H.R. 444: Mr. DAVIS of Illinois.
H.R. 475: Mr. ACKERMAN and Mr. BERRY.
H.R. 493: Mr. MALONEY of Connecticut.
H.R. 505: Mr. CARDIN.
H.R. 586: Mr. GIBBONS.
H.R. 587: Mr. FRELINGHUYSEN.
H.R. 603: Mr. PETRI, Mr. PASCRELL, and Mr. BARRETT of Wisconsin.
H.R. 611: Ms. PELOSI, Mr. GORDON, Mrs. TAUSCHER, Mr. FOX of Pennsylvania, and Mr. WATT of North Carolina.
H.R. 617: Mr. BURTON of Indiana, Mr. MCINTYRE, Mr. OLVER, Mr. FILNER, Mr. PASCRELL, Mr. BALDACCI, and Mr. MANTON.
H.R. 628: Mr. SAM JOHNSON.
H.R. 631: Mr. KOLBE and Mr. GRAHAM.
H.R. 695: Mr. SHERMAN, Mr. DREIER, Mr. CALVERT, Mr. CAPPS, Mr. LINDER, Mr. MCINNIS, Mr. GRAHAM, Mr. THOMAS, Ms. MCKINNEY, Mrs. MCCARTHY of New York, Mr. FRANK of Massachusetts, Mr. SISISKY, Mr. FORBES, Mr. BLUNT, Mr. ISTOOK, and Mr. PICKERING.
H.R. 699: Mr. CALVERT, Mr. SNOWBARGER, Mr. BARRETT of Nebraska, Mr. MCINTOSH, Mr. HALL of Texas, Mr. BLILEY, Mr. PETERSON of Pennsylvania, Mr. KINGSTON, Mr. KING of New York, Mrs. KELLY, and Mr. HERGER.
H.R. 707: Mr. ADAM SMITH of Washington.
H.R. 722: Mr. MCKEON, Mr. SENSENBRENNER, Mr. KING of New York, Mr. PAXON, Mr. KLINK, and Mr. HUTCHINSON.
H.R. 734: Mr. HOLDEN, Mr. KUCINICH, and Mr. LIPINSKI.
H.R. 754: Mr. HOLDEN and Mr. CAMPBELL.
H.R. 778: Ms. DELAURO and Mr. MARTINEZ.
H.R. 779: Mr. CAPPS, Ms. DELAURO, and Mr. MARTINEZ.
H.R. 780: Ms. DELAURO and Mr. MARTINEZ.
H.R. 806: Mr. BONIOR.
H.R. 816: Mrs. FOWLER.
H.R. 859: Mr. GOODLATTE and Mr. MILLER of Florida.
H.R. 866: Mr. SENSENBRENNER.
H.R. 875: Mr. FOX of Pennsylvania, Mr. BISHOP, Mr. MALONEY of Connecticut, and Ms. JACKSON-LEE.
H.R. 877: Mr. SKAGGS, Mr. TALENT, Mr. BEREUTER, Mr. KENNEDY of Rhode Island, and Ms. MOLINARI.
H.R. 891: Mr. TALENT.
H.R. 901: Mr. ROYCE, Mr. PITTS, Mr. SALMON, Mr. WAMP, Mr. GOODLING, and Mr. JENKINS.
H.R. 916: Mr. SAM JOHNSON, Mr. MILLER of Florida, Mr. KLINK, and Ms. FURSE.
H.R. 919: Mr. BONIOR and Mr. GUTIERREZ.
H.R. 946: Mr. METCALF and Mr. THORNBERRY.
H.R. 956: Mr. BOYD, Ms. CARSON, and Mr. WICKER.
H.R. 970: Mr. WATKINS and Mr. SMITH of Texas.
H.R. 972: Mr. MILLER of Florida.
H.R. 991: Ms. MILLENDER-MCDONALD, Mrs. EMERSON, and Mr. BLUMENAUER.
H.R. 1016: Mr. DAN SCHAEFER of Colorado.
H.R. 1037: Mrs. KENNELLY of Connecticut.
H.R. 1050: Mr. BONIOR.
H.R. 1053: Mr. COBURN, Mr. TAYLOR of Mississippi, and Mr. CAPPS.
H.R. 1075: Mr. ACKERMAN and Mrs. LOWEY.
H.R. 1076: Mr. MCGOVERN.
H.R. 1100: Mr. THORNBERRY.
H.R. 1111: Mr. MORAN of Virginia.
H.R. 1129: Mr. BROWN of California, Ms. BROWN of Florida, and Mr. TAYLOR of North Carolina.
H.R. 1134: Mr. COSTELLO, Mr. EHRLICH, and Mr. SMITH of New Jersey.
H.R. 1159: Mr. TIERNEY and Mr. MARTINEZ.
H.R. 1161: Mr. MCKEON and Mr. MANZULLO.
H.R. 1172: Mr. WELDON of Pennsylvania, Mrs. ROUKEMA, Mr. PICKERING, Mr. BOB SCHAFFER, and Mr. LUCAS of Oklahoma.
H.R. 1178: Mr. CAPPS.
H.R. 1189: Ms. KAPTUR, Mr. TURNER, Mr. RADANOVICH, Mr. JENKINS, and Mr. WICKER.
H.R. 1201: Mr. MCDERMOTT.
H.R. 1222: Mr. FALEOMAVAEGA.
H.R. 1232: Mr. SCARBOROUGH, Mr. BERMAN, and Mr. LEACH.
H.R. 1247: Mr. NETHERCUTT, Mrs. CUBIN, Mr. BUYER, and Mrs. EMERSON.
H.R. 1260: Mr. KENNEDY of Massachusetts, Ms. FURSE, and Mr. LANTOS.
H.R. 1283: Mr. HORN, Mr. BUNNING of Kentucky, Mr. TALENT, Mr. RADANOVICH, and Mr. CRANE.
H.R. 1287: Mr. BEREUTER.
H.R. 1338: Mr. WICKER.
H.R. 1350: Mr. SENSENBRENNER.
H.R. 1383: Mr. BALDACCI, Mr. COYNE, and Mr. OLVER.
H.R. 1395: Ms. MCKINNEY and Mr. MCINTYRE.
H.R. 1437: Mr. LAFALCE.
H.R. 1453: Mr. GUTIERREZ, Mr. MCGOVERN, Mr. MARTINEZ, and Mr. BARRETT of Wisconsin.
H.R. 1456: Mr. BARCIA of Michigan.
H.R. 1464: Mr. WALSH.
H.R. 1505: Mr. LEWIS of Georgia.
H.R. 1521: Mr. CUNNINGHAM, Mr. FILNER, and Mr. STRICKLAND.
H.R. 1532: Mr. GOODLATTE and Mr. WELLER.
H.R. 1542: Mr. SESSIONS.
H.R. 1549: Mr. BARRETT of Wisconsin.
H.R. 1556: Mr. GREEN and Mr. PETRI.
H.R. 1559: Mr. MCCOLLUM, Mr. HYDE, Mr. HORN, Mr. NETHERCUTT, Mr. GUTKNECHT, and Mr. CHRISTENSEN.
H.R. 1568: Mrs. MEEK of Florida, Mrs. CLAYTON, and Mr. SNYDER.
H.R. 1574: Mr. HASTERT and Mr. BARTON of Texas.
H.R. 1577: Mrs. NORTHUP.
H.J. Res. 54: Mr. BOYD.
H.J. Res. 75: Mr. GILLMOR, Mrs. ROUKEMA, Mr. VISCLOSKY, Mr. ARCHER, Mr. RANGEL, Mr. HULSHOF, Mr. PORTMAN, Mr. JENKINS, Mrs. LINDA SMITH of Washington, Mr. DICKS, Mr. HALL of Ohio, Mr. TRAFICANT, Mr. SENSENBRENNER, Mr. GALLEGLY, Mr. MOLLOHAN, Mr. YOUNG of Alaska, Ms. ROS-LEHTINEN, Mr. BARTON of Texas, Mr. PRICE of North Carolina, Mr. GANSKE, Mr. FAZIO of California, Mr. HOLDEN, Mr. COBURN, Mr. DIAZ-BALART, Mr. BEREUTER, Mr. BISHOP, Mr. HOBSON, Mr. LEACH, Mr. PETRI, Mr. CANADY of Florida, Mr. FAWELL, Mr. ISTOOK, Mr. DOYLE, Mr. SCOTT, Mr. ROGAN, Mrs. KELLY, Mr. ORTIZ, Mr. LUCAS of Oklahoma, Mr. BOB SCHAFFER, Mr. GREENWOOD, Mr. HILL, Mr. BRYANT, and Mr. BONO.
H.J. Res. 76: Mrs. MALONEY of New York, Mr. RAHALL, Mr. SABO, Ms. PELOSI, and Mr. MCGOVERN.
H. Con. Res. 10: Mr. MASCARA, Mr. COBLE, Ms. STABENOW, Mr. BORSKI, Mr. HILLIARD, and Mr. MALONEY of Connecticut.
H. Con. Res. 13: Mr. MOAKLEY, Mr. GOODLING, Mr. PETERSON of Pennsylvania, and Mr. CHAMBLISS.
H. Con. Res. 14: Mr. OBERSTAR, Mr. PAPPAS, and Mr. FARR of California.
H. Con. Res. 51: Mr. MARTINEZ.
H. Con. Res. 52: Mr. MARTINEZ, Mr. SABO, Mr. OBERSTAR, and Mr. STENHOLM.
H. Con. Res. 65: Mr. LANTOS, Ms. ROS-LEHTINEN, Mr. HERGER, Mr. BONIOR, Mr. MARTINEZ, Mr. TURNER, Mr. CONYERS, Ms. WATERS, Mr. CLYBURN, Ms. JACKSON-LEE, Mr. JACKSON, Mr. RANGEL, Ms. BROWN of Florida, Mr. FORD, Mr. LEWIS of Georgia, Mr. WYNN, Mr. RUSH, Mr. DAVIS of Illinois, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. FLAKE, Ms. KILPATRICK, Mr. BISHOP, Mrs. CLAYTON, Mr. HILLIARD, Mr. STOKES, and Mr. WATT of North Carolina.
H. Res. 110: Mr. GOODLATTE, and Mr. GUTKNECHT.
H. Res. 122: Mr. LIVINGSTON, Mr. ROMERO-BARCELÓ, Mr. JONES, Mr. COOK, Mr. HEFLEY, Mr. COOKSEY, and Mrs. MORELLA.

DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, sponsors were deleted from public bills and resolutions as follows:

H.R. 900: Mr. ROMERO-BARCELÓ.
H.R. 1111: Mr. MORAN of Kansas.

AMENDMENTS

Under clause 6 of rule XXIII, proposed amendments were submitted as follows:

H.R. 408

OFFERED BY: MR. YOUNG OF ALASKA

(Amendment in the Nature of a Substitute)

AMENDMENT NO. 1: Strike all after the enacting clause and insert in lieu thereof the following:

SECTION 1. SHORT TITLE; REFERENCES.

(a) SHORT TITLE.—This Act may be cited as the ''International Dolphin Conservation Program Act''.

(b) REFERENCES TO MARINE MAMMAL PROTECTION ACT.—Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Marine Mammal Protection Act of 1972 (16 U.S.C. 1361 et seq.).

SEC. 2. PURPOSE AND FINDINGS.

(a) PURPOSE.—The purposes of this Act are—

(1) to give effect to the Declaration of Panama, signed October 4, 1995, by the Governments of Belize, Colombia, Costa Rica, Ecuador, France, Honduras, Mexico, Panama, Spain, the United States of America, Vanuatu, and Venezuela, including the establishment of the International Dolphin Conservation Program, relating to the protection of dolphins and other species, and the conservation and management of tuna in the eastern tropical Pacific Ocean;

(2) to recognize that nations fishing for tuna in the eastern tropical Pacific Ocean have achieved significant reductions in dolphin mortality associated with that fishery; and

(3) to eliminate the ban on imports of tuna from those nations that are in compliance with the International Dolphin Conservation Program.

(b) FINDINGS.—The Congress finds the following:

(1) The nations that fish for tuna in the eastern tropical Pacific Ocean have achieved significant reductions in dolphin mortalities associated with the purse seine fishery from hundreds of thousands annually to fewer than 5,000 annually.

(2) The provisions of the Marine Mammal Protection Act of 1972 that impose a ban on imports from nations that fish for tuna in the eastern tropical Pacific Ocean have served as an incentive to reduce dolphin mortalities.

(3) Tuna canners and processors of the United States have led the canning and processing industry in promoting a dolphin-safe tuna market.

(4) 12 signatory nations to the Declaration of Panama, including the United States, agreed under that Declaration to require that the total annual dolphin mortality in the purse seine fishery for yellowfin tuna in the eastern tropical Pacific Ocean not exceed 5,000, with a commitment and objective to progressively reduce dolphin mortality to a level approaching zero through the setting of annual limits.

SEC. 3. DEFINITIONS.

Section 3 (16 U.S.C. 1362) is amended by adding at the end the following new paragraphs:

''(28) The term 'International Dolphin Conservation Program' means the international program established by the agreement signed in La Jolla, California, in June 1992, as formalized, modified, and enhanced in accordance with the Declaration of Panama, that requires—

''(A) that the total annual dolphin mortality in the purse seine fishery for yellowfin tuna in the eastern tropical Pacific Ocean not exceed 5,000, with the commitment and objective to progressively reduce dolphin mortality to levels approaching zero through the setting of annual limits;

''(B) the establishment of a per-stock per-year mortality limit for dolphins, for each year through the year 2000, of between 0.2 percent and 0.1 percent of the minimum population estimate;

''(C) beginning with the year 2001, that the per-stock per-year mortality of dolphin not exceed 0.1 percent of the minimum population estimate;

''(D) that if the mortality limit set forth in subparagraph (A) is exceeded, all sets on dolphins shall cease for the fishing year concerned;

''(E) that if the mortality limit set forth in subparagraph (B) or (C) is exceeded sets on such stock and any mixed schools containing members of such stock shall cease for that fishing year;

''(F) in the case of subparagraph (B), to conduct a scientific review and assessment in 1998 of progress toward the year 2000 objective and consider recommendations as appropriate; and

''(G) in the case of subparagraph (C), to conduct a scientific review and assessment regarding that stock or those stocks and consider further recommendations;

''(H) the establishment of a per-vessel maximum annual dolphin mortality limit consistent with the established per-year mortality caps; and

''(I) the provision of a system of incentives to vessel captains to continue to reduce dolphin mortality, with the goal of eliminating dolphin mortality.

''(29) The term 'Declaration of Panama' means the declaration signed in Panama City, Republic of Panama, on October 4, 1995.''.

SEC. 4. AMENDMENTS TO TITLE I.

(a) AUTHORIZATION FOR INCIDENTAL TAKING.—Section 101(a)(2) (16 U.S.C. 1371(a)(2)) is amended as follows:

(1) By inserting after the first sentence ''Such authorizations may also be granted under title III with respect to the yellowfin tuna fishery of the eastern tropical Pacific Ocean, subject to regulations prescribed under that title by the Secretary without regard to section 103.''.

(2) By striking the semicolon in the second sentence and all that follows through ''practicable''.

(b) DOCUMENTARY EVIDENCE.—Section 101(a) (16 U.S.C. 1371(a)) is amended by striking so much of paragraph (2) as follows subparagraph (A) and as precedes subparagraph (C) and inserting:

''(B) in the case of yellowfin tuna harvested with purse seine nets in the eastern tropical Pacific Ocean, and products therefrom, to be exported to the United States, shall require that the government of the exporting nation provide documentary evidence that—

''(i) the tuna or products therefrom were not banned from importation under this paragraph before the effective date of the International Dolphin Conservation Program Act;

''(ii) the tuna or products therefrom were harvested after the effective date of the International Dolphin Conservation Program Act by vessels of a nation which participates in the International Dolphin Conservation Program, such harvesting nation is either a member of the Inter-American Tropical Tuna Commission or has initiated (and within 6 months thereafter completed) all steps (in accordance with article V, paragraph 3 of the Convention establishing the Inter-American Tropical Tuna Commission) necessary to become a member of that organization;

''(iii) such nation is meeting the obligations of the International Dolphin Conservation Program and the obligations of membership in the Inter-American Tropical Tuna Commission, including all financial obligations;

''(iv) the total dolphin mortality permitted under the International Dolphin Conservation Program will not exceed 5,000 in 1997, or in any year thereafter, consistent with the commitment and objective of progressively reducing dolphin mortality to levels approaching zero through the setting of annual limits and the goal of eliminating dolphin mortality; and

''(v) the tuna or products therefrom were harvested after the effective date of the International Dolphin Conservation Program Act by vessels of a nation which participates in the International Dolphin Conservation Program, and such harvesting nation has not vetoed the participation by any other nation in such Program.''.

(c) ACCEPTANCE OF EVIDENCE COVERAGE.—Section 101 (16 U.S.C. 1371) is amended by adding at the end the following new subsections:

''(d) ACCEPTANCE OF DOCUMENTARY EVIDENCE.—The Secretary shall not accept documentary evidence referred to in section 101(a)(2)(B) as satisfactory proof for purposes of section 101(a)(2) if—

''(1) the government of the harvesting nation does not provide directly or authorize the Inter-American Tropical Tuna Commission to release complete and accurate information to the Secretary to allow a determination of compliance with the International Dolphin Conservation Program;

''(2) the government of the harvesting nation does not provide directly or authorize the Inter-American Tropical Tuna Commission to release complete and accurate information to the Secretary in a timely manner for the purposes of tracking and verifying compliance with the minimum requirements established by the Secretary in regulations promulgated under subsection (f) of the Dolphin Protection Consumer Information Act (16 U.S.C. 1385(f)); or

''(3) after taking into consideration this information, findings of the Inter-American Tropical Tuna Commission, and any other relevant information, including information that a nation is consistently failing to take enforcement actions on violations which diminish the effectiveness of the International Dolphin Conservation Program, the Secretary, in consultation with the Secretary of State, finds that the harvesting nation is not in compliance with the International Dolphin Conservation Program.

''(e) EXEMPTION.—The provisions of this Act shall not apply to a citizen of the United States who incidentally takes any marine mammal during fishing operations outside the United States exclusive economic zone (as defined in section 3(6) of the Magnuson Fishery Conservation and Management Act (16 U.S.C. 1802(6))) when employed on a foreign fishing vessel of a harvesting nation which is in compliance with the International Dolphin Conservation Program.''.

(d) ANNUAL PERMITS.—Section 104(h) is amended to read as follows:

''(h) ANNUAL PERMITS.—(1) Consistent with the regulations prescribed pursuant to section 103 and the requirements of section 101, the Secretary may issue an annual permit to a United States vessel for the taking of such marine mammals, and shall issue regulations to cover the use of any such annual permits.

''(2) Annual permits described in paragraph (1) for the incidental taking of marine mammals in the course of commercial purse seine fishing for yellowfin tuna in the eastern tropical Pacific Ocean shall be governed by section 304, subject to the regulations issued pursuant to section 302.''.

(e) REVISIONS AND FUNDING SOURCES.—Section 108(a)(2) (16 U.S.C. 1378(a)(2)) is amended as follows:

(1) By striking ''and'' at the end of subparagraph (A).

(2) By adding at the end the following:

''(C) discussions to expeditiously negotiate revisions to the Convention for the Establishment of an Inter-American Tropical Tuna Commission (1 UST 230, TIAS 2044) which will incorporate conservation and management provisions agreed to by the nations which have signed the Declaration of Panama;

''(D) a revised schedule of annual contributions to the expenses of the Inter-American Tropical Tuna Commission that is equitable to participating nations; and

''(E) discussions with those countries participating or likely to participate in the International Dolphin Conservation Program, to identify alternative sources of funds to ensure that needed research and other measures benefiting effective protection of dolphins, other marine species, and the marine ecosystem;''.

(f) REPEAL OF NAS REVIEW.—Section 110 (16 U.S.C. 1380) is amended as follows:

(1) By redesignating subsection (a)(1) as subsection (a).

(2) By striking subsection (a)(2).

(g) LABELING OF TUNA PRODUCTS.—Paragraph (1) of section 901(d) of the Dolphin Protection Consumer Information Act (16 U.S.C. 1385(d)(1)) is amended to read as follows:

''(1) It is a violation of section 5 of the Federal Trade Commission Act for any producer, importer, exporter, distributor, or seller of any tuna product that is exported from or offered for sale in the United States to include on the label of that product the term 'Dolphin Safe' or any other term or symbol that falsely claims or suggests that the tuna contained in the product was harvested using a method of fishing that is not harmful to dolphins if the product contains any of the following:

''(A) Tuna harvested on the high seas by a vessel engaged in driftnet fishing.

''(B) Tuna harvested in the eastern tropical Pacific Ocean by a vessel using purse seine nets unless the tuna is considered dolphin safe under paragraph (2).

''(C) Tuna harvested outside the eastern tropical Pacific Ocean by a vessel using purse seine nets unless the tuna is considered dolphin safe under paragraph (3).

''(D) Tuna harvested by a vessel engaged in any fishery identified by the Secretary pursuant to paragraph (4) as having a regular and significant incidental mortality of marine mammals.''.

(h) DOLPHIN SAFE TUNA.—(1) Paragraph (2) of section 901(d) of the Dolphin Protection Consumer Information Act (16 U.S.C. 1385(d)(2)) is amended to read as follows:

''(2)(A) For purposes of paragraph (1)(B), a tuna product that contains tuna harvested in the eastern tropical Pacific Ocean by a vessel using purse seine nets is dolphin safe if the vessel is of a type and size that the Secretary has determined, consistent with the International Dolphin Conservation Program, is not capable of deploying its purse

seine nets on or to encircle dolphins, or if the product meets the requirements of subparagraph (B).

''(B) For purposes of paragraph (1)(B), a tuna product that contains tuna harvested in the eastern tropical Pacific Ocean by a vessel using purse seine nets is dolphin safe if the product is accompanied by a written statement executed by the captain of the vessel which harvested the tuna certifying that no dolphins were killed during the sets in which the tuna were caught and the product is accompanied by a written statement executed by—

''(i) the Secretary or the Secretary's designee;

''(ii) a representative of the Inter-American Tropical Tuna Commission; or

''(iii) an authorized representative of a participating nation whose national program meets the requirements of the International Dolphin Conservation Program,

which states that there was an observer approved by the International Dolphin Conservation Program on board the vessel during the entire trip and documents that no dolphins were killed during the sets in which the tuna concerned were caught.

''(C) The statements referred to in clauses (i), (ii), and (iii) of subparagraph (B) shall be valid only if they are endorsed in writing by each exporter, importer, and processor of the product, and if such statements and endorsements comply with regulations promulgated by the Secretary which would provide for the verification of tuna products as dolphin safe.''.

(2) Subsection (d) of section 901 of the Dolphin Protection Consumer Information Act (16 U.S.C. 1385(d)) is amended by adding the following new paragraphs at the end thereof:

''(3) For purposes of paragraph (1)(C), tuna or a tuna product that contains tuna harvested outside the eastern tropical Pacific Ocean by a vessel using purse seine nets is dolphin safe if—

''(A) it is accompanied by a written statement executed by the captain of the vessel certifying that no purse seine net was intentionally deployed on or to encircle dolphins during the particular voyage on which the tuna was harvested; or

''(B) in any fishery in which the Secretary has determined that a regular and significant association occurs between marine mammals and tuna, it is accompanied by a written statement executed by the captain of the vessel and an observer, certifying that no purse seine net was intentionally deployed on or to encircle marine mammals during the particular voyage on which the tuna was harvested.

''(4) For purposes of paragraph (1)(D), tuna or a tuna product that contains tuna harvested in a fishery identified by the Secretary as having a regular and significant incidental mortality or serious injury of marine mammals is dolphin safe if it is accompanied by a written statement executed by the captain of the vessel and, where determined to be practicable by the Secretary, an observer participating in a national or international program acceptable to the Secretary certifying that no marine mammals were killed in the course of the fishing operation or operations in which the tuna were caught.

''(5) No tuna product may be labeled with any reference to dolphins, porpoises, or marine mammals, unless such product is labeled as dolphin safe in accordance with this subsection.''.

(i) TRACKING AND VERIFICATION.—Subsection (f) of section 901 of the Dolphin Protection Consumer Information Act (16 U.S.C. 1385(f)) is amended to read as follows:

''(f) TRACKING AND VERIFICATION.—The Secretary, in consultation with the Secretary of the Treasury, shall issue regulations to implement subsection (d) not later than 3 months after the date of enactment of the International Dolphin Conservation Program Act. In the development of these regulations, the Secretary shall establish appropriate procedures for ensuring the confidentiality of proprietary information the submission of which is voluntary or mandatory. Such regulations shall, consistent with international efforts and in coordination with the Inter-American Tropical Tuna Commission, establish a domestic and international tracking and verification program that provides for the effective tracking of tuna labeled under subsection (d), including but not limited to each of the following:

''(1) Specific regulations and provisions addressing the use of weight calculation for purposes of tracking tuna caught, landed, processed, and exported.

''(2) Additional measures to enhance observer coverage if necessary.

''(3) Well location and procedures for monitoring, certifying, and sealing holds above and below deck or other equally effective methods of tracking and verifying tuna labeled under subsection (d).

''(4) Reporting receipt of and database storage of radio and facsimile transmittals from fishing vessels containing information related to the tracking and verification of tuna, and the definition of sets.

''(5) Shore-based verification and tracking throughout the transshipment and canning process by means of Inter-American Tropical Tuna Commission trip records or otherwise.

''(6) Provisions for annual audits and spot checks for caught, landed, and processed tuna products labeled in accordance with subsection (d).

''(7) The provision of timely access to data required under this subsection by the Secretary from harvesting nations to undertake the actions required in paragraph (6) of this subsection.''.

SEC. 5. AMENDMENTS TO TITLE III.

(a) HEADING.—The heading of title III is amended to read as follows:

''TITLE III—INTERNATIONAL DOLPHIN CONSERVATION PROGRAM''.

(b) FINDINGS.—Section 301 (16 U.S.C. 1411) is amended as follows:

(1) In subsection (a), by amending paragraph (4) to read as follows:

''(4) Nations harvesting yellowfin tuna in the eastern tropical Pacific Ocean have demonstrated their willingness to participate in appropriate multilateral agreements to reduce, with the goal of eliminating, dolphin mortality in that fishery. Recognition of the International Dolphin Conservation Program will assure that the existing trend of reduced dolphin mortality continues; that individual stocks of dolphins are adequately protected; and that the goal of eliminating all dolphin mortality continues to be a priority.''.

(2) In subsection (b), by amending paragraphs (2) and (3) to read as follows:

''(2) support the International Dolphin Conservation Program and efforts within the Program to reduce, with the goal of eliminating, the mortality referred to in paragraph (1);

''(3) ensure that the market of the United States does not act as an incentive to the harvest of tuna caught with driftnets or caught by purse seine vessels in the eastern tropical Pacific Ocean that are not operating in compliance with the International Dolphin Conservation Program;''.

(c) INTERNATIONAL DOLPHIN CONSERVATION PROGRAM.—Section 302 (16 U.S.C. 1412) is amended to read as follows:

''SEC. 302. AUTHORITY OF THE SECRETARY.

''(a) REGULATIONS TO IMPLEMENT PROGRAM REGULATIONS.—(1) The Secretary shall issue regulations to implement the International Dolphin Conservation Program.

''(2)(A) Not later than 3 months after the date of enactment of this section, the Secretary shall issue regulations to authorize and govern the incidental taking of marine mammals in the eastern tropical Pacific Ocean, including any species of marine mammal designated as depleted under this Act but not listed as endangered or threatened under the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.), by vessels of the United States participating in the International Dolphin Conservation Program.

''(B) Regulations issued under this section shall include provisions—

''(i) requiring observers on each vessel;

''(ii) requiring use of the backdown procedure or other procedures equally or more effective in avoiding mortality of marine mammals in fishing operations;

''(iii) prohibiting intentional deployment of nets on, or encirclement of, dolphins in violation of the International Dolphin Conservation Program;

''(iv) requiring the use of special equipment, including dolphin safety panels in nets, monitoring devices as identified by the International Dolphin Conservation Program, as practicable, to detect unsafe fishing conditions before nets are deployed by a tuna vessel, operable rafts, speedboats with towing bridles, floodlights in operable condition, and diving masks and snorkels;

''(v) ensuring that the backdown procedure during the deployment of nets on, or encirclement of, dolphins is completed and rolling of the net to sack up has begun no later than 30 minutes after sundown;

''(vi) banning the use of explosive devices in all purse seine operations;

''(vii) establishing per vessel maximum annual dolphin mortality limits, total dolphin mortality limits and per-stock per-year mortality limits, in accordance with the International Dolphin Conservation Program;

''(viii) preventing the intentional deployment of nets on, or encirclement of, dolphins after reaching either the vessel maximum annual dolphin mortality limits, total dolphin mortality limits, or per-stock per-year mortality limits;

''(ix) preventing the fishing on dolphins by a vessel without an assigned vessel dolphin mortality limit;

''(x) allowing for the authorization and conduct of experimental fishing operations, under such terms and conditions as the Secretary may prescribe, for the purpose of testing proposed improvements in fishing techniques and equipment (including new technology for detecting unsafe fishing conditions before nets are deployed by a tuna vessel) that may reduce or eliminate dolphin mortality or do not require the encirclement of dolphins in the course of commercial yellowfin tuna fishing;

''(xi) authorizing fishing within the area covered by the International Dolphin Conservation Program by vessels of the United States without the use of special equipment or nets if the vessel takes an observer and does not intentionally deploy nets on, or encircle, dolphins, under such terms and conditions as the Secretary may prescribe; and

''(xii) containing such other restrictions and requirements as the Secretary determines are necessary to implement the International Dolphin Conservation Program with respect to vessels of the United States.

''(C) The Secretary may make such adjustments as may be appropriate to the requirements of subparagraph (B) that pertain to fishing gear, vessel equipment, and fishing practices to the extent the adjustments are consistent with the International Dolphin Conservation Program.

''(b) CONSULTATION.—In developing regulations under this section, the Secretary shall consult with the Secretary of State, the Marine Mammal Commission and the United States Commissioners to the Inter-American Tropical Tuna Commission appointed under section 3 of the Tuna Conventions Act of 1950 (16 U.S.C. 952).

''(c) EMERGENCY REGULATIONS.—(1) If the Secretary determines, on the basis of the best scientific information available (including that obtained under the International Dolphin Conservation Program) that the incidental mortality and serious injury of marine mammals authorized under this title is having, or is likely to have, a significant adverse effect on a marine mammal stock or species, the Secretary shall take actions as follows—

''(A) notify the Inter-American Tropical Tuna Commission of the Secretary's findings, along with recommendations to the Commission as to actions necessary to reduce incidental mortality and serious injury and mitigate such adverse impact; and

''(B) prescribe emergency regulations to reduce incidental mortality and serious injury and mitigate such adverse impact.

''(2) Prior to taking action under paragraph (1) (A) or (B), the Secretary shall consult with the Secretary of State, the Marine Mammal Commission, and the United States Commissioners to the Inter-American Tropical Tuna Commission.

''(3) Emergency regulations prescribed under this subsection—

''(A) shall be published in the Federal Register, together with an explanation thereof; and

''(B) shall remain in effect for the duration of the applicable fishing year; and

The Secretary may terminate such emergency regulations at a date earlier than that required by subparagraph (B) by publication in the Federal Register of a notice of termination, if the Secretary determines that the reasons for the emergency action no longer exist.

''(4) If the Secretary finds that the incidental mortality and serious injury of marine mammals in the yellowfin tuna fishery in the eastern tropical Pacific Ocean is continuing to have a significant adverse impact on a stock or species, the Secretary may extend the emergency regulations for such additional periods as may be necessary.

''(d) RESEARCH.—The Secretary shall, in cooperation with the nations participating in the International Dolphin Conservation Program and with the Inter-American Tropical Tuna Commission, undertake or support appropriate scientific research to further the goals of the International Dolphin Conservation Program. Such research may include but shall not be limited to any of the following:

''(1) Devising cost-effective fishing methods and gear so as to reduce, with the goal of eliminating, the incidental mortality and serious injury of marine mammals in connection with commercial purse seine fishing in the eastern tropical Pacific Ocean.

''(2) Developing cost-effective methods of fishing for mature yellowfin tuna without deployment of nets on, or encirclement of, dolphins or other marine mammals.

''(3) Carrying out stock assessments for those marine mammal species and marine mammal stocks taken in the purse seine fishery for yellowfin tuna in the eastern tropical Pacific Ocean, including species or stocks not within waters under the jurisdiction of the United States.

''(4) Studying the effects of chase and encirclement on the health and biology of dolphin and individual dolphin populations incidentally taken in the course of purse seine fishing for yellowfin tuna in the eastern tropical Pacific Ocean. There are authorized to be appropriated to the Department of Commerce $1,000,000 to be used by the Secretary, acting through the National Marine Fisheries Service, to carry out this paragraph. Upon completion of the study, the Secretary shall submit a report containing the results of the study, together with recommendations, to the Congress and to the Inter-American Tropical Tuna Commission.

''(5) Determining the extent to which the incidental take of nontarget species, including juvenile tuna, occurs in the course of purse seine fishing for yellowfin tuna in the eastern tropical Pacific Ocean, the geographic location of the incidental take, and the impact of that incidental take on tuna stocks, and nontarget species.

The Secretary shall include a description of the annual results of research carried out under this subsection in the report required under section 303.''.

(d) REPORTS.—Section 303 (16 U.S.C. 1414) is amended to read as follows:

''SEC. 303. REPORTS BY THE SECRETARY.

''Notwithstanding section 103(f), the Secretary shall submit an annual report to the Congress which includes each of the following:

''(1) The results of research conducted pursuant to section 302.

''(2) A description of the status and trends of stocks of tuna.

''(3) A description of the efforts to assess, avoid, reduce, and minimize the bycatch of juvenile yellowfin tuna and other nontarget species.

''(4) A description of the activities of the International Dolphin Conservation Program and of the efforts of the United States in support of the Program's goals and objectives, including the protection of dolphin populations in the eastern tropical Pacific Ocean, and an assessment of the effectiveness of the Program.

''(5) Actions taken by the Secretary under subsections (a)(2)(B) and (d) of section 101.

''(6) Copies of any relevant resolutions and decisions of the Inter-American Tropical Tuna Commission, and any regulations promulgated by the Secretary under this title.

''(7) Any other information deemed relevant by the Secretary.''.

(e) PERMITS.—Section 304 (16 U.S.C. 1416) is amended to read as follows:

''SEC. 304. PERMITS.

''(a) IN GENERAL.—(1) Consistent with section 302, the Secretary is authorized to issue a permit to a vessel of the United States authorizing participation in the International Dolphin Conservation Program and may require a permit for the person actually in charge of and controlling the fishing operation of the vessel. The Secretary shall prescribe such procedures as are necessary to carry out this subsection, including, but not limited to, requiring the submission of—

''(A) the name and official number or other identification of each fishing vessel for which a permit is sought, together with the name and address of the owner thereof; and

''(B) the tonnage, hold capacity, speed, processing equipment, and type and quantity of gear, including an inventory of special equipment required under section 302, with respect to each vessel.

''(2) The Secretary is authorized to charge a fee for issuing a permit under this section. The level of fees charged under this paragraph may not exceed the administrative cost incurred in granting an authorization and issuing a permit. Fees collected under this paragraph shall be available, subject to appropriations, to the Under Secretary of Commerce for Oceans and Atmosphere for expenses incurred in issuing permits under this section.

''(3) After the effective date of the International Dolphin Conservation Program Act, no vessel of the United States shall operate in the yellowfin tuna fishery in the eastern tropical Pacific Ocean without a valid permit issued under this section.

''(b) PERMIT SANCTIONS.—(1) In any case in which—

''(A) a vessel for which a permit has been issued under this section has been used in the commission of an act prohibited under section 305;

''(B) the owner or operator of any such vessel or any other person who has applied for or been issued a permit under this section has acted in violation of section 305; or

''(C) any civil penalty or criminal fine imposed on a vessel, owner or operator of a vessel, or other person who has applied for or been issued a permit under this section has not been paid or is overdue, the Secretary may—

''(i) revoke any permit with respect to such vessel, with or without prejudice to the issuance of subsequent permits;

''(ii) suspend such permit for a period of time considered by the Secretary to be appropriate;

''(iii) deny such permit; or

''(iv) impose additional conditions or restrictions on any permit issued to, or applied for by, any such vessel or person under this section.

''(2) In imposing a sanction under this subsection, the Secretary shall take into account—

''(A) the nature, circumstances, extent, and gravity of the prohibited acts for which the sanction is imposed; and

''(B) with respect to the violator, the degree of culpability, any history of prior offenses, and other such matters as justice requires.

''(3) Transfer of ownership of a vessel, by sale or otherwise, shall not extinguish any permit sanction that is in effect or is pending at the time of transfer of ownership. Before executing the transfer of ownership of a vessel, by sale or otherwise, the owner shall disclose in writing to the prospective transferee the existence of any permit sanction that will be in effect or pending with respect to the vessel at the time of transfer.

''(4) In the case of any permit that is suspended for the failure to pay a civil penalty or criminal fine, the Secretary shall reinstate the permit upon payment of the penalty or fine and interest thereon at the prevailing rate.

''(5) No sanctions shall be imposed under this section unless there has been a prior opportunity for a hearing on the facts underlying the violation for which the sanction is imposed, either in conjunction with a civil penalty proceeding under this title or otherwise.''.

(f) PROHIBITIONS.—Section 305 is repealed and section 307 (16 U.S.C. 1417) is redesignated as section 305, and amended as follows:

(1) In subsection (a):

(A) By amending paragraph (1) to read as follows:

''(1) for any person to sell, purchase, offer for sale, transport, or ship, in the United States, any tuna or tuna product unless the tuna or tuna product is either dolphin safe or has been harvested in compliance with the International Dolphin Conservation Program by a country that is a member of the Inter-American Tropical Tuna Commission or has initiated steps, in accordance with Article V, paragraph 3 of the Convention establishing the Inter-American Tropical Tuna Commission, to become a member of that organization;''.

(B) By amending paragraph (2) to read as follows:

''(2) except in accordance with this title and regulations issued pursuant to this title

as provided for in subsection 101(e), for any person or vessel subject to the jurisdiction of the United States intentionally to set a purse seine net on or to encircle any marine mammal in the course of tuna fishing operations in the eastern tropical Pacific Ocean; or''.

(C) By amending paragraph (3) to read as follows:

''(3) for any person to import any yellowfin tuna or yellowfin tuna product or any other fish or fish product in violation of a ban on importation imposed under section 101(a)(2);''.

(2) In subsection (b)(2), by inserting ''(a)(5) and'' before ''(a)(6)''.

(3) By striking subsection (d).

(g) REPEAL.—Section 306 is repealed and section 308 (16 U.S.C. 1418) is redesignated as section 306, and amended by striking ''303'' and inserting in lieu thereof ''302(d)''.

(h) CLERICAL AMENDMENTS.—The table of contents in the first section of the Marine Mammal Protection Act of 1972 is amended by striking the items relating to title III and inserting in lieu thereof the following:

''TITLE III—INTERNATIONAL DOLPHIN CONSERVATION PROGRAM

''Sec. 301. Findings and policy.
''Sec. 302. Authority of the Secretary.
''Sec. 303. Reports by the Secretary.
''Sec. 304. Permits.
''Sec. 305. Prohibitions.
''Sec. 306. Authorization of appropriations.''.

SEC. 6. AMENDMENTS TO THE TUNA CONVENTIONS ACT OF 1950.

(a) MEMBERSHIP.—Section 3(c) of the Tuna Conventions Act of 1950 (16 U.S.C. 952(c)) is amended to read as follows:

''(c) at least one shall be either the Director, or an appropriate regional director, of the National Marine Fisheries Service; and''.

(b) GENERAL ADVISORY COMMITTEE AND SCIENTIFIC ADVISORY SUBCOMMITTEE.—Section 4 of the Tuna Conventions Act of 1950 (16 U.S.C. 953) is amended to read as follows:

''SEC. 4. GENERAL ADVISORY COMMITTEE AND SCIENTIFIC ADVISORY SUBCOMMITTEE.

''The Secretary, in consultation with the United States Commissioners, shall:

''(1) Appoint a General Advisory Committee which shall be composed of not less than 5 nor more than 15 persons with balanced representation from the various groups participating in the fisheries included under the conventions, and from nongovernmental conservation organizations. The General Advisory Committee shall be invited to have representatives attend all nonexecutive meetings of the United States sections and shall be given full opportunity to examine and to be heard on all proposed programs of investigations, reports, recommendations, and regulations of the commission. The General Advisory Committee may attend all meetings of the international commissions to which they are invited by such commissions.

''(2) Appoint a Scientific Advisory Subcommittee which shall be composed of not less than 5 nor more than 15 qualified scientists with balanced representation from the public and private sectors, including nongovernmental conservation organizations. The Scientific Advisory Subcommittee shall advise the General Advisory Committee and the Commissioners on matters including the conservation of ecosystems; the sustainable uses of living marine resources related to the tuna fishery in the eastern Pacific Ocean; and the long-term conservation and management of stocks of living marine resources in the eastern tropical Pacific Ocean. In addition, the Scientific Advisory Subcommittee shall, as requested by the General Advisory Committee, the United States Commissioners or the Secretary, perform functions and provide assistance required by formal agreements entered into by the United States for this fishery, including the International Dolphin Conservation Program. These functions may include each of the following:

''(A) The review of data from the Program, including data received from the Inter-American Tropical Tuna Commission.

''(B) Recommendations on research needs, including ecosystems, fishing practices, and gear technology research, including the development and use of selective, environmentally safe and cost-effective fishing gear, and on the coordination and facilitation of such research.

''(C) Recommendations concerning scientific reviews and assessments required under the Program and engaging, as appropriate, in such reviews and assessments.

''(D) Consulting with other experts as needed.

''(E) Recommending measures to assure the regular and timely full exchange of data among the parties to the Program and each nation's National Scientific Advisory Committee (or equivalent).

''(3) Establish procedures to provide for appropriate public participation and public meetings and to provide for the confidentiality of confidential business data. The Scientific Advisory Subcommittee shall be invited to have representatives attend all nonexecutive meetings of the United States sections and the General Advisory Subcommittee and shall be given full opportunity to examine and to be heard on all proposed programs of scientific investigation, scientific reports, and scientific recommendations of the commission. Representatives of the Scientific Advisory Subcommittee may attend meetings of the Inter-American Tropical Tuna Commission in accordance with the rules of such Commission.

''(4) Fix the terms of office of the members of the General Advisory Committee and Scientific Advisory Subcommittee, who shall receive no compensation for their services as such members.''.

(c) BYCATCH REDUCTION.—The Tuna Conventions Act of 1950 (16 U.S.C. 951 et seq.) is amended by adding at the end the following new section:

''REDUCTION OF BYCATCH IN EASTERN TROPICAL PACIFIC OCEAN

''SEC. 15. The Secretary of State, acting through the United States Commissioners, should take the necessary steps to establish standards and measures for a bycatch reduction program for vessels fishing for yellowfin tuna in the eastern tropical Pacific Ocean. The program shall include to the extent practicable—

''(1) that sea turtles and other threatened species and endangered species are released alive, to the maximum extent practicable;

''(2) measures to reduce, to the maximum extent practicable, the harvest of nontarget species;

''(3) measures to reduce, to the maximum extent practicable, the mortality of nontarget species; and

''(4) measures to reduce, to the maximum extent practicable, the mortality of juveniles of the target species.''.

SEC. 7. EQUITABLE FINANCIAL CONTRIBUTIONS.

It is the sense of the Congress that each nation participating in the International Dolphin Conservation Program should contribute an equitable amount to the expenses of the Inter-American Tropical Tuna Commission. Such contributions shall take into account the number of vessels from that nation fishing for tuna in the eastern tropical Pacific Ocean, the consumption of tuna and tuna products from the eastern tropical Pacific Ocean and other relevant factors as determined by the Secretary.

SEC. 8. POLAR BEAR PERMITS.

Paragraph (5) of section 104(c) of the Marine Mammal Protection Act of 1972 (16 U.S.C. 1374(c)(5)) is amended as follows:

(1) In subparagraph (A), by striking '', including polar bears taken but not imported prior to the date of enactment of the Marine Mammal Protection Act Amendments of 1994,''.

(2) By adding the following new subparagraph at the end thereof:

''(D) The Secretary of the Interior shall, expeditiously after the expiration of the applicable 30-day period under subsection (d)(2), issue a permit for the importation of polar bear parts (other than internal organs) from polar bears taken in sport hunts in Canada before the date of enactment of the Marine Mammal Protection Act Amendments of 1994, to each applicant who submits, with the permit application, proof that the polar bear was legally harvested in Canada by the applicant. The Secretary shall issue such permits without regard to the provisions of subparagraphs (A) and (C)(ii) of this paragraph, subsection (d)(3) of this section, and sections 101 and 102. This subparagraph shall not apply to polar bear parts that were imported before the effective date of this subparagraph''.

SEC. 9. EFFECTIVE DATE.

(a) IN GENERAL.—Except as provided in subsection (b), this Act and the amendments made by this Act shall take effect upon certification by the Secretary of State to the Congress that a binding resolution of the Inter-American Tropical Tuna Commission, or another legally binding instrument, establishing the International Dolphin Conservation Program has been adopted and is in effect.

(b) PROVISIONS EFFECTIVE UPON ENACTMENT.—Section 8 and this section shall take effect on the date of enactment of this Act.

H.R. 1385

OFFERED BY: MR. MCKEON

AMENDMENT NO. 1: Page 9, line 18, strike ''15'' and insert ''20''.

Page 10, line 6, strike ''85'' and insert ''80''.

Page 23, line 21, after ''1996,'' insert ''the Community Services Block Grant Act, title V of the Older Americans Act of 1965, the National and Community Service Act of 1990,''.

Page 25, line 12, strike ''(9)'' and insert ''(9)(A)''.

Page 25, after line 21, insert the following:

''(B) An assurance that each local workforce development area will be allowed to determine the proportion of funds allocated to such area under section 204(b)(2) that will be used to provide summer employment opportunities and year-round disadvantaged youth activities, respectively.

Page 27, strike lines 10 through 15 and insert the following:

''(A) a description of the assessment that will be made to determine the adult education and family literacy needs of the State;

''(B) a description of the adult education and literacy activities that will be carried out with any funds received under such part, including activities carried out under section 314(a) of such Act;

Page 27, line 16, strike ''such activities'' and insert ''the adult education and literacy activities that will be carried out with any funds received under such part''.

Page 28, beginning on line 4, strike ''the Adult Education and Family Literacy Act;'' and insert ''such Act;''.

Page 29, line 3, strike ''determines'' and all that follows through line 5 and insert ''makes a written determination, within 90 days after receiving the plan, that the plan is inconsistent with the specific provisions of this Act.

Page 29, line 10, strike ''through (10)'' and insert ''through (9)(A), paragraph (10),''.

Page 30, line 2, strike ''entities:'' and insert the following: ''entities (who overall, represent diverse regions of the State, including urban, rural, and suburban areas):''.

Page 30, after line 3, insert the following:

''(2) representatives of the State legislature;''.

Page 30, line 4, strike ''(2)'' and insert ''(3)''.

Page 30, line 22, strike ''(3)'' and insert ''(4)''.

Page 31, line 14, strike ''(4)'' and insert ''(5)''.

Page 31, line 16, after ''designate;'' insert ''and''.

Page 31, strike line 17.

Page 33, strike line 22 and 23 and insert the following:

''(a) DESIGNATION OF AREAS.—

''(1) IN GENERAL.—Except as provided in subsection (b), and consistent with paragraph (2), a State that desires to receive a grant under title II

Page 34, line 8, strike ''(1)'' and insert ''(A)'' (and move such subparagraph 2 ems to the right).

Page 34, line 9, strike ''(2)'' and insert ''(B)'' (and move such subparagraph 2 ems to the right).

Page 34, line 12, strike ''(3)'' and insert ''(C)'' (and move such subparagraph 2 ems to the right).

Page 34, line 14, strike ''(4)'' and insert ''(D)'' (and move such subparagraph 2 ems to the right).

Page 34, line 19, strike ''(5)'' and insert ''(E)'' (and move such subparagraph 2 ems to the right).

Page 34, after line 20, insert the following:

''(2) AUTOMATIC DESIGNATION.—The Governor shall approve any request for designation as a workforce development area from any unit of general local government with a population of 500,000 or more.

Page 35, line 21, strike ''Such'' and insert ''(A) Such''.

Page 35, line 24, strike ''(A)'' and insert '(i)''.

Page 36, line 8, strike ''(B)'' and insert '(ii)''.

Page 36, line 19, add ''and'' at the end.

Page 36, line 20, strike ''(C)'' and insert '(iii)''.

Page 37, beginning on line 6, strike ''entities;'' and all that follows through line 9 and insert ''entities.''.

Page 37, after line 6, insert the following:

''(B) In addition, the membership of each local board may consist of representatives of local welfare agencies, economic development agencies, and the local employment service system.

Page 41, line 8, after ''board'' insert '', in partnership with the chief local elected official,''.

Page 41, line 9, after ''Governor'' insert '', for approval,''

Page 45, strike line 10 and all that follows through line 9 on page 46.

Page 52, line 19, strike ''center''.

Page 52, line 19, strike ''and''.

Page 52, line 21, strike ''activities'' and insert ''activities, and upon request, minutes of formal meetings of the local board''.

Page 59, line 5, strike ''for'' and all that follows through line 20 and insert the following: ''for programs that are eligible to participate in title IV of the Higher Education Act of 1965.''.

Page 61, line 23, strike ''and''.

Page 61, line 25, strike ''program.'' and insert ''program; and''.

Page 61, after line 25, insert the following:

''(D) for literacy providers or providers of integrated education and training services, the success rate of the applicable program in raising the literacy levels of individuals in skill areas that are considered important for successful participation in training and employment.

Page 66, strike line 9 and all that follows through line 2 on page 67 and insert the following:

''(A) TERMINATION FOR NONPERFORMANCE.—If the designated State agency, or the local workforce development board working through the State agency, determines that an eligible provider under subsection (a) substantially fails to meet performance criteria established by the Governor, the agency, or the local board working through the State agency, may terminate the eligibility of such provider.

Page 83, line 20, strike ''NEGOTIATION'' and insert ''AGREEMENT''.

Page 83, beginning on line 25, strike ''is authorized to negotiate with each State'' and insert ''and each State shall reach agreement on''.

Page 84, beginning on line 8, strike ''negotiations'' and insert ''agreement''.

Page 84, line 24, strike ''carry out the negotiation'' and insert ''enter into the agreement''.

Page 85, beginning on line 5, strike ''carry out the negotiation'' and insert ''enter into the agreement''.

Page 89, strike line 15 and insert the following:

''(a) REPORT.—

''(1) IN GENERAL.—Each State that receives funds

Page 89, line 25, strike ''In'' and insert the following:

''(2) ADDITIONAL INFORMATION.— In''.

Page 90, line 1, strike ''include'' and insert ''include—''.

Page 90, line 1, strike ''information'' and insert the following:

''(A) information

Page 90, line 3, strike the period and insert ''; and''.

Page 90, after line 3, insert the following:

''(B) comments assessing the process used for reaching agreement on the State adjusted benchmarks pursuant to section 153(a) and may also include comments from local workforce development areas assessing the process for negotiating local benchmarks pursuant to section 153(b).

Page 92, line 20, strike ''upon request to the Secretary'' and insert ''or upon request by the Governor, the Secretary''.

Page 92, line 21, strike ''including'' and insert ''which may include''

Page 92, line 22, strike ''plan'' and insert ''plan, or the development of a modified local plan''.

Page 93, strike line 15 and all that follows through line 4 on page 94 and insert the following:

''(ii) APPEAL BY WORKFORCE DEVELOPMENT AREA.—

''(I) APPEAL TO GOVERNOR.—A workforce development area that is subject to a reorganization plan under clause (i) may, not later than 30 days after receiving notice thereof, appeal to the Governor to rescind or revise such plan. In such case, the Governor shall make a final decision not later then 30 days after the receipt of the appeal.

''(II) SUBSEQUENT ACTION.—A local workforce development area may, not later than 30 days after receiving a decision from the Governor pursuant to subclause (I), appeal such decision to the Secretary. In such case the Secretary shall make a final decision not later than 30 days after the receipt of the appeal.

''(iii) EFFECTIVE DATE.— The actions take by the Governor under subclause (I) shall become effective at the time the Governor issues a decision pursuant to such subclause. Such action shall remain effective unless the Secretary rescinds or revises such plan pursuant to subclause (II).''.

Page 103, strike line 14, and insert the following:

(2) by striking subsection (e) and inserting the following:

''(e) WAIVERS.—

''(1) IN GENERAL.—Notwithstanding any other provision of law, the Secretary of Labor may waive—

''(A) any of the statutory or regulatory requirements of this title and titles II and III of this Act (except for requirements relating to wage and labor standards, worker rights, participation and protection, grievance procedures and judicial review, nondiscrimination, allocation of funds to local areas, eligibility, review and approval of plans, the establishment and functions of workforce development areas and workforce development boards, and the basic purposes of the Act); and

''(B) any of the statutory or regulatory requirements of sections 8 through 10 of the Wagner-Peyser Act (29 U.S.C. 49g through 49i) (except for requirements relating to the provision of services to unemployment insurance claimants and veterans and to universal access to basic labor exchange services without cost to job seekers), pursuant to a request submitted by a State which meets the requirements of paragraph (2).

''(2) REQUESTS.—A State requesting a waiver under paragraph (1) shall submit a plan to the Secretary to improve the workforce development system which—

''(A) identifies the statutory or regulatory requirements that are requested to be waived and the goals which the State or local workforce development areas intend to achieve;

''(B) describes the actions that the State or local workforce development areas have undertaken to remove State or local statutory or regulatory barriers;

''(C) describes the goals of the waiver and the expected programmatic outcomes if the request is granted;

''(D) describes the individuals impacted by the waiver; and

''(E) describes the process used to monitor the progress in implementing a waiver, and for which notice and an opportunity to comment on such request has been provided to the organizations identified in section 122 (e)(2) of this Act, if and only to the extent that the Secretary determines that such requirements impede the ability of the State to implement such plan to improve the workforce development system and the State has executed a memorandum of understanding with the Secretary requiring such State to meet agreed-upon outcomes and implement other appropriate measures to ensure accountability.

Page 104, strike line 6 and insert the following:

''(a) ADMINISTRATIVE COSTS.—

''(1) IN GENERAL.—The Secretary, after consultation

Page 104, after line 11, insert the following:

''(2) ADDITIONAL REQUIREMENT.—Notwithstanding any other provision of law, regulations issued by the Secretary under paragraph (1) shall provide procedures under which the Governor may approve a plan for the pooling of administrative funds, which are available in accordance with the limitation in subsection (b)(1), if the Governor determines that such plan would not jeopardize the administration of the activities from which such funds are to be transferred.

Page 114, line 21, after ''reserve'' insert ''not less than''.

Page 114, line 25, strike ''services''.

Page 115, strike line 2 and all that follows through line 5 and insert the following:

''(ii) agree to provide matching funds from sources other than those received under this

subparagraph for such services in an amount equal to the Federal funds received under this subparagraph.

Page 116, line 18, after ''121,'' insert ''in accordance with paragraphs (2) and (3),''.

Page 116, strike line 21 and all that follows through line 11 on page 118 and insert the following:

''(2) ALLOCATION BY FORMULA.—

''(A) IN GENERAL.—Each State shall allocate not less than 70 percent of the remainder of funds described in paragraph (1) to workforce development areas within the State pursuant to the formula contained in subparagraph (B) for the provision of services for disadvantaged youth in accordance with section 206.

''(B) FORMULA.—Of the amounts described in subparagraph (A)—

''(i) 33⅓ percent shall be allocated on the basis of the relative number of unemployed individuals residing in areas of substantial unemployment in each workforce development area as compared to the total number of such unemployed individuals in all such areas of substantial unemployment in the State;

''(ii) 33⅓ percent shall be allocated on the basis of the relative excess number of unemployed individuals who reside in each workforce development area as compared to the total excess number of unemployed individuals in all workforce development areas in the State; and

''(iii) 33⅓ percent shall be allocated on the basis of the relative number of economically disadvantaged youth in each workforce development area as compared to the total number of disadvantaged youth in all workforce development areas in the State.

''(3) DISCRETIONARY ALLOCATION.—The State, through the collaborative process under section 102, is authorized to allocate not more than 30 percent of the remainder of funds described in paragraph (1) to workforce development areas for the provision of services for disadvantaged youth in accordance with section 206. Such funds shall be allocated to urban, rural, and suburban areas throughout the State and shall be allocated promptly in accordance with section 162(e).

Page 123, line 2, strike ''and'' at the end.

Page 123, line 3, strike the period and insert ''; and''.

Page 123, after line 3 insert the following:

''(H) provide summer employment opportunities that are directly linked to academic and occupational learning.''.

Page 124, strike line 4 and all that follows through line 10.

Page 124, strike lines 11 and 12 and insert the following:

(III) in subparagraph (G) by striking ''in public

Page 124, line 18, strike ''(V)'' and insert ''(IV)''.

Page 124, strike line 25 and insert the following: ''area; and';''.

Page 125, strike lines 1 and 2 and insert the following:

(V) by amending subparagraph (I) to read as follows:

''(I) summer employment opportunities that are directly linked to academic and occupational learning.''; and

(VI) by striking subparagraphs (J) through (L); and

Page 139, line 5, strike ''and''.

Page 139, line 6, after ''projects'' insert '', and the provision of employment and training services''.

Page 143, strike line 5 and all that follows through line 23 on page 145 and insert the following:

''(B) ADULT EMPLOYMENT AND TRAINING ALLOCATIONS.—

''(i) ADULT EMPLOYMENT AND TRAINING FORMULA ALLOCATIONS.—Each State shall allocate not less than 70 percent of the remainder of funds described in subsection (a)(1)(A) to workforce development areas within the State pursuant to the formula contained in clause (ii) for the provision of adult employment and training services in accordance with section 314.

''(ii) FORMULA.—Of the amounts described in clause (i)—

''(I) 33⅓ percent shall be allocated on the basis of the relative number of unemployed individuals residing in areas of substantial unemployment in each workforce development area as compared to the total number of such unemployed individuals in all such areas of substantial unemployment in the State;

''(II) 33⅓ percent shall be allocated on the basis of the relative excess number of unemployed individuals who reside in each workforce development area as compared to the total excess number of unemployed individuals in all workforce development areas in the State; and

''(III) 33⅓ percent shall be allocated on the basis of the relative number of economically disadvantaged adults in each workforce development area as compared to the total number of disadvantaged adults in all workforce development areas in the State.

''(iii) ADULT EMPLOYMENT AND TRAINING DISCRETIONARY ALLOCATION.—The State, through the collaborative process, is authorized to allocate not more than 30 percent of the remainder of funds described in subsection (a)(1)(A) to workforce development areas for the provision of adult employment and training services in accordance with section 314. Such funds shall be allocated to urban, rural, and suburban areas throughout the State and shall be allocated promptly in accordance with section 162(e).

''(C) DISLOCATED WORKER EMPLOYMENT AND TRAINING ALLOCATIONS.—

''(i) DISLOCATED WORKER EMPLOYMENT AND TRAINING FORMULA ALLOCATIONS.—Each State shall allocate not less than 70 percent of the remainder of funds described in subsection (a)(2)(A) to workforce development areas within the State pursuant to the formula contained in clause (ii) for the provision of employment and training services to dislocated workers in accordance with section 314.

''(ii) FORMULA.—Of the amounts described in clause (i)—

''(I) 33⅓ percent shall be allocated on the basis of the relative number of unemployed individuals residing in areas of substantial unemployment in each workforce development area as compared to the total number of such unemployed individuals in all such areas of substantial unemployment in the State;

''(II) 33⅓ percent shall be allocated on the basis of the relative excess number of unemployed individuals who reside in each workforce development area as compared to the total excess number of unemployed individuals in all workforce development areas in the State; and

''(III) 33⅓ percent shall be allocated on the basis of the relative number of individuals who have been unemployed for 15 weeks or more within each workforce development area of the State as compared to the total number of such individuals in all workforce development areas in the State.

''(iii) DISLOCATED WORKER EMPLOYMENT AND TRAINING DISCRETIONARY ALLOCATION.—The State, through the collaborative process, is authorized to allocate not more than 30 percent of the remainder of funds described in subsection (a)(2)(A) to workforce development areas for the provision employment and training services to dislocated workers in accordance with section 314. Such funds shall be allocated to urban, rural, and suburban areas throughout the State and shall be allocated promptly in accordance with section 162(e).

Page 145, line 24, strike ''(4)'' and insert ''(3)''.

Page 158, line 17, add at the end closed quotation marks and a second period.

Page 158, strike line 18 and all that follows through line 24.

Page 170, line 19, strike the closed quotation marks and the second period.

Page 170, after line 19, insert the following:

''(e) Prior to the closure of any Job Corps center, the Secretary shall ensure that—

''(1) the proposed decision to close the center is announced in advance to the general public through publication in the Federal Register or other appropriate means;

''(2) the establishment of a reasonable comment period, not to exceed 30 days, for interested individuals to submit written comments to the Secretary;

''(3) the Members of Congress who represent districts affected by the proposed decision to close the center are notified within a reasonable period of time in advance of any final decision to close the center; and

''(4) the geographic location of alternative Job Corps centers is among the factors taken into account in the decision to close the center.

Page 174, line 15, strike ''skills'' and insert ''skill needs''.

Page 174, after line 15, insert the following:

''(B) projects that provide training to upgrade the skills of employed workers who reside and are employed in enterprise zones or empowerment communities;

Page 174, line 16, strike ''(B)'' and insert ''(C)''.

Page 174, line 20, strike ''(C)'' and insert ''(D)''.

Page 174, line 24, strike ''(D)'' and insert ''(E)''.

Page 175, line 4, strike ''(E)'' and insert ''(F)''.

Page 175, line 9, strike ''and''.

Page 175, after line 9, insert the following:

''(G) projects to assist public housing authorities that provide to public housing residents job training programs that demonstrate successful job skills upgrading and employment;

Page 175, line 10, strike ''(F)'' and insert ''(H)''.

Page 191, strike lines 15 through 25 and insert the following:

''(A) the degree to which the provider will establish measurable goals for client outcomes, including the core indicators of performance pertaining to adult education set forth in section 154 of the Employment, Training, and Literacy Enhancement Act, that are tied to challenging State performance standards for literacy proficiency;

''(B) the past effectiveness of a provider in improving the literacy skills of adults and families, and, after the 1-year period beginning with the adoption of a State's core indicators and benchmarks under the Employment, Training, and Literacy Enhancement Act, the success of a provider receiving funding under this Act in meeting or exceeding such benchmarks, especially with respect to those adults with the lowest levels of literacy;

Page 192, line 19, add ''and'' at the end;

Page 192, line 25, strike ''activities;'' and insert ''activities.''.

Page 193, strike lines 1 through 10.

Page 202, line 5, strike ''agencies;'' and insert ''agencies, such as the special literacy needs of individuals with learning disabilities;''

Page 226, strike the item relating to section 322.

Page 274, strike line 10 and all that follows through line 14 and insert the following:

(ii) in subsection (e)(1)(B)(iii), by striking ''Job Training Partnership Act (29 U.S.C. 1693)'' and inserting ''Employment, Training, and Literacy Enhancement Act''.

Page 276, line 9, strike ''The Secretary of Education'' and insert ''(a) IN GENERAL.—The Secretary of Education''.

Page 276, after line 14, insert the following:

(b) EXTENDED TRANSITION PERIOD.—

(1) IN GENERAL.—If, on or before July 1, 1997, a State has enacted a State statute that provides for the establishment or conduct of three or more of the programs, projects, or activities described in subparagraphs (A) through (E) or paragraph (2), the State shall not be required to comply with provisions of this Act that conflict with such State statute for the period ending three years after the date of enactment of this Act.

(2) PROGRAMS, PROJECTS, AND ACTIVITIES DESCRIBED.—The programs, projects, and activities described in this paragraph are the following:

(A) Establishment of human resource investment councils or substate councils.

(B) Reorganization or consolidation of State agencies with responsibility for State employment and training programs.

(C) Reorganization or consolidation of State employment and training programs.

(D) Restructuring of local delivery systems for State employment and training programs.

(E) Development or restructuring of State accountability or oversight systems to focus on performance.

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AMENDMENT NO. 2. Page 15, line 18, after ''services'' insert ''provided to participants on a voluntary basis''.

Page 15, line 20, after ''family'' insert ''(such as eliminating or reducing welfare dependency)''.

Page 16, strike lines 1 through 3 and insert the following:

''(B) Equipping parents to partner with their children in learning.

Page 16, strike lines 6 through 8 and insert the following:

''(D) Appropriate instruction for children of parents receiving parent literacy services.

Page 28, line 11, after ''award'' insert ''not less than 1''.

Page 28, line 11, strike ''grants'' and insert ''grant''.

Page 52, after line 12, add the following:

''(7) LIMITATION.—Nothing in this Act shall be construed to provide local workforce development boards with the authority to mandate curriculum for schools.

Page 19=79, line 10, after ''adults,'' insert ''on a voluntary basis,''.

Page 179, lien 12, after ''parents,'' insert ''on a voluntary basis,''.

Page 184, after line 5, insert the following:

''SEC. 305. HOME SCHOOLS.

''Nothing in this title shall be construed to affect home schools, nor to compel a parent engaged in home schooling to participate in an English literacy program, family literacy services, or adult education.

Page 192, line 6, strike '', such as'' and all that follows through line 11 and insert a semicolon.

Page 192, line 19, strike ''gains;'' and insert ''gains and uses instructional practices, such as phonemic awareness and systematic phonics, that research has proven to be effective in teaching individuals to read,''.

Page 194, line 11, after ''including'' insert ''instruction incorporation phonemic awareness and systematic phonics and''.

Page 195, line 5, strike ''curricula;'' and insert ''curricula, including curricula incorporating phonemic awareness and systematic phonics;''.

Page 199, line 10, strike ''available'' and insert ''available, including the work of the National Institute of Child Health and Human Development in the area of phonemic awareness and systematic phonics,''.

Page 201, beginning on line 4, after ''including'' insert ''instruction'' in phonemic awareness and systematic phonics and''.

Page 201, line 5, strike ''such'' and insert ''literacy and basic skills''.

Page 201, line 22, before ''research'' insert ''reliable and replicable''.

Page 202, line 8, strike ''promise;'' and insert ''promise, including phonemic awareness and systematic phonics based on the work of the National Institute of Child Health and Human Development;''.

Page 204, line 3, before ''research'' insert ''reliable and replicable''.

Page 210, line 9, strike ''adults;'' and insert ''adults, including instructional practices using phonemic awareness and systematic phonics based on the work of the National Institute of Child Health and Human Development;''.

Page 211, line 24, strike ''A'' and insert ''A, and based on scientific evidence, where available.''.

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OFFERED BY: MR. MCKEON

AMENDMENT NO. 3: Page 6, after the item relating to section 2263, insert the following:

Sec. 2264. Requirement that Federal agencies provide certification of compliance with electronic and information technology accessibility guidelines.

Page 277, after line 3, insert the following:

(1) in paragraph (5), by inserting after ''supported employment'' the following: ''and self-employment or business ownership'';

Page 277, line 4, strike ''(1)'' and insert ''(2)''.

Page 277, line 5, strike ''(2)'' and insert ''(3)''.

Page 277, line 7, strike ''(3)'' and insert ''(4)''.

Page 279, line 6, strike ''(4)'' and insert ''(5)''.

Page 279, after line 23, insert the following:

(a) DECLARATION OF POLICY.—Section 100(a)(3)(C) of the Rehabilitation Act of 1973 (29 U.S.C. 720(a)(3)(C)) is amended to read as follows:

''(C) Applicants and eligible individuals must be active and full partners in the vocational rehabilitation process, making meaningful and informed choices—

''(i) during assessments to determine eligibility and vocational rehabilitation needs; and

''(ii) in the selection of the employment goal, services needed to achieve the goal, entities providing such services, and the methods used to procure such services.''.

Page 279, line 24, strike ''Section 100(b)'' and insert ''(b) AUTHORIZATION OF APPROPRIATIONS.—Section 100(b)''.

Page 280, strike line 19 and all that follows through line 4 on page 281 and insert the following:

(2) in paragraph (7)(A) to read as follows:

''(A) include a description, consistent with the purposes of this Act, of a comprehensive system of personnel development, which, at a minimum, shall consist of—

''(i) a description of the procedures and activities the State agency will undertake to address the current and projected training needs of all personnel in the designated State unit to ensure that they are adequately trained and prepared;

''(ii) a plan to coordinate and facilitate efforts between the designated State unit and institutions of higher education and professional institutions to recruit, prepare, and retain qualified personnel, including personnel from minority backgrounds and personnel who are individuals with disabilities; and

''(iii) the development and maintenance of a system for determining on an annual basis the number and type of personnel that are employed by the State agency in the provision of vocational rehabilitation services, including ratios of counselors to clients;'';

Page 281, after line 5, insert the following:

(A) by inserting ''the Rural Development Administration of the Department of Agriculture,'' after ''the Department of Veterans Affairs,'';

Page 281, line 6, strike ''(A)'' and insert ''(B)''.

Page 281, line 9, strike ''(B)'' and insert ''(C)''.

Page 282, after line 3, insert the following:

(11) in paragraph (35), by striking ''and'' at the end;

Page 282, strike lines 4 through 10 and insert the following:

(12) in paragraph (36)—

(A) in subparagraph (b)(i), by moving the margin two ems to the left;

(B) in clauses (i), (ii), and (iii) of subparagraph (C) (including subclause (II) of each of such clauses (ii) and (iii)), by moving the margin two ems to the left; and

(C) by striking the period at the end and inserting ''; and'';

(13) by adding at the end the following:

''(37) provide assurances that the State, or any recipient of funds made available to the State under this title, will comply with the guidelines established under section 508(a) of this Act.''; and

Page 282, line 11, strike ''(12)'' and insert ''(14)''.

Page 282, line 13, strike ''(36)'' and insert ''(37)''.

Page 282, line 13, strike ''(32),'' and insert ''(33),''.

Page 282, after line 14, add line 14, add the following (and conform the table of contents of the bill accordingly):

SEC. 2203. INDIVIDUALIZED PLAN FOR EMPLOYMENT.

(a) SECTION HEADING.—Section 102 of the Rehabilitation Act of 1973 (29 U.S.C. 722) is amended in the section heading by striking ''**INDIVIDUALIZED WRITTEN REHABILITATION PROGRAM**'' and inserting ''**INDIVIDUALIZED PLAN FOR EMPLOYMENT**''.

(B) ASSESSMENT.—Section 102(b) of such Act (29 U.S.C. 722(b)) is amended to read as follows:

''(b)(1) As soon as a determination has been made that an individual is eligible for vocational rehabilitation services, the designated State unit shall complete the assessment described in subparagraphs (B) and (C) of section 7(2), if such assessment is necessary, and ensure that an individualized plan for employment is—

''(A) either—

''(i) at the request of the individual, developed by the individual or, as appropriate, the eligible individual's representative and approved by the vocational rehabilitation counselor; or

''(ii) developed and approved by the individual or, as appropriate, by a parent, a family member, a guardian, an advocate, or an authorized representative of such individual (hereafter referred to in this subsection as the 'eligible individual's representative') and the vocational rehabilitation counselor;

''(B) based on the findings of the assessment to determine the individual's eligibility and vocational rehabilitation needs described in section 7(2);

''(C) written, and, as appropriate, otherwise documented, and provided to the individual or, as appropriate, to the eligible individual's representative in the native language or mode of communication of the individual or, as appropriate, of the eligible individual's representative;

''(D) implemented in a timely manner;

''(E) reviewed at least annually by the vocational rehabilitation counselor and the individual or, as appropriate, the eligible individual's representative; and

''(F) amended, as necessary, by the individual or, as appropriate, the eligible individual's representative, in collaboration with the counselor, when there are substantive changes in the employment goal, the services to be provided, or the service providers (such revisions or amendments shall not take effect until agreed to and signed by the individual or, as appropriate, by the eligible individual's representative, and the vocational rehabilitation counselor).

''(2) The individual plan for employment shall be developed and implemented in a manner that affords eligible individuals the opportunity to exercise informed choice in selecting the employment goal, the specific vocational rehabilitation services to be provided, the entity or entities that will provide the vocational rehabilitation services, and the methods used to procure the services, consistent with the informed choice provisions in subsection (e).

''(3) The individualized plan for employment shall identify—

''(A) the specific employment goal that is chosen by the individual, consistent with the unique strengths, resources, priorities, concerns, abilities, capabilities, and informed choice of the individual, and is, to the maximum extent appropriate, in an integrated setting;

''(B) the specific vocational rehabilitation services that are—

''(i) needed to achieve the employment goal, including, as appropriate, assistive technology devices and services, and personal assistance services, including training in the management of such services; and

''(ii) provided in the most integrated setting that is appropriate to the service being provided and is consistent with the informed choice of the individual;

''(C) the entity or entities chosen by the individual or, as appropriate, the eligible individual's representative, that will provide the vocational rehabilitation services and the methods used to procure such services;

''(D) timelines for the achievement of the employment goal and for the initiation of services;

''(E) the terms and conditions of the individualized plan for employment, including—

''(i) the responsibilities of the designated State unit and the individual under such plan, including participation in the costs of the plan;

''(ii) criteria to evaluate progress toward achievement of the employment goals; and

''(iii) the use of comparable services and benefits under such plan, in accordance with section 101(a)(8);

''(F) prior to the determination that the individual has achieved an employment outcome, the expected need for post-employment services; and

''(G) the rights and remedies available to the individual as provided in subsection (d), including notification of the availability of assistance from the client assistance program under section 112 of this Act.

''(4) For an individual with the most severe disabilities for whom an employment goal in a supported employment setting has been determined to be appropriate, the individualized plan for employment shall, in addition to the requirements identified in subsection (b)(3), identify—

''(A) the extended services needed by the individual;

''(B) the source of extended services or, to the extent that the sources to provide the extended services cannot be identified at the time of the development of the individualized plan for employment, a description of the basis for concluding that there is a reasonable expectation that such sources will become available; and

''(C) in cases in which multiple extended service providers are available to the individual, the providers of such services chosen by the individual or, as appropriate, the eligible individual's representative.''.

(c) INFORMED CHOICE.—Section 102 of such Act (29 U.S.C. 722) is amended by adding at the end the following:

''(e) Each State agency, in consultation with its State Rehabilitation Advisory Council, if it has one, shall, consistent with section 100(a)(3)(C), develop and implement written policies and procedures that enable each individual to exercise informed choice throughout the vocational rehabilitation process, including policies and procedures that require the State agency—

''(1) to inform each applicant and eligible individual (including students with disabilities who are making the transition from programs under the responsibility of an educational agency to programs under the responsibility of the designated State unit), through appropriate modes of communication, about the availability of, and opportunities to exercise, informed choice, including the availability of support services for individuals with cognitive or other disabilities who require assistance in exercising informed choice;

''(2) to assist applicants and eligible individuals to exercise informed choice in decisions related to the provision of assessment services;

''(3) to develop and implement flexible procurement policies and methods that facilitate the provision of services and that afford eligible individuals meaningful choices among the methods used to procure services;

''(4) to provide or assist eligible individuals in acquiring information that enables those individuals to exercise informed choice in the selection of—

''(A) the employment goal;

''(B) the specific services needed to achieve the individual's employment goal;

''(C) the providers of the selected services;

''(D) the employment setting and the settings in which services are provided; and

''(E) the methods available for procuring the selected services; and

''(5) to ensure that the availability and scope of informed choice under this section is consistent with the State agency's obligations under section 12(e).''.

(d) CONFORMING AMENDMENT.—Section 102 of such Act (29 U.S.C. 722) is amended by striking ''individualized written rehabilitation program'' each place is appears and inserting ''individualized plan for employment''.

Page 282, line 15, strike ''2203'' and insert ''2204''.

Page 282, line 22, strike ''2204'' and insert ''2205''.

Page 283, line 1, strike ''2205'' and insert ''2206''.

Page 283, line 14, strike ''2206'' and insert ''2207''.

Page 285, strike line 16 and all that follows through line 20 and insert the following:

(1) in paragraph (1)—

(A) by striking '', except that'' and all that follows through ''continue to serve as Director''; and

(B) by striking the third and fourth sentences;

(2) by striking paragraph (2);

(3) in paragraph (3)—

(A) by striking ''ncessary'' and inserting ''necessary''; and

(B) by redesignating such paragraph as paragraph (2); and

(4) by redesignating paragraph (4) as paragraph (3).

Page 286, after line 6, insert the following (and conform the table of contents of the bill accordingly):

SEC. 2231. DECLARATION OF PURPOSE.

Section 301(1)(A) of the Rehabilitation Act of 1973 (29 U.S.C. 770(1)(A)) is amended by inserting after ''independent living services programs'' the following: '', through community economic or business development programs''.

Page 286, line 7, strike ''2231'' and insert ''2232''.

Page 286, after line 9, insert the following:

(1) in subsection (a)(1)—

(A) by striking ''and (E)'' and inserting ''(E)'';

(B) by striking the period at the end and inserting the following: '', and (F) personnel specifically trained to deliver services to individuals whose vocational goal is self-employment or business ownership.'';

Page 286, strike lines 10 and 11 and insert the following:

(2) in subsection (b)(1)(B)—

(A) in clause (ii)—

(i) by redesignating subclauses (IV) and (V) as subclauses (V) and (VI), respectively; and

(ii) by inserting after subclauses (III) the following:

''(IV) assistance and support to individuals pursuing self-employment or business ownership as their rehabilitation goal;''; and

(B) in clause (iv), by moving the margin two ems to the left;

Page 286, line 12, strike ''(2)'' and insert ''(3)''.

Page 286, line 13, strike ''(3)'' and insert ''(4)''.

Page 286, line 19, strike ''(4)'' and insert ''(5)''.

Page 286, line 22, strike ''(5)'' and insert ''(6)''.

Page 287, line 1, strike ''2232'' and insert ''2233''.

Page 287, line 8, strike ''2233'' and insert ''2234''.

Page 288, lines 6 and 7 and insert the following:

(1) in subsection (a)—

(A) in the matter preceding paragraph (1), by striking ''Subject to the provisions of section 306, the'' and inserting ''The'';

(B) in paragraph (3), by striking ''and'' at the end;

(C) in paragraph (4), by striking the period at the end and inserting ''; and''; and

(D) by adding at the end the following:

''(5) establishing programs for supporting the effects of vocational rehabilitation programs to promote self-employment or business ownership goals of people with disabilities.''.

Page 291, after line 13, insert the following:

SEC. 2264. REQUIREMENT THAT FEDERAL AGENCIES PROVIDE CERTIFICATION OF COMPLIANCE WITH ELECTRONIC AND INFORMATION TECHNOLOGY ACCESSIBILITY GUIDELINES.

Section 508(b) of the Rehabilitation Act of 1973 (29 U.S.C. 794d(b)) is amended to read as follows:

''(b) COMPLIANCE.—

''(1) IN GENERAL.—Each Federal agency shall comply with the guidelines established under this section.

''(2) CERTIFICATION.—

''(A) ESTABLISHMENT OF CERTIFICATION PROCEDURES.—The Director of the Office of Management and Budget shall establish uniform procedures under which the head of each Federal agency shall submit to the Director a written certification, containing such information as the Director may reasonably require, that such agency is in compliance with the guidelines established under this section.

''(B) SUBMISSION OF CERTIFICATION.—Not later than September 30 of each year, the

head of each Federal agency shall submit to the Director of the Office of Management and Budget a written certification in accordance with the procedures established under subparagraph (A).

''(C) REVIEW OF CERTIFICATION.—The Director of the Office of Management and Budget—

''(i) shall review each certification submitted by each Federal agency under subparagraph (B); and

''(ii) shall provide notice to each such Federal agency that such agency is either in compliance or not in compliance with the guidelines established under this section, as the case may be.

''(D) ASSISTANCE FOR AND MONITORING OF AGENCIES NOT IN COMPLIANCE.—In the case of a Federal agency that is not in compliance with the guidelines established under this section, the Director of the Office of Management and Budget—

''(i) shall assist such agency in its efforts to comply with such guidelines; and

''(ii) shall monitor the progress of such agency to comply with such guidelines.''.

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OFFERED BY: MR. OWENS

AMENDMENT NO. 4. Page 8, line 8, strike ''Such sums'' and insert ''(A) Except as provided in subparagraph (B), such sums''.

Page 8, after line 10, add the following:

''(B)(i) Such sums as may be necessary for each of the fiscal years 1999 through 2003 to provide amounts to local workforce development areas under title II to carry out summer youth employment programs under such title in accordance with this subparagraph.

''(ii) Such amounts—

''(I) shall be used in accordance with the requirements otherwise applicable to programs under title II, except that such amounts shall be allocated to local workforce development areas in accordance with the requirements described in section 262(b) of the Job Training Partnership Act (29 U.S.C. 1642(b)) (as such section was in effect on the day before the date of the enactment of the Employment, Training, and Literacy Enhancement Act of 1997); and

''(II) shall be used to provide summer youth employment opportunities suitably linked to academic, occupational, and work-based learning opportunities.

Page 124, strike line 4 and all that follows through line 10.

Page 124, line 11, strike ''(IV)'' and insert ''(III)''.

Page 124, line 18, strike ''(V)'' and insert ''(IV)''.

Page 125, line 1, strike ''(VI)'' and insert ''(V)''.

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OFFERED BY: MR. GOODLING

AMENDMENT NO. 5. Page 15, line 3, strike ''not less than 70 percent of''.

Page 16, strike line 12 and all that follows through line 21.

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OFFERED BY: MR. OWENS

AMENDMENT NO. 6: Page 282, line 10, strike ''and''.

Page 282, after line 10, insert the following:

(12) by adding at the end the following:

''(37) include a description, consistent with the purposes of this Act, of a comprehensive system of personnel development, which, at a minimum, shall consist of—

''(A) a description of the procedures and activities the State agency will undertake to address the current and projected training needs of all personnel in the designated State unit to ensure that they are adequately trained and prepared;

''(B) a plan to coordinate and facilitate efforts between the designated State unit and institutions of higher education and professional institutions to recruit, prepare, and retain qualified personnel, including personnel from minority backgrounds and personnel who are individuals with disabilities; and

''(C) the development and maintenance of a system for determining on an annual basis the number and type of personnel that are employed by the State agency in the provision of vocational rehabilitation services, including ratios of counselors to clients.''; and

Page 282, line 11 strike ''(12)'' and insert ''(13)''.

Page 282, line 13—

(1) strike ''(36)'' and insert ''(37)''; and

(2) strike ''(32)'' and insert ''(33)''.

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OFFERED BY: MR. OWENS

AMENDMENT NO. 7: Page 282, line 19, strike ''and''.

Page 282, line 21, strike ''respectively,'' and insert ''respectively; and''.

Page 282, after line 21, insert the following:

(8) in paragraph (9) (as so redesignated), by striking ''service;'' and inserting ''service, including adequate training in the use of public transportation vehicles and systems;''.

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OFFERED BY: MR. SOUDER

AMENDMENT NO. 8: Page 279, line 5, strike ''program'' and all that follows through ''and'' and insert ''program.''.

Page 279, after line 5, insert the following:

''(37) The term 'competitive employment' means work available to any job applicant in the labor market that is performed on a full-time or part-time basis in a setting selected by the individual and for which the individual is compensated consistent with the Fair Labor Standards Act.''; and