clause 1 (general welfare).

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H.R. 2427—Pharmaceutical Market Access Act (Gutknecht)

Order of Business: The bill is scheduled for consideration on Thursday, July 24th, under a close rule. The rule provides for one motion to recommit.

Summary: H.R. 2427 amends the Food Drug and Cosmetic Act and requires the Food and Drug Administration (FDA), no later than 180 days after enactment of the bill, to issue regulations allowing pharmacists, wholesalers, and qualifying individuals (an individual who is not a pharmacist or wholesaler) to import prescription drugs into the United States. Current law in the Food Drug and Cosmetic Act allows for such importation if the Secretary of Health and Human Services (HHS) can certify that imported drugs pose “no additional risk” to American citizens. H.R. 2427 strikes this provision as well as a provision sunseting the program after five years.

Imported drugs must be approved by the FDA, be produced in FDA-approved facilities, and meet “other applicable requirements of this Act.” If a product is not coming into the United States directly from the first foreign recipient of the product from the manufacturer, the importer or manufacturer must provide to the Secretary certification that the product meets all requirements of the Food Drug and Cosmetic Act. Wholesalers would also be required to test each pharmaceutical shipment unless the drugs in the shipment had packaging that included counterfeit-resistant technology. Under the bill, all future packaging for drugs must have counterfeit-resistant packaging that can provide evidence of product authenticity visible to the naked eye and be similar to technology used by the Bureau of Engraving and Printing for U.S. currency.

As under current (although unimplemented) law, countries from which prescription drugs could be imported are limited to the European Union, Australia, Canada, Iceland, Israel, Japan, Liechtenstein, New Zealand, Norway, Switzerland, and South Africa. In addition, the Secretary is authorized to suspend imports of specific product or importations by specific importers that violate any requirement of the law.

Additional Background: Congress first passed prescription drug importation provisions as part of H.R. 4461, the FY 2001 Agriculture Appropriations bill (P.L. 106-387). The House vote on the conference report including the provisions was 340–75.

<http://clerkweb.house.gov/cgi-bin/vote.exe?year=2000&rollnumber=525>

A vote also occurred on drug importation during consideration of H.R. 2330, the FY 2002 Agriculture Appropriations bill. The Gutknecht amendment passed 324-101.

<http://clerkweb.house.gov/cgi-bin/vote.exe?year=2001&rollnumber=217>. The language was later dropped in conference.

For information on how H.R. 2427 **will not** affect current-law on importation of RU-486, click on the following links: <http://www.house.gov/burton/RSC/Reimportation71703.pdf>
<http://www.house.gov/burton/RSC/DrugImportRU486update.pdf>

Committee Action: H.R. 2427 was introduced on June 11 and referred to the Committee on Energy and Commerce. The Committee did not consider the bill.

Administration Position: The Administration is opposed to H.R. 2427.

Cost to Taxpayers: A cost estimate is not available.

Does the Bill Create New Federal Programs or Rules?: The bill amends current law requiring the FDA to issue regulations allowing for the importation of prescription drugs into the United States.

Constitutional Authority: A committee report citing constitutional authority is not available.

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