

REPORT ON LEGISLATIVE ACTIVITIES

OF THE

COMMITTEE ON  
LABOR AND HUMAN RESOURCES

UNITED STATES SENATE

DURING THE

105TH CONGRESS

1997-98

PURSUANT TO

SECTION 136 OF THE LEGISLATIVE REORGANIZATION ACT OF  
1946, AS AMENDED BY THE LEGISLATIVE REORGANIZATION ACT  
OF 1970



APRIL 13, 1999.—Ordered to be printed

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U.S. GOVERNMENT PRINTING OFFICE

WASHINGTON : 1999

69-010

[105TH CONGRESS]

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[106TH CONGRESS]

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## FOREWORD

This report on the legislative activities of the Committee on Labor and Human Resources<sup>1</sup> during the 105th Congress is submitted pursuant to section 136 of the Legislative Reorganization Act of 1946 (2 U.S.C. 190d), as amended by Public Laws 91-050, 92-136, and 93-334. The Legislative Reorganization Act requires standing committees of the U.S. Senate to “review and study, on a continuing basis, the application, administration, and execution” of laws within their jurisdiction and to submit biennial reports to the Congress. The full text of section 136 is as follows:

Sec. 136.(a) In order to assist the Congress—

(1) its analysis, appraisal, and evaluation of the application, administration, and execution of the laws enacted by Congress, and

(2) its formulation, consideration and enactment of such modifications of or changes in those laws, and of such additional legislation, as may be necessary or appropriate, each standing committee of the Senate and the House of Representatives shall review and study, on a continuing basis, the application, administration, and execution of those laws, or parts of laws, the subject matter of which is within the jurisdiction of that committee. Such committees may carry out the required analysis, appraisal, and evaluation themselves, or by contract, or may require a government agency to do so and furnish a report thereon to the Congress. Such committees may rely on such techniques as pilot testing, analysis of costs in comparison with benefits, or provision for evaluation after a defined period of time.

(b) In each odd-numbered year beginning on or after January 1, 1973, each standing committee of the Senate shall submit, not later than March 31, to the Senate . . . a report on the activities of that committee under this section during the Congress ending at noon on January 3 of such year.

(c) The preceding provisions of this section do not apply to the Committees on Appropriations, the Budget, House Administration, Rules, and Standards of Official Conduct of the House.

JAMES M. JEFFORDS, *Chairman*.

(III)

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<sup>1</sup>The Committee on Labor and Human Resources, pursuant to S.Res. 20, was renamed the Committee on Health, Education, Labor, and Pensions on January 19, 1999. As this report covers the activities of the 105th Congress, the committee will be referred to by its former title throughout.



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REPORT ON LEGISLATIVE ACTIVITIES OF THE COMMITTEE  
ON LABOR AND HUMAN RESOURCES

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APRIL 13, 1999.—Ordered to be printed

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Mr. JEFFORDS, from the Committee on Labor and Human  
Resources, submitted the following

R E P O R T

[Pursuant to section 136 of the Legislative Reorganization Act of 1946, as amended  
by the Legislative Reorganization Act of 1970, as amended]

**COMMITTEE JURISDICTION**

The jurisdiction of the Labor and Human Resources Committee  
in the 105th Congress was set forth in paragraph 1.(1) of Rule XXV  
of the Standing Rules of the Senate as follows:

(m)(1) Committee on Labor and Human Resources, to which  
committee shall be referred all proposed legislation, messages,  
petitions, memorials, and other matters relating to the fol-  
lowing subjects:

1. Measures relating to education, labor, health, and pub-  
lic welfare.
2. Aging.
3. Agricultural colleges.
4. Arts and humanities.
5. Biomedical research and development.
6. Child labor.
7. Convict labor and the entry of goods made by convicts  
into interstate commerce.
8. Domestic activities of the American National Red  
Cross.
9. Equal employment opportunity.
10. Gallaudet College, Howard University, and Saint Eliz-  
abeths Hospital.
11. Handicapped individuals.
12. Labor standards and labor statistics.

13. Mediation and arbitration of labor disputes.
14. Occupational safety and health, including the welfare of miners.
15. Private pension plans.
16. Public health.
17. Railway labor and retirement.
18. Regulation of foreign laborers.
19. Student loans.
20. Wages and hours of labor.

(2) Such committee shall also study and review, on a comprehensive basis, matters relating to health, education and training, and public welfare, and report thereon from time to time.

### COMMITTEE ORGANIZATION

During the 105th Congress, the committee was organized into the following subcommittees:

#### CHILDREN AND FAMILIES

Mr. Coats, *Chairman*

Mr. Gregg	Mr. Dodd
Dr. Frist	Mr. Bingaman
Mr. Hutchinson	Mr. Wellstone
Ms. Collins	Mrs. Murray
Mr. McConnell	Mr. Reed
Mr. Jeffords (ex officio)	Mr. Kennedy (ex officio)

#### AGING

Mr. Gregg, *Chairman*

Mr. Hutchison	Ms. Mikulski
Mr. Warner	Mrs. Murray
Mr. Jrrffords (ex officio)	Mr. Kennedy (ex officio)

#### PUBLIC HEALTH AND SAFETY

Dr. Frist, *Chairman*

Mr. Jeffords	Mr. Kennedy
Mr. Coats	Mr. Harkin
Mr. DeWine	Ms. Mikulski
Mr. Enzi	Mr. Bingaman

#### EMPLOYMENT AND TRAINING

Mr. DeWine, *Chairman*

Mr. Jeffords	Mr. Wellstone
Mr. Enzi	Mr. Kennedy
Mr. Warner	Mr. Dodd

Mr. McConnell

Mr. Harkin



## **REVIEW OF LEGISLATIVE ACTIVITY**

The Committee on Labor and Human Resources has jurisdiction over approximately 1,000 Federal programs relating to health, education, labor, disability policy, children and families, older Americans, pensions and public welfare. These programs are administered by the Departments of Health and Human Services, Education, Labor, and some 123 independent agencies, councils, and bureaus.

During the 105th Congress, which convened on January 7, 1997, and adjourned on October 21, 1998, more than 300 bills and resolutions were referred to the committee for its consideration, a substantial increase from the approximately 200 bills referred during the 104th Congress and a reflection of the substantial interest in issues within the committee's jurisdiction. The committee and its subcommittees held just over 100 hearings, and produced 29 public laws, about a third in the area of education.

This body of education law represents the most substantial achievement of the committee during the 105th Congress, with major reforms accomplished in education from Head Start to higher education. The committee also enacted S. 830, the Food and Drug Accountability and Modernization Act, the most significant reform of the Food and Drug Administration in decades.

At the outset of the 105th Congress, the committee reorganized its subcommittees to better address the issues before it. Responsibility for education and disability issues were assumed by the full committee, and the corresponding subcommittees were dissolved, while employment and training and public health and safety issues were transferred from the full committee to two newly created subcommittees.

## **FULL COMMITTEE ACTIVITIES**

In addition to the 332 bills and resolutions introduced in the Senate within the jurisdiction of the Labor and Human Resources Committee, the committee received 1,202 nominations and promotions within the U.S. Public Health Service Corps.

The committee reported 19 bills and one resolution to the Senate, and 29 measures within its jurisdiction were enacted into law. No measures within the committee's jurisdiction were vetoed.

Of the 1,202 nominees referred to the committee, all but 31 were confirmed by the Senate. Of the nominees who were not confirmed, 8 were withdrawn by the White House and 23 were returned to the President pursuant to Rule XXXI of the Senate at the conclusion of the 105th Congress. Of those returned to the President, several were nominated in the final weeks of the 105th Congress.

The committee and its subcommittees held 101 days of public hearings, held 25 executive sessions for the purpose of considering

legislation and nominations, and conducted four conferences with the House.

**I. BILLS FROM THE LABOR AND HUMAN RESOURCES COMMITTEE ENACTED INTO LAW IN THE 105TH CONGRESS**

**A. Education and Disability**

**INDIVIDUALS WITH DISABILITIES EDUCATION ACT AMENDMENTS OF 1997**

This legislation provides grants to States to assist in the provision of a free appropriate public education to children with disabilities between the ages of 3 and 21 and early intervention services for infants and toddlers with disabilities. In addition, the law provides funding for personnel training, research, demonstrations, and technical assistance activities.

The Individuals with Disabilities Education Act Amendments of 1997 were the product of extensive bipartisan and bicameral negotiations. The Act clarifies and strengthens the Individuals with Disabilities Education Act (IDEA) by providing parents and educators with the tools to preserve the right of children with disabilities to a free appropriate public education while bringing meaningful accountability to the process of educating children with disabilities by placing emphasis on standards applied to all children and achieving outcomes for children with disabilities based on such standards. The act provides children with disabilities early intervention, preschool, and educational experiences that prepare them for later educational challenges and employment. The act clarifies permissible discipline of children with disabilities who violate school rules, requiring consideration of the child's disability in making decisions regarding discipline.

The 1997 amendments drive more Federal dollars to local school districts; expand and promote opportunities for parents, special education, related services, regular education, early intervention service providers, and other personnel to work in new partnerships at both the State and local levels; and create incentives to enhance the capacity of schools and other community-based entities to work effectively with children with disabilities and their families, through targeted funding for personnel training, research, media, technology and the dissemination of technical assistance and best practices.

*[Public Law 105-17, enacted June 4, 1997. H.R. 5 (S. 717).]*

**EMERGENCY STUDENT LOAN CONSOLIDATION ACT OF 1997**

This act responded to the suspension of the Direct Loan consolidation loan program which left many borrowers in a position of being unable to consolidate their loans. Prior to the enactment of this measure, a student with Federal Family Education Loans (FFEL) could consolidate those loans through the FFEL program but could not consolidate a Direct Loan into a FFEL consolidation.

The key feature of this legislation was a provision permitting borrowers to consolidate their Direct Loans into a FFEL consolida-

tion package. This provision expired on October 1, 1998, at which time the new loan consolidation provisions of the Higher Education Amendments of 1998 went into effect.

The legislation also includes provisions excluding the new HOPE Scholarship tax credit from any consideration in the need analysis that is used to calculate eligibility for Federal student financial aid. This change allows eligible students to benefit fully from both the tax credit and the Federal student aid programs.

The Emergency Student Loan Consolidation Act of 1997 (S. 1294) was approved by the committee by voice vote (Senate Report 105–122) on October 22, 1997. The legislation was included in Title VI (Section 609) of the conference report accompanying the fiscal year 1998 Labor, Health and Human Services, and Education Appropriations Act.

*[Public Law 105–78, enacted 11/13/97. H.R. 2264 (S. 1294)]*

### **NATIONAL SCIENCE FOUNDATION AUTHORIZATION**

The National Science Foundation (NSF) was established in 1950 to “develop and encourage the pursuit of a national policy for the promotion of basic research and education in the sciences.” Following the 1957 Soviet launch of the Sputnik satellite, this mission was expanded to provide greater support for science education and literacy. Over the next three decades, NSF became the primary Federal sponsor of basic research in mathematics, physical sciences, computer science, engineering and environmental science at colleges and universities. Equally important to the future of our Nation, NSF has become a catalyst for the reform of math and science education.

The National Science Foundation Authorization Act of 1998 was the product of strong bipartisan support for our Nation’s research enterprise. Title I of the legislation authorized more than \$11 billion over three years for a strengthened investment in basic math, science and engineering research. The title authorized NSF to take a lead role in the development of the Internet II and the Next Generation Internet (NGI) and to use program fees generated through the Agency’s domain name registration program to support the NGI initiative. Funds authorized under this title will allow NSF to support more than 19,000 projects at 2,000 colleges and universities each year and enable our Nation to strengthen its position as the world leader in science and technology.

Title II of the Act was designed to improve committee oversight of our Nation’s research and development enterprise. The Title required NSF to develop and submit to Congress each year a plan for the proposed construction of, and repair and upgrades to, national research facilities. In addition, in recognition of growing expenditures for indirect costs paid to colleges and universities, the Office of Science and Technology Policy (OSTP) was directed to prepare a report to Congress analyzing Federal facility and administration costs paid to universities and to make recommendations on ways to reduce regulatory burdens while achieving cost savings. OSTP was also directed to create a database for tracking these Federal expenditures.

The title also required the Foundation to undertake and support programs and activities designed to encourage the participation of persons with disabilities in the science and education professions  
*[Public Law 105–207, enacted July 29, 1998. H.R. 1273 (S. 1046).]*

## **WORKFORCE INVESTMENT ACT**

### **(includes Vocational Rehabilitation and Adult Education)**

The Workforce Investment Act (WIA) consolidates, coordinates, and improves employment, training, adult and family literacy, and vocational rehabilitation programs.

Title 1 of the Workforce Investment Act authorizes a new workforce investment system to replace that erected by the Job Training Partnership Act. State workforce investment boards will be established and States will develop 5-year strategic plans. Local workforce boards will also be established. Both the State and local workforce boards will oversee a broad array of employment and training services for youth, adults, and dislocated workers. Title 1 also authorizes an accountability system to ensure that the needs of individuals seeking employment and training services are met.

A number of national programs are also included in the Workforce Investment Act. These include: Job Corps; Native American job training programs; Migrant and Seasonal Farm worker employment and training activities; veterans' workforce investment programs; youth opportunity grants; technical assistance for States and local areas; demonstration and pilot initiatives, and National Emergency grants.

Title 2 of WIA reauthorizes Adult Education and Literacy programs, which will now be coordinated with job training and employment programs. Title 2 encourages States to develop an array of literacy programs which include: adult education and literacy services; English literacy programs; workplace literacy initiatives; and family literacy programs.

The legislation also includes reforms to the Rehabilitation Act, which supports job training of and employment-related supports to individuals with disabilities. In addition, it links vocational rehabilitation services to those that will be available under State workforce systems and under the Workforce Investment Act of 1998. The amendments also simplify access to vocational rehabilitation services; streamline the administration of the vocational rehabilitation program; make improvements in discretionary programs related to personnel training, research, and demonstration projects; and provide greater access to information technology.

The Rehabilitation Act reauthorization was introduced on November 7, 1997, as S. 1579. It was approved by the committee on February 4, 1998, and was offered as an amendment to S. 1186, the Workforce Investment Partnership Act during floor consideration of that legislation. Although reauthorized through P.L. 105–220, the Rehabilitation Act remains a free-standing statute.

*[Public Law 105–220, enacted August 7, 1998. H.R. 1385 (S. 1186).]*

### HIGHER EDUCATION AMENDMENTS OF 1998

This legislation extends for 5 years Federal postsecondary education programs, the largest of which are student financial aid programs including Pell Grants, Federal Family Education Loans, and Direct Loans. These three programs provide financial aid directly to students. The act also includes three programs that are campus-based financial aid initiatives which provide Federal assistance to students through postsecondary institutions. Other components of the act focus on early intervention, teacher preparation and training, institutional aid, international education activities, graduate student programs, and special projects for postsecondary improvement.

Major provisions of the reauthorization bill include providing students with the lowest interest rates on loans in nearly two decades and increasing the authorized maximum Pell Grant. A new comprehensive program designed to improve teacher quality is established, and individuals who teach for five years in low-income schools will be eligible for up to \$5,000 in loan forgiveness. Existing early intervention programs, designed to offer support for students who might not otherwise consider postsecondary education, are expanded through the new GEAR UP program. In addition, a number of provisions promote greater efficiency in the delivery of student financial aid—including the establishment of a Performance-Based Organization within the Department of Education.

The bill also reauthorizes the Education of the Deaf Act, extending federal funding for Gallaudet University and the National Technical Institute for the Deaf through fiscal year 2003. These amendments allow Gallaudet University and the NTID to continue to offer specialized educational opportunities to students who are deaf and to be accountable to Congress and the Secretary of Education with regard to the effects of their programs and their expenditure of Federal funds.

The legislation was reported favorably by the committee on April 1, 1998, by a vote of 18 to 0 (Senate Report 105-181) and approved by the full Senate on July 9, 1998, by a vote of 96 to 1. The conference report (House Report 105-750) was approved by the Senate on September 29, 1998, by a vote of 96 to 0.

*[Public Law 105-244, enacted 10/7/98. H.R. 6 (S. 1882).]*

### READING EXCELLENCE ACT

The Reading Excellence Act will provide professional development for teachers who teach reading. State Education Agencies will be eligible for a one-time, three-year grant which will be awarded competitively. Upon receipt of the one-time award, State Education Agencies will then distribute funds to local educational agencies based on certain criteria. Funding will be used for professional development activities, family literacy services, and other activities to improve the teaching of reading for children from pre-kindergarten through grade three. In addition, funds will be expended on tutorial assistance grants. These funds will be used to pay the costs of providing tutorial services to students having difficulty in learning to read. The provisions of H.R. 2614 were included as Title VIII of

the Omnibus Consolidated and Emergency Supplemental Appropriations Act for Fiscal Year 1999.

*[Public Law 105-277, enacted October 21, 1998. H.R. 4328 (H.R. 2614).]*

### **CHARTER SCHOOL EXPANSION ACT OF 1998**

The Charter School Expansion Act of 1998 revises current Federal law pertaining to charter schools. The act gives priority to States for Federal assistance if the States: provide charter schools financial autonomy; have increased the number of charter schools; and provide means by which charter applicants may appeal decisions not to grant a charter. In addition, the Charter School Expansion Act expands technical assistance that may be given to charter schools.

*[Public Law 105-278, enacted October 22, 1998. H.R. 2616.]*

### **COATS HUMAN SERVICES REAUTHORIZATION ACT OF 1998**

The Coats Human Services Reauthorization Act of 1998 includes changes in the Head Start Act, the Community Services Block Grant Act, and the Low Income Home Energy Assistance Act. In addition, the 1998 legislation includes a new title, the Assets for Independence Act.

The Head Start Act, reauthorized for 1999 through 2003, includes several new activities designed to improve the performance of Head Start programs. For the first time, the Head Start legislation includes the promotion of school readiness as the primary program goal. Four results-based measures of educational attainment are identified in the legislation. For many low-income families, Head Start is a critical component in efforts to prepare their children for success in elementary school. It is important that Head Start providers focus more attention on improving the educational readiness of children participating in the program.

Since its inception, there has been no comprehensive, rigorous evaluation of the Head Start program. The legislation sets-aside substantial funds to conduct an evaluation of the Head Start program, including a longitudinal research study utilizing control groups and rigorous scientific methods. The legislation increases funding for activities designed to improve the quality of child care and expand the Early Head Start program.

The Community Services Block Grant Act was reauthorized to the year 2003. The legislation includes several provisions to increase the capacity of communities to provide assistance to low-income families and facilitate the revitalization of high poverty neighborhoods. The 1998 reauthorization emphasizes the continued role of charitable and religious organizations in meeting the needs of communities and families. The Coats Human Services Reauthorization of 1998 reauthorizes the Community Food and Nutrition program through fiscal year 2003.

The Low-Income Home Energy Assistance Program (LIHEAP) is reauthorized through fiscal year 2004. Because this program is forward-funded, the program will need to be reauthorized in 2003, with the other programs included in the Coats Human Services

Act. The legislation clarifies the circumstances under which the Department of Health and Human Services can release emergency LIHEAP funds. In addition, funds are set-aside for training, technical assistance and on-site compliance reviews. The LIHEAP leveraging fund is capped at \$30 million until appropriations for the LIHEAP program reach \$1.4 billion.

The new title in the Coats Human Services Reauthorization Act of 1998 is the Assets for Independence Act. This act establishes an Individual Development Account (IDA) demonstration program to be carried out in several sites throughout the country. Individual Development Accounts are dedicated, matched savings accounts. Through IDAs, low-income families are encouraged to save a portion of their earnings which are matched by a sponsoring organization or unit of state or local government. Funds withdrawn from IDAs can be used to purchase a first home, meet the costs of post-secondary education, capitalize a business, or respond to hardship circumstances. This new program is authorized for five years at \$25 million a year.

*[Public Law 105-285, enacted October 27, 1998. S. 2206.]*

#### **CARL D. PERKINS VOCATIONAL-TECHNICAL EDUCATION ACT AMENDMENTS**

The Carl D. Perkins Vocational-Technical Education Act Amendments will more fully develop the academic, vocational, and technical skills of secondary and postsecondary students who choose to enroll in vocational and technical education. This measure will build on the efforts of States and localities to develop challenging academic standards, promote integration of academic and vocational and technical instruction, increase State and local flexibility in providing vocational and technical education, and disseminate best practices in vocational and technical education.

*[Public Law 105-332, enacted October 31, 1998. H.R. 1853 (S. 1186).]*

#### **ASSISTIVE TECHNOLOGY ACT OF 1998**

The legislation provides funds to States to sustain and strengthen their capacity to address the assistive technology needs of individuals with disabilities; focuses the investment in technology across Federal agencies and departments, that could benefit individuals with disabilities; and authorizes funding for micro-loan programs to provide assistance to individuals who desire to purchase assistive technology devices or services. The Act also repeals the Technology-Related Assistance for Individuals with Disabilities Act of 1988 (U.S.C. 2201 et seq.). The legislation was introduced as the Assistive Technology Act of 1998 (ATA), S. 2432 on September 2, 1998, was reported out of the committee on September 9, 1998.

*[Public Law 105-394, enacted November 13, 1998. S. 2432.]*

#### **THE MUSEUM AND LIBRARY SERVICES**

##### **TECHNICAL AND CONFORMING AMENDMENTS OF 1997**

S. 1505 makes technical and conforming amendments to the Institute for Museum and Library Services Act which was enacted as

part of the Omnibus Appropriations Act for fiscal year 1997. The Institute for Museum and Library Services (IMLS) is a small but important agency that provides support for quality museum and library programs throughout the country.

These changes to the authorizing statute will enable the IMLS to improve upon its mission of fostering and expanding our Nation's access to high quality museums and libraries. It includes provisions relating to the appointment and compensation of technical and professional employees; special libraries; reservations of funds; clarification of maintenance of effort; services to Native Americans; National Leadership grants and contracts; and the correction of typographical errors. The Congressional Budget Office determined that the legislation was budget neutral. The legislation was introduced on November 9, 1997, and passed by unanimous consent in the Senate on the same day.

*[Public Law 105-128, enacted December 1, 1997. S. 1505.]*

#### **BALANCED BUDGET ACT OF 1997**

Title VI of the Balanced Budget Act of 1997 includes modifications of federal student aid programs designed to achieve savings of approximately \$1.8 billion over 5 years. Savings are achieved through: (1) Recall of \$1 billion in guaranty agency reserves; (2) Elimination of the direct lending loan origination fee; (3) Reductions in Section 458 expenditures; and (4) Repeal of the Smith-Hughes Act. In addition, Title VI provides for the payment of an administrative cost allowance to guaranty agencies at .85 percent of every new loan. Those expenditures are capped at \$170 million in each of fiscal years 1998 and 1999 and at \$150 million in each of fiscal years 2000, 2001, and 2002.

*[Public Law 105-33, enacted August 5, 1997. H.R. 2015/S. 947]*

#### **NEED-BASED EDUCATIONAL AID ANTITRUST PROTECTION ACT OF 1997**

This legislation amends the Improving America's Schools Act to extend through September 30, 2001, a provision which permits institutions of higher education that award financial aid solely on the basis of need to agree on certain principles and methods for awarding such aid. That provision had been scheduled to expire on September 30, 1997.

The measure was approved under suspension by the House of Representatives on June 23, 1997, and was held at the desk in the Senate. The Senate approved the measure, with a DeWine/Kohl amendment on July 30, 1997. The amended version was approved by House on September 8, 1997.

*[Public Law 105-43, enacted September 17, 1997. H.R. 1866]*

### **B. Health**

#### **FOOD AND DRUG ADMINISTRATION MODERNIZATION ACT OF 1997**

The Food and Drug Administration Modernization Act (FDAMA) of 1997, S. 830, includes important reforms at the Food and Drug Administration (FDA) to increase its efficiency, improve its ac-

countability to the public, and speed the delivery of important new medical treatments to patients. The bill extends the Prescription Drug User Fee Act for 5 years; makes long-needed reforms in the drug and medical device review process, and streamlines several food labeling requirements and food additive approval processes to improve information and products available to consumers. The committee approved a substitute to S. 830, with amendments on June 18, 1997, by a vote of 14–4. The Senate approved a substitute to the committee-reported bill, with amendments on September 24, 1997, by a vote of 98–2. The Senate approved the report of the committee on conference on S. 830 (report 105–399) on November 9, 1997, by voice vote.

*[Public Law 105–115, enacted 11/21/97, S. 830.]*

#### **RICKY RAY HEMOPHILIA RELIEF FUND ACT OF 1997**

The Ricky Ray Hemophilia Relief Fund Act provides for compassionate payments with regard to individuals with blood-clotting disorders, such as hemophilia, who contracted human immunodeficiency virus due to contaminated blood products.

The measure specifies that any individual who submits to the Attorney General written medical documentation that the individual has a human immunodeficiency virus (HIV) infection shall receive \$125,000 from amounts available in the Fund if the individual: (1) has a blood-clotting disorder and was treated with blood-clotting agents between January 1, 1980, and December 31, 1987; (2) is the lawful spouse of such individual or the former lawful spouse and was the lawful spouse of the individual at any time after a date within such period on which the individual was treated; or (3) acquired the HIV infection through perinatal transmission from a parent who is such an individual.

*[Public Law 105–369, enacted 11/12/98. H.R. 1023 (S. 358, S. 2564).]*

#### **BONE MARROW REGISTRY REAUTHORIZATION ACT OF 1998**

The National Bone Marrow Registry Reauthorization Act of 1998, amends the Public Health Service Act to set forth the purpose of the National Bone Marrow Donor Registry and impose requirements regarding its board of directors. It also sets forth program functions, including collection, analysis, and publication of data on donor searches. S. 2150 addressed the need for increasing the number and availability of minority donors, establishes an Office of Patient Advocacy and provides services for those volunteering as potential donors.

*[Public Law: 105–196, enacted 7/16/98. H.R. 2202, (S. 2150)]*

#### **BIRTH DEFECTS PREVENTION ACT OF 1998**

The Birth Defects Prevention Act provides for the Centers for Disease Control and Prevention, to carry out programs to: (1) collect and analyze, and make available data on birth defects; (2) operate regional centers for the conduct of applied epidemiological research on the prevention of such defects; and (3) provide information and education to the public on the prevention of such defects.

It provides for a National Information Clearinghouse on Birth Defects to collect and disseminate to health professionals and to the public information on birth defects, including the prevention of such defects.

*[Public Law 105-168, enacted 4/21/98, S. 419.]*

#### **WOMEN'S HEALTH RESEARCH AND PREVENTION ACT OF 1998**

The Women's Health Research and Prevention Act revises and extends certain programs with respect to women's health research and prevention activities at the National Institutes of Health (NIH) and the Centers for Disease Control and Prevention (CDC). Among the initiatives addressed by the legislation are: breast, ovarian, and related cancer research; heart attack, stroke and other cardiovascular diseases in women; and osteoporosis, Paget's disease, and related bone disorders. Also included is an extension of grants dealing with community programs on domestic violence.

*[Public Law 105-340, enacted 10/31/98, S. 1722.]*

#### **HEALTH PROFESSIONS EDUCATION PARTNERSHIPS ACT OF 1998**

The Health Professions Education Partnerships Act reauthorizes and consolidates the health care training programs contained in Titles VII and VIII of the Public Health Services Act. The legislation provides comprehensive, flexible, and effective authority for the support of health professions training programs and the related community-based educational partnerships.

The Act also establishes a comprehensive Fetal Alcohol Syndrome and Fetal Alcohol Effect prevention, intervention, and services delivery program. It requires that the program include an education and public awareness program, a prevention and diagnosis program, and an applied research program.

*[Public Law 105-392, enacted 11/13/98, S. 1754.]*

#### **MAMMOGRAPHY QUALITY STANDARDS REAUTHORIZATION OF 1997**

The Mammography Quality Standards Reauthorization Act is designed to improve and facilitate the review, inspection, and certification of mammography facilities. It provides mammography quality standards and requires that women be notified of their mammogram test results in understandable terms. It sets forth procedures for facilities inspection for compliance with certification requirements, requires that certification denials follow specific appeals procedures; and modifies mammogram record retention requirements.

To ensure patient safety, it requires facilities to notify patients who received mammograms if the Secretary determines the quality was so inconsistent with standards as to present a significant risk to the individual or public health. To ensure compliance, the Act authorizes civil money penalties and revocation and suspension of certification for failure to comply with an accreditation body's requests for records or materials.

*[Public Law 105-248, enacted 10/9/98, H.R. 4382]*

## **C. Labor**

### **THE AMY SOMERS VOLUNTEER FOOD BANKS ACT**

The Amy Somers Volunteer Food Banks Act, H.R. 3152, amends the Fair Labor Standards Act (FLSA) of 1938 to clarify that persons who help out a food bank on a volunteer basis and receive groceries from the food bank are not considered employees of that food bank under the FLSA. The legislation clarifies the employment status of food bank volunteers so that non-profit food banks are able to continue to provide volunteers with food assistance.

*[Public Law 105-221, enacted 8/7/98. H.R. 3152]*

### **THE DRIVE FOR TEEN EMPLOYMENT ACT**

The Drive for Teen Employment Act allows minors who are covered by the child labor provisions of the Fair Labor Standards Act of 1938 to drive on public roads under limited circumstances. The legislation permits employees who are at least 17 years of age and hold a valid drivers license to drive as part of their employment under restrictive conditions including that the driving: (1) is done during daylight hours; (2) is contained to a 30-mile radius; and (3) does not exceed more than one-third of an employee's work time in any workday, nor more than 20 percent of an employee's work time in any workweek.

*[Public Law 105-334, enacted 10/31/98. H.R. 2327]*

### **INVESTMENT ADVISERS**

S. 1227 amended title I of the Employee Retirement Income Security Act of 1974 (ERISA) to clarify the treatment of investment advisors under the Act. The bill was needed to correct an error in title III, section 308 of the National Securities Market Improvement Act of 1996 (the Banking bill), landmark bipartisan legislation that bifurcated the treatment of investment managers for purposes of ERISA. Large investment advisors, meaning those with over \$25 million in client assets were required to continue to be registered with the SEC. Small investment advisors, however, were prohibited from registering with the SEC and were instead required to register with the states. Because ERISA requires all investment managers to be registered with the SEC, this bifurcation would have disqualified so-called small investment managers. S. 1227 clarified that investment advisors who are prohibited from registering with the SEC are not disqualified from handling ERISA assets.

*[Public Law 105-72, enacted 11/10/97. S. 1227.]*

### **SAVINGS ARE VITAL FOR EVERYONE'S RETIREMENT ACT**

S. 757, the Savings Are Vital for Everyone's Retirement, or SAVER, Act, authorized a series of bicameral, bipartisan summits to promote the importance of retirement savings. The legislation also required the U.S. Department of Labor to maintain a program of public outreach and information on retirement plans, including educational materials and a site on the Internet to help individuals

calculate their estimated retirement savings needs based on their retirement income goals. The first SAVER summit was held June 4 and 5, 1998. It was attended by more than 200 delegates, who were recognized experts in the field of retirement savings education, actuarial sciences, financial planning, pension plan administration and funding, advocacy for pension plan participants, insurance and banking. Delegates met and discussed the barriers and challenges to savings and the best practices for retirement savings in workplaces today. The next SAVER Summit will be held in the year 2001.

*[Public Law 105-92, enacted November 20, 1997. H.R. 1377.]*

### **OCCUPATIONAL SAFETY AND HEALTH ACT AMENDMENTS**

Congress approved three pieces of legislation amending the Occupational Safety and Health Act (Public Law 91-596). The first two measures, H.R. 2864 and H.R. 2877, were passed by the House of Representatives on March 17, 1998. H.R. 2864, by authorizing the Occupational Safety and Health Administration (OSHA) to fund State-administered employer consultation programs, codified an existing OSHA initiative. The legislation permits employers to remedy possible violations discovered by the State consultants, without being subjected to OSH Act penalties. *[Public Law 105-197, enacted 7/16/98].*

The second measure, H.R. 2877, barred OSHA from utilizing the results of enforcement activities, including inspections, citations, and fines, in job performance reviews of its inspectors and their supervisors. *[Public Law 105-198, enacted 7/16/98].*

The third bill, S. 2112, authorized OSHA to issue fines and citations for safety violations discovered at United States Postal Service facilities. OSHA standards already applied to the Postal Service, but OSHA lacked the authority to issue citations to the agency, making enforcement difficult. The legislation also requires the Postal Service, when making a determination to close or consolidate a facility, to consider the impact of that action on the community and Postal Service employees, but prohibits the Postal Service from using OSHA compliance costs as a factor in making that determination. *[Public Law 105-241, enacted 9/28/98].*

## **II. VETOED LEGISLATION**

NONE

## **III. BILLS REPORTED FROM THE LABOR AND HUMAN RESOURCES COMMITTEE IN THE 105TH CONGRESS NOT ENACTED INTO LAW**

### **A. Education**

#### **EDUCATION FLEXIBILITY AMENDMENTS OF 1998**

The Education Flexibility Amendments of 1998, S. 2213, were reported by the committee on July 30, 1998, by a vote of 17 to 1. The full Senate did not consider this legislation prior to the close of the 105th Congress. This legislation would expand the Education Flexi-

bility Partnership Demonstration Program to permit all 50 States the opportunity to participate. Currently, 12 State participate in the demonstration program—which permits the waiver of certain Federal requirements related to elementary and secondary education programs in exchange for stronger accountability.

#### **ARTS AND HUMANITIES AMENDMENTS OF 1997**

S. 1020, The Arts and Humanities Amendments of 1997, would reauthorize the National Endowment for the Arts (NEA) and the National Endowment for the Humanities (NEH) for a period of 5 years. In addition, the legislation proposed expanding the scope of the Arts and Artifacts Indemnity Act.

The legislation established four broad grant categories for the NEA: Partnership Grants to States, National Significance Grants, Direct Grants, and Arts Education and Underserved Communities Grants, as well as three broad grant categories for the NEH: Partnership Grants, National Significance Grants, and Research and Scholarship Grants. In addition, the legislation made significant changes to both agencies in an effort to streamline operations and improve accountability. Finally, the legislation would have expanded the scope of the Arts and Artifacts Indemnity Act to include indemnification for exhibitions originating in the United States and touring the United States.

On July 23, 1997, the committee approved S. 1020 by a vote of 14–4. The full Senate did not consider the legislation.

### **B. Labor**

#### **THE FAMILY FRIENDLY WORKPLACE ACT OF 1997**

The Family Friendly Workplace Act of 1997, S. 4, was designed to give private employees greater flexibility in their work schedule. S. 4 contained four components aimed at updating the Fair Labor Standards Act of 1938 (FLSA). The bill contained a compensatory time provision which would enable hourly employees the opportunity to choose to take paid leave time instead of cash compensation for overtime work. The bill also contained two flexible scheduling provisions: a bi-weekly work schedules which would allow hourly employees the ability to choose to work their 80 hours in any combination over a two-week period as well as flexible credit-hours which would give hourly employees the ability to work additional hours in a work week in order to use the extra hours to shorten another week at a later date. The bill also clarified that an employee would not lose his or her exempt status just because he or she is “subject to” a deduction in pay for absences of less than a full day or less than a full week. Only actual reductions in pay may be considered.

On March 18, 1997, the committee voted to report S. 4 to the full Senate by a vote of 10 to 8. The legislation was reported with an amendment to the Senate on April 2, 1997 (Senate Report 105–11). On May 15, 1997, the Senate failed to invoke cloture on the motion to proceed to the committee amendment (roll call vote # 68). The cloture vote was 53–47. A second motion to proceed to the com-

mittee amendment was held on June 4, 1997. The Senate failed to invoke cloture in a vote of 51–47. (roll call vote #93).

#### **TEAMWORK FOR MANAGERS AND EMPLOYEES ACT**

The Teamwork for Employees and Managers Act of 1997, S. 295, would amend the National Labor Relations Act to declare that, where no labor organization is the representative of an employer's employees, it shall not be an unfair labor practice for the employer to establish, assist, maintain, or participate in an organization or entity: (1) in which employees participate to at least the same extent as management representatives to address matters of mutual interest (including issues of quality, productivity, and efficiency); and (2) which cannot negotiate, enter into, or amend collective bargaining agreements. Such organizations or entities would be able to address matters of mutual interest (including issues of quality, productivity, and efficiency) but, to protect employees' NLRA rights, would be prohibited from engaging in collective bargaining.

The committee conducted a hearing on the bill on February 12, 1997. On February 26, 28, and March 5, 1997, the committee considered S. 295 during executive sessions and defeated all amendments offered to the bill. During the March 5, 1997 executive session the committee voted to report the TEAM Act favorably. However, no further action was taken on S. 295 in the Senate and no companion bill was reported out of committee in the House of Representatives. [Senate Report 105–12].

#### **SAFETY ADVANCEMENT FOR EMPLOYEES ACT**

The Safety Advancement for Employees (SAFE) Act, S. 1237, was designed to improve workplace safety by giving employers the alternative of private-sector consultation rather than relying on infrequent, traditional OSHA inspections. Under this "third party consultation" program, firms that employ a qualified safety consultant and are certified by him/her as being in compliance with the OSH Act will not be subject to OSHA penalties for two years. OSHA would retain general authority to determine the qualifications of consultants. In addition, the traditional inspection/citation process would be revised so that reduced fines or simply warnings could be issued when an employer acts promptly to abate a violation (except for willful or repeated cases).

The SAFE Act also deals with the process of establishing safety and health standards. Before issuing a new or revised standard, OSHA would submit its rulemaking record to the National Academy of Sciences for a review of its use of scientific data and methodology. OSHA would not be required to make any changes in response, but the Academy's recommendations would be published in the Federal Register.

On July 10, 1997, the committee held a hearing on oversight of OSHA. On October 22, 1997, the committee voted to report the bill favorably with only a technical amendment. The SAFE Act was placed on the Legislative Calendar and no further action was taken on it during the 105th Congress. [Senate Report 105–159].

**IV. OTHER BILLS UNDER THE JURISDICTION OF THE  
LABOR AND HUMAN RESOURCES COMMITTEE CON-  
SIDERED BY THE SENATE IN THE 105TH CONGRESS**

MINIMUM WAGE INCREASE

During the Senate's consideration of the Consumer Bankruptcy Reform Act of 1998, S. 1301, Senator Kennedy introduced the Fair Minimum Wage Act as an amendment (am. # 3540) to the underlying bill. The Fair Minimum Wage Act would have raised the minimum wage in two increments: beginning January 1, 1999, it would have increased the minimum wage from \$5.15/hour to \$5.65/hour; beginning January 1, 2000, it would have increased the minimum wage to \$6.15/hour. The amendment was tabled by the Senate on September 22, 1998, by a roll call vote of 55-44 (roll call vote #278).

**V. LIST OF PUBLIC LAWS OF THE 105TH CONGRESS  
FROM THE LABOR AND HUMAN RESOURCE COMMITTEE**

P.L. 105-17 *[enacted June 4, 1997]*, Individuals with Disabilities Education Act Amendments of 1997. (H.R. 5/S. 717).

P.L. 105-72 *[enacted November 10, 1997]*, clarifying treatment of investment managers under ERISA. (S. 1227).

P.L. 105-92 *[enacted November 19, 1997]*, The Savings are Vital to Everyone's Retirement Act of 1997. (H.R. 1377).

P.L. 105-115 *[enacted November 21, 1997]*, Food and Drug Administration Modernization Act of 1997. (S. 830/H.R. 1411).

P.L. 105-128 *[enacted December 1, 1997]*, Institute for Museum and Library Services Act Technical Amendments. (S. 1505).

P.L. 105-168 *[enacted 4/21/98]*, Birth Defects Prevention Act of 1998. (S. 419).

P.L. 105-196 *[enacted 7/16/98]*, The Bone Marrow Registry Reauthorization Act of 1998. (H.R. 2202/S. 2150).

P.L. 105-197 *[enacted July 16, 1998]*, OSHA Compliance Assistance Authorization Act. (H.R. 2864).

P.L. 105-198 *[enacted July 16, 1998]*, barring the use of enforcement activities or quotas in the evaluation of OSHA employees. (H.R. 2877).

P.L. 105-207 *[enacted July 29, 1998]*, National Science Foundation Reauthorization. (H.R. 1273/S. 1046).

P.L. 105-220 *[enacted August 7, 1998]*, Workforce Investment Act of 1998. (H.R. 1385/S. 1186).

P.L. 105-221 *[enacted August 7, 1998]*, Amy Somers Volunteer Food Banks Act. (H.R. 3152).

P.L. 105-241 *[enacted September 28, 1998]*, applying the Occupational Safety and Health Act to the U.S. Postal Service. (S. 2112).

P.L. 105-244 *[enacted October 6, 1998]*, Higher Education Amendments of 1998. (H.R. 6/S. 1882).

P.L. 105-248 *[enacted October 14, 1998]*, The Mammography Quality Standards Reauthorization of 1997. (H.R. 4382).

P.L. 105-255 *[enacted October 14, 1998]*, Commission on the Advancement of Women and Minorities in Science, Engineering and Technology Development. (H.R. 3007/S. 2479).

P.L. 105–278 [enacted October 22, 1998], Charter Schools Expansion Act of 1997. (H.R. 2616/S. 1380).

P.L. 105–285 [enacted October 27, 1998], Coats Human Services Reauthorization Act. (S. 2206).

P.L. 105–332 [enacted October 31, 1998], Carl D. Perkins Vocational Technical Act Amendments. (H.R. 1853/S. 1186).

P.L. 105–334 [enacted October 31, 1998], Drive for Teen Employment Act. (H.R. 2327).

P.L. 105–340 [enacted October 31, 1998], Women’s Health Research and Prevention Act of 1998 (S. 1722).

P.L. 105–369 [enacted November 12, 1998], The Ricky Ray Hemophilia Relief Fund Act of 1997 . (H.R. 1023 (S. 358, S. 2564).

P.L. 105–392 [enacted November 13, 1998], The Health Professions Education Partnerships Act of 1998. (S. 1754).

P.L. 105–394 [enacted November 13, 1998], Assistive Technology Act. (S. 2432).

## **VI. ANTICIPATED ACTIVITIES FOR THE 106TH CONGRESS**

Among its major efforts, during the 106th Congress the committee will focus on taking steps to improve the quality of health care in this country. The committee will also devote substantial time and attention to ensuring that federal resources are being wisely spent to promote the best education possible for our children. Finally, the committee will examine how to strengthen the private pension system.

### **Health**

The following is a summary of legislation and reauthorization proposals that the committee will consider during the 106th Congress:

**PATIENTS’ BILL OF RIGHTS.**—The committee will examine legislation relating to health care quality which addresses those issues that have broad consensus and that the states are unable to address. The legislation could include consumer protection standards for self-funded group health plans and information disclosure and appeals standards for all group health plans.

**MEDICAL RECORDS PRIVACY.**—The current loose web of medical records protections at the Federal and State levels that has evolved in the absence of a comprehensive law leaves many aspects of health information unevenly protected. If Congress fails to enact Federal privacy legislation by August 1999, the Secretary of Health and Human Services is required to promulgate regulations establishing electronic privacy standards in the year 2000. The committee will seek to develop legislation to establish Federal standards for protecting the privacy of medical records—without halting innovations in health care and health research.

**FOOD AND DRUG ADMINISTRATION.**—The committee will continue its oversight of FDA’s implementation of the Food and Drug Administration Modernization Act of 1997 and other general oversight activities with regard to FDA, including the adequacy of the agency’s current procedures with regard to food imports.

**HEALTH INSURANCE COVERAGE.**—While the United States enjoys one of the greatest economic growth periods in our history, the number of people without health insurance rose sharply last year to 43.4 million, up 1.7 million from the previous year according a recent report by the Census Bureau. The share of the population without health insurance increased from 15.6 percent in 1996 to 16.1 percent in 1997. The committee will monitor the health insurance coverage status of individuals under 65 years old, with a special emphasis on the coverage status of low-income working Americans.

**HEALTH CARE EXPENDITURES.**—A recent study by the Health Care Financing Administration (HCFA) indicates that the Nation's health spending will more than double, from \$1 trillion in 1996 to \$2.1 trillion in 2007. Health spending as a share of gross domestic product (GDP) is expected to increase from 13.6 percent to 16.6 percent. The committee will monitor the growth in national health spending, with a particular focus on the future of technology in medicine.

**HEALTH INSURANCE PORTABILITY AND ACCOUNTABILITY ACT OF 1996 (HIPAA).**—The 104th Congress enacted the Kassebaum/Kennedy legislation, also known as the Health Insurance Portability and Accountability Act of 1996 (HIPAA). The oversight and enforcement roles of Federal and State agencies relating to HIPAA have not yet been fully determined. In the five States that have failed to or chosen not to pass the legislation required by HIPAA (California, Massachusetts, Michigan, Rhode Island, and Missouri), HCFA is now required to act as insurance regulator for the state HIPAA provisions. The committee will continue its monitoring of the implementation of HIPAA.

### **Education**

The primary education focus of the committee during the 106th Congress will be the reauthorization of the Elementary and Secondary Education Act. This act authorizes Federal programs providing assistance for elementary and secondary education, including the Title I program which supports compensatory education, the Eisenhower professional development program, and Safe and Drug-Free Schools and Communities.

Reauthorization issues will include an examination of: (1) the respective roles of local, State, and the Federal Governments in elementary and secondary education in an effort to clarify and, where appropriate, reassign responsibilities; (2) measures by which the quality of the teaching force can be improved, with an emphasis on providing for a coordinated strategy for in-service training which builds upon and complements the comprehensive teacher training initiative included in Title II of the Higher Education Amendments of 1998; (3) means by which Federal elementary and secondary education programs can be streamlined or consolidated; and (4) the most effective means by which the Federal government can assist in the promotion and assessment of student performance.

The committee will also consider education flexibility legislation as one of the first items of business in the 106th Congress. This legislation would expand the Education Flexibility Partnership Demonstration Program to permit all 50 States the opportunity to

participate. Currently, 12 States participate in the demonstration program—which permits the waiver of certain Federal requirements related to elementary and secondary education programs in exchange for stronger accountability. The Education Flexibility Amendments of 1998 (S. 2213) were reported by the committee on July 30, 1998, by a vote of 17 to 1. The full Senate did not consider this legislation prior to the close of the 105th Congress.

In addition to the reauthorization of the Elementary and Secondary Education Act, the committee may consider additional reauthorizations listed below.

**OFFICE OF EDUCATIONAL RESEARCH AND IMPROVEMENT (OERI).**—This act authorizes Federal education research programs. Entities authorized under the act include the Office of Educational Research and Improvement; National Center for Education Statistics; National Education Library; and Education Resources Information Clearinghouses (ERIC). The committee will give particular attention to identifying means by which timely and relevant research findings can be made available to practitioners and policy makers.

**NATIONAL ASSESSMENT OF EDUCATIONAL PROGRESS (NAEP).**—NAEP offers subject-by-subject reports on the status of students and trends in student learning over time. It is the only national measure of what American students know and can do.

**GOALS 2000: EDUCATE AMERICA ACT.**—This act authorizes grants to States and local communities for elementary and secondary education reform activities. The committee will examine the impact of Goals 2000 at the national, State, and local levels. The committee will also consider whether these activities should be consolidated with other elementary and secondary education initiatives.

**NATIONAL AND COMMUNITY SERVICE ACT.**—This act authorizes the administration of national and community service programs and also includes authorization for Federal domestic volunteer service programs administered by the ACTION agency (VISTA, Foster Grandparents, Senior Companions).

**NATIONAL FOUNDATION FOR THE ARTS AND HUMANITIES ACT.**—This act authorizes the National Endowment for the Arts (NEA), the National Endowment for the Humanities (NEH), and the Institute for Museum/- and Library Services (IMLS).

### **Disability Policy**

The committee intends to reauthorize the Developmental Disabilities Assistance and Bill of Rights Act (DD Act). This Act promotes independence, productivity, integration, and inclusion in community life of individuals with disabilities. It authorizes funding for: State developmental disability councils to develop comprehensive services to individuals with developmental disabilities and their families, legal and advocacy services for such individuals and their families, personnel training, as well as projects of national significance. Unless reauthorized, this legislation expires September 30, 1999. The committee intends to reauthorize the Families of Children with Disabilities Support Act of 1994, the authorization for which expired on September 30, 1998, as part of the DD Act.

### Other Oversight Activities

The committee expects to examine several other issues, including:

**ADVERSE DRUG EVENTS.**—The committee will work with the General Accounting Office to examine the Federal and non-Federal entities that make up the current system of adverse drug event reporting, post-market surveillance, and prevention.

**DRUG PRICE COMPETITION AND PATENT TERM RESTORATION ACT.**—The committee will examine the adequacy of the current market exclusivity provisions of the Food, Drug, and Cosmetics Act with regard to the incentives to bring new therapies to market, and the adequacy of the current generic drug approval process under the Act with regard to providing timely and predictable market entry for safe, generic equivalents to brand drugs.

**HIGHER EDUCATION AMENDMENTS OF 1998.**—The committee intends to monitor the implementation of the Higher Education Act Amendments of 1998, including examination of the effect of the Y2K problem on the financial aid system—both within the Department of Education and the postsecondary institutions involved in various aspects of student assistance programs.

**INDIVIDUALS WITH DISABILITIES EDUCATION ACT OF 1997.**—The committee intends to monitor the implementation of this act, both at the Federal level, particularly with respect to the promulgation of regulations by the Department of Education, and at the local level.

**RETIREMENT SECURITY.**—The committee will investigate the strengths and weaknesses of our current private retirement system, and will seek ways to improve both the security and soundness of the system, while expanding it to a greater number of individuals. With the strain on the Social Security system that will inevitably result from demographic changes over the next few decades, it is imperative that Congress act to shore up the other components of retirement income, namely private pension plans and retirement savings plans.

### COMMITTEE PRINTING

The committee printed a total of 101 copies of hearings and committee prints during the 105th Congress. These encompassed 16,675 volumes, and consisted of 2,082,800 pages. The committee also bound 14 volumes of executive meetings of the 105th Congress for its permanent record. The committee also has on Micro Fiche the legislative hearings, bills, and public laws.

## APPENDIX

### I. REPORTS OF THE SUBCOMMITTEES, COMMITTEE ON LABOR AND HUMAN RESOURCES

#### CHILDREN AND FAMILIES

##### Subcommittee on Children and Families

###### Dan Coats, Chairman

The Subcommittee on Children and Families, chaired by Senator Judd Gregg, has jurisdiction over a variety of Federal programs related to children and families. During the 105th Congress, the subcommittee focused its efforts on the COATS Human Services Reauthorization Act of 1998 which reauthorized and made improvements in the Head Start Act, the Low-Income Energy Assistance Act of 1981, and the Community Services Block Grant Act. The legislation also established the Assets for Independence Act which provides support for projects designed to provide an opportunity for persons with limited means to accumulate assets.

During the course of the 105th Congress, the subcommittee also conducted six hearings on a variety of child and family related issues. The subcommittee was particularly interested in facilitating a discussion on the critical issues surrounding the care and education of children with particular emphasis on (1) maximizing parental choice while recognizing the diverse child care needs of children and families, (2) maintaining local control over the design and implementation of successful early learning programs, and (3) improving the coordination, quality, and accountability of such programs.

#### LEGISLATION CONSIDERED BY THE SUBCOMMITTEE

The subcommittee considered the following legislation during the 105th Congress:

S. 2206, the COATS Human Services Reauthorization Act of 1998, reauthorizes and makes improvements in the Head Start Act, the Community Services Block Grant Act, and the Low-Income Home Energy Assistance Act of 1981. The legislation also establishes demonstration projects that provide an opportunity for persons with limited means to accumulate assets. The bill was introduced by Senators Coats, Dodd, Jeffords, and Kennedy on June 22, 1998, and was ordered reported with an amendment in the nature of a substitute on July 21, 1998 (Rep. No. 105-256). On July 27, 1998, the bill was laid before the Senate by unanimous consent. An amendment proposed by Senator Coats was adopted by unanimous consent and the bill subsequently passed the Senate by unanimous consent. On October 8, 1998 the Senate agreed to the Conference Report to S. 2206 by unanimous consent. S. 2206 was signed into law on October 27, 1998 (P.L. 105-285).

#### HEARINGS CONDUCTED BY THE SUBCOMMITTEE

Pre to 3: Policy Implications of Child Brain Development—June 5, 1997. Examining the status of medical and scientific findings

into prenatal and postnatal brain development and implications that Federal policies have on childhood development.

Workplace Religious Freedom Act—October 21, 1997. Examining S. 1124, a bill to amend Title VII of the Civil Rights Act of 1964 to establish provisions with respect to religious accommodation in employment, and for other purposes.

Caring for America's Children: A Congressional Symposium on Child Care and Parenting—February 23, 1998. Examining three vital questions which should be addressed before action is taken by this Congress concerning the care of our Nation's children. First, what is best for children? Second, what do families really want? And third, what truly effective steps can be taken to enable families to provide the best care they can for their children?

School Age Care: Creative Solutions for Out-of-School Care—March 5, 1998. Examining proposals to coordinate Federal and State efforts to establish increased programs to provide after school care for children, including S. 882, to improve academic and social outcomes for students by providing productive activities during after school hours.

Head Start: Is it Making a Difference? Can It Be Improved?—March 26, 1998. Examining proposed legislation authorizing funds through fiscal year 2002 for the Head Start program, focusing on Head Start's impact on children and their families.

The Community Services Block Grant: Expanding Opportunities for Community and Neighborhood Partnerships—May 5, 1998. Examining proposals to expand opportunities for community and neighborhood partnerships through the Community Services Block grant program.

#### **ANTICIPATED ACTIVITIES FOR THE 106TH CONGRESS**

The subcommittee's top legislative priority includes the reauthorization of the Child Abuse Prevention and Treatment Act, Family Violence Prevention and Services Act, Adoption Opportunities Act, Community Based Family Resource and Support Grants, and the Abandoned Infants Assistance Act. The subcommittee intends to conduct several oversight hearings on these programs as we prepare for their FY 2000 reauthorization.

The subcommittee is also planning hearings which may include the following:

Child Exploitation in America and Abroad; Eliminating Internet Child Pornography: Where Do We Go From Here; Federal Programs for Children: What Works and What Doesn't; and Children in Crisis: What Have We Learned About Child Abuse?

The subcommittee is also likely to conduct oversight hearings to examine the implementation of the Child Abuse Prevention and Treatment Act, the implementation of the Family and Medical Leave Act, and the implementation of the Multi-ethnic Placement Act.

**AGING****Subcommittee on Aging****Judd Gregg, Chairman**

The Subcommittee on Aging has legislative jurisdiction over the Older Americans Act. During the 105th Congress, the subcommittee pursued improvements in legislation affecting older citizens, and monitored other issues of concern to older Americans and their families.

**LEGISLATIVE ACTIVITIES IN THE 105TH CONGRESS**

The subcommittee held a hearing on June 5, 1997 on the challenges of Alzheimer's disease. Specifically, "Meeting the Challenges of Alzheimer's Disease: The Biomedical Research that will carry us into the 21st Century," addressed the scientific developments relating to disease research and the advances that have been made in understanding, treating and developing a cure for Alzheimer's disease. Among the witnesses were Dr. Richard J. Hodes, Director of the National Institute on Aging, National Institutes of Health, and Dr. Zaven Khachaturian, Director of the Ronald and Nancy Reagan Institute of the Alzheimer's Association. The subcommittee learned the prospects for providing hope to Alzheimer's victims and their families. In the final months of the 105th Congress, the subcommittee was involved in transferring to the Administration on Aging the Alzheimer's Disease Demonstration Grants to States program to support these worthwhile initiatives. This coordination of research will help meet the many challenges facing victims of Alzheimers and their caregivers.

The reauthorization of the Older Americans Act, and the development of priorities and legislation, remained the subcommittee's main focus during the 105th Congress. The subcommittee convened congressional staff briefings concerning the status of the reauthorization legislation. With the assistance of the Congressional Research Service, the subcommittee provided an overview of the great needs of older Americans and the opportunities offered under the Older Americans Act, the legislative history of the Act including the various proposals from the previous Congress, and the work of the subcommittee to retool the Act to meet the needs of the 21st Century. Senator Gregg and subcommittee staff also met with a wide array of organizations, Administration officials and Congressional offices, to examine how best to streamline, modernize and enhance the quality of services and care under the various titles of the Older Americans Act.

Other Older Americans Act related activities included the release of an update of a November 1995 study by the GAO, "Department of Labor: Senior Community Service Employment Program Delivery Could be Improved through Legislative and Administrative Actions." The update had been requested by Senator Gregg as part of the subcommittee's consideration of the reauthorization of the Older Americans Act. The subcommittee continued to be disturbed by indications that the Senior Community Service Employment Program was operating inefficiently and that the Department of

Labor was not properly overseeing the program. Addressing these concerns was a priority for Senator Gregg.

#### ANTICIPATED ACTIVITIES FOR THE 106TH CONGRESS

The subcommittee plans to address a wide range of issues affecting older Americans, with a primary focus on reauthorizing the Older Americans Act. Toward that end, the subcommittee will hold numerous hearing dealing with different portion of the Older Americans Act including nutrition programming, elder abuse, and the Act's jobs program (including ways to connect the program to the recently passed Workforce Investment Act's system of One-Stops). While most hearings will be in Washington, DC some will be held outside of Washington in an effort to learn State perspectives on such issues. Other areas the subcommittee may address include inter-generational issues and how technology and the Internet can be incorporated into the current Federal and State aging systems.

**PUBLIC HEALTH AND SAFETY****Subcommittee on Public Health and Safety****Bill Frist, M.D., Chairman**

The Subcommittee on Public Health and Safety has authorizing jurisdiction and oversight of Federal health programs in the Public Health Service Act. These include the National Institutes of Health, Centers for Disease Control and Prevention, National Organ Transplant Act, National Marrow Donor Program, Agency for Health Care Policy and Research, Substance Abuse and Mental Health Services Administration, the Ryan White AIDS Act, community health centers and health professions education programs. In addition, the subcommittee has authorizing jurisdiction and oversight of the Occupational Safety and Health Act (OSHA) and the Mine Safety and Health Act (MSHA).

**LEGISLATION CONSIDERED BY THE SUBCOMMITTEE**

As chairman of the subcommittee, Senator Frist introduced legislation to reauthorize the Agency for Health Care Policy and Research (S. 2208), the National Marrow Donor Program (S. 2150), the Nurse Education Act and title VII health professions education programs (S. 1754) and numerous women's health programs at the National Institutes of Health and the Centers for Disease Control and Prevention (S. 1722).

More than 25 public health programs were reauthorized by Congress. These programs were included in the following legislation considered by the subcommittee during the 105th Congress:

S. 1722, the Women's Health Research and Prevention Amendments of 1998 revises and extends certain programs with respect to women's health research and prevention activities at the National Institutes of Health and the Centers for Disease Control and Prevention. The bill was introduced by Senators Frist, Lott and others on March 6, 1998, and was discharged by unanimous consent by the Committee on Labor and Human Resources with an amendment in the nature of a substitute on October 12, 1999, and subsequently passed the Senate by unanimous consent. On October 13, 1998, the House passed S. 1722 under suspension of the rules and cleared the bill for White House approval. S. 1722 was signed into law on October 31, 1998 (P.L. 105-340).

S. 1754, the Health Professions Education Partnerships Act of 1998 reauthorizes and consolidates health professions, nursing, and disadvantaged health education programs. The bill was introduced by Senators Frist, Kennedy, Jeffords, and Bingaman on March 12, 1998, and was ordered reported with an amendment in the nature of a substitute by the Committee on Labor and Human Resources on June 23, 1998. (Rep. No. 105-220). On July 31, 1998, the bill was laid before the Senate by unanimous consent. Two amendments proposed by Senator Frist and Senator Daschle were adopted by unanimous consent and the bill subsequently passed the Senate by unanimous consent. On October 14, 1998, the Senate agreed to the House amendment to S. 1754 by unanimous consent and

cleared the bill for White House approval. S. 1754 was signed into law on November 13, 1998 (P.L. 105-392).

S. 2150, the National Bone Marrow Registry Reauthorization Act of 1998 reauthorizes the National Marrow Donor Program which began in 1987. S. 2150 addressed the need for increasing the number and availability of minority donors, establishes an Office of Patient Advocacy and provides services for those volunteering as potential donors. The bill was introduced by Senators Frist, Jeffords, Kennedy, Wellstone and Mikulski on June 9, 1998 as a companion to H.R. 2202 introduced by Congressman Young. H.R. 2202, as amended by the House Committee on Commerce, passed the House of Representatives under suspension of the rules on May 19, 1998. H.R. 2202 was discharged by unanimous consent by the Committee on Labor and Human Resources on June 24, 1998 and subsequently passed the Senate by unanimous consent clearing the bill for White House approval. H.R. 2202 was signed into law on July 16, 1998 (P.L. 105-196).

#### HEARINGS CONDUCTED BY THE SUBCOMMITTEE

During the course of the 105th Congress the subcommittee conducted more than fifteen hearings on a variety of public health and safety related issues. Most hearings focused on issues to advance the reauthorization of several expired authorities for public health programs, including the National Institutes of Health and the Agency for Health Care Policy and Research. Of particular interest to the subcommittee were the ethics and public policy concerns surrounding emerging cloning technology and global health as it relates to the U.S. response to infectious disease. In addition, the subcommittee held two joint hearings with the House Committee on Commerce to examine issues related to reauthorization of the National Marrow Donor Program and the organ allocation regulations proposed by the U.S. Department of Health and Human Services.

#### ANTICIPATED ACTIVITIES FOR THE 106TH CONGRESS

In the reorganization of the Labor and Human Resources Committee at the outset of the 106th Congress, the functions of the Subcommittee on Public Health and Safety related to OSHA and MSHA were transferred to the Subcommittee on Employment, Safety, and Training. The subcommittee was renamed the Subcommittee on Public Health.

Priorities for the subcommittee in the 106th Congress will include: reform of the Agency for Health Care Policy and Research to refocus it on the improvement of health care quality; reauthorization of the Substance Abuse and Mental Health Services Administration which provides grants to state and local programs supporting drug and alcohol abuse treatment, mental health services and homeless programs; and continued oversight of the National Institutes of Health, especially the agency's process for setting research priorities, its coordination of research on emerging technologies and activities to promote clinical research. In addition, the subcommittee will focus on global health issues, such as emerging

infectious diseases, bioterrorism, and the increasing threat to public health of drug-resistant microbes.

## **EMPLOYMENT AND TRAINING**

### **Subcommittee on Employment and Training**

#### **Mike DeWine, Chairman**

The Subcommittee on Employment and Training has authorizing jurisdiction over statutes governing labor standards, labor management relations, and employment and training policy. These include the Fair Labor Standards Act, the National Labor Relations Act, employment discrimination law and programs providing training for dislocated and disadvantaged individuals.

#### **LEGISLATION CONSIDERED BY THE SUBCOMMITTEE**

As chairman of the subcommittee, Senator DeWine introduced S. 1186, the Workforce Improvement Partnership Act, which was designed to consolidate, coordinate, and improve employment, training, adult and family literacy, and vocational rehabilitation programs. The subcommittee held several hearings on the components of the legislation, which was renamed the Workforce Investment Act and signed into law on August 7, 1998.

Title 1 of the Workforce Investment Act authorizes a new workforce investment system to replace that erected by the Job Training Partnership Act. State workforce investment boards will be established and States will develop five-year strategic plans. In addition, local workforce boards will also be established. Both the State and local workforce boards will oversee a broad array of employment and training services for youth, adults, and dislocated workers. Title 1 also authorizes an accountability system to ensure that the needs of individuals seeking employment and training services are met.

A number of national programs are also included in the Workforce Investment Act. These include: Job Corps; Native American job training programs; Migrant and Seasonal Farm worker employment and training activities; veterans' workforce investment programs; youth opportunity grants; technical assistance for States and local areas; demonstration and pilot initiatives, and National Emergency grants.

Title 2 of WIA reauthorizes Adult Education and Literacy programs which will now be coordinated with job training and employment programs. Title 2 encourages States to develop an array of literacy programs which include: adult education and literacy services; English literacy programs; workplace literacy initiatives; and family literacy programs.

The legislation also included reforms to the Rehabilitation Act, which supports job training of and employment-related supports to individuals with disabilities. In addition, it links vocational rehabilitation services to those that will be available under State workforce systems now and under the Workforce Investment Act of 1998. The amendments also simplify access to vocational rehabilitation services; streamline the administration of the vocational rehabilitation program; make improvements in discretionary programs related to personnel training, research, and demonstration projects; and provide greater access to information technology.

The vocational education provisions of S. 1186 were dropped in conference with the House and were conferenced and enacted as part of separate legislation.

The subcommittee also held hearings on legislation to update the Fair Labor Standards Act to provide greater flexibility to employees to arrange their work schedule so as to balance competing demands on their time in the manner that such flexibility has been available to Federal, State and local workers.

The Family Friendly Workplace Act of 1997, S. 4, was designed to give private employees greater flexibility in their work schedule. S. 4 contained four components aimed at updating the Fair Labor Standards Act of 1938 (FLSA). The bill contained a compensatory time provision which would enable hourly employees the opportunity to choose to take paid leave time instead of cash compensation for overtime work. The bill also contained two flexible scheduling provisions: a bi-weekly work schedules which would allow hourly employees the ability to choose to work their 80 hours in any combination over a 2-week period as well as flexible credit-hours which would give hourly employees the ability to work additional hours in a work week in order to use the extra hours to shorten another week at a later date. The bill also permitted employees to take voluntary partial day unpaid leave without affecting their status under the FLSA.

The legislation was ordered reported by the committee, but the Senate failed in two attempts to invoke cloture so as to permit its consideration.

#### ANTICIPATED ACTIVITIES FOR THE 106TH CONGRESS

In the reorganization of the Labor and Human Resources Committee at the outset of the 106th Congress, jurisdiction over the Occupational Safety and Health Act and the Mine Safety and Health Act was transferred from the Subcommittee on Public Health and Safety to the Subcommittee on Employment and Training, which was redesignated as the Subcommittee on Employment, Safety, and Training.

The subcommittee will make a high priority of improving the effectiveness of our safety and health statutes. Activity will focus on the Safety Advancement for Employees Act, which would primarily allow employers access to OSHA-qualified third party safety professionals to help improve the safety of their workplaces. The subcommittee will also examine the Mine Safety and Health Act, which has not been the subject of significant oversight for several years. In addition, the subcommittee will continue the oversight efforts of the 105th Congress with respect to the National Labor Relations Act and the Workforce Investment Act enacted during the 105th Congress.

















































