verification of the compliance of such parties with Agency obligations.

(7) SUBSIDIARY ARRANGEMENTS AND AMENDMENTS.—

(A) THE SUBSIDIARY ARRANGEMENT.—The Subsidiary Arrangement to the Additional Protocol between the United States and the Agency, signed at Vienna on June 12, 1998 contains an illustrative, rather than exhaustive, list of accepted United States managed access measures.

(B) NOTIFICATION OF ADDITIONAL SUBSIDIARY ARRANGEMENTS AND AMENDMENTS.—The President shall notify the appropriate congressional Committees not later than 30 days after—

(i) agreeing to any subsidiary arrangement with the Agency under Article 13 of the Additional Protocol; and

(ii) the adoption by the Agency Board of Governors of any amendment to its Annexes under Article 16.b.

(8) AMENDMENTS.—Amendments to the Additional Protocol will take effect for the United States in accordance with the requirements of the United States Constitution as the United States determines them.

SEC. 4. DEFINITIONS.

In this resolution:

(1) ADDITIONAL PROTOCOL.—The term ''Additional Protocol'' means the Protocol Additional to the Agreement between the United States of America and the International Atomic Energy Agency for the Application of Safeguards in the United States of America, with Annexes and a Subsidiary Agreement, signed at Vienna June 12, 1998 (T. Doc. 107–7).

(2) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term ''appropriate congressional committees'' means the Committee on Foreign Relations and the Committee on Armed Services of the Senate and the Committee on International Relations and the Committee on Armed Services of the House of Representatives.

(3) NUCLEAR NON-PROLIFERATION TREATY.—The term ''Nuclear Non-Proliferation Treaty'' means the Treaty on the Non-Proliferation of Nuclear Weapons, done at Washington, London, and Moscow July 1, 1968, and entered into force March 5, 1970.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. COCHRAN (for himself and Mr. HARKIN):

S. 2241. A bill to reauthorize certain school lunch and child nutrition programs through June 30, 2004; considered and passed.

By Mr. BIDEN (for himself and Mr. NELSON of Nebraska):

S. 2242. A bill to prevent ad punish counterfeiting and copyright piracy, and for other purposes; to the Committee on the Judiciary.

By Ms. MURKOWSKI:

S. 2243. A bill to extend the deadline for commencement of construction of a hydroelectric project in the State of Alaska; to the Committee on Energy and Natural Resources.

By Mrs. HUTCHISON (for herself and Mr. BREAUX):

S. 2244. A bill to protect the public's ability to fish for sport, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. DASCHLE:

S. 2245. A bill to amend the Internal Revenue Code of 1986 to provide a small business health tax credit; to the Committee on Finance.

ADDITIONAL COSPONSORS

S. 529

At the request of Ms. CANTWELL, the name of the Senator from Washington (Mrs. MURRAY) was added as a cosponsor of S. 529, a bill to amend the Internal Revenue Code of 1986 to exclude from gross income loan payments received under the National Health Service Corps Loan Repayment Program established in the Public Health Service Act.

S. 1703

At the request of Mr. SMITH, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 1703, a bill to amend the Internal Revenue Code of 1986 to provide a credit against income tax for expenditures for the maintenance of railroad tracks of Class II and Class III railroads.

S. 1709

At the request of Mr. CRAIG, the name of the Senator from New Jersey (Mr. CORZINE) was added as a cosponsor of S. 1709, a bill to amend the USA PATRIOT ACT to place reasonable limitations on the use of surveillance and the issuance of search warrants, and for other purposes.

S. 2056

At the request of Mr. BROWNBACK, the name of the Senator from Delaware (Mr. CARPER) was added as a cosponsor of S. 2056, a bill to increase the penalties for violations by television and radio broadcasters of the prohibitions against transmission of obscene, indecent, and profane language.

S. 2236

At the request of Ms. CANTWELL, the names of the Senator from New York (Mrs. CLINTON), the Senator from New York (Mr. SCHUMER) and the Senator from Nevada (Mr. REID) were added as cosponsors of S. 2236, a bill to enhance the reliability of the electric system.

At the request of Mr. JEFFORDS, his name was added as a cosponsor of S. 2236, supra.

AMENDMENT NO. 2663

At the request of Ms. CANTWELL, the name of the Senator from Washington (Mrs. MURRAY) was added as a cosponsor of amendment No. 2663 intended to be proposed to S. 1637, a bill to amend the Internal Revenue Code of 1986 to comply with the World Trade Organization rulings on the FSC/ETI benefit in a manner that preserves jobs and production activities in the United States, to reform and simplify the international taxation rules of the United States, and for other purposes.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mrs. HUTCHISON (for herself and Mr. BREAUX):

S. 2244. A bill to protect the public's ability to fish for sport, and for other purposes; to the Committee on Commerce, Science, and Transportation.

Mrs. HUTCHISON. Mr. President, I rise today to introduce the Freedom to Fish Act. This legislation, cosponsored by Senator BREAUX, addresses an unsettling situation arising over access to our Nation's public coastal resources. There is a growing movement to limit the use and enjoyment of America's coastal and ocean waters. This restriction of public access is occurring under the guise of the establishment of marine protected areas. The bill I am introducing today aims to correct a system that would unfairly penalize our Nation's marine recreational anglers. I support the goal of healthy marine fisheries, but I disagree strongly with any method that unnecessarily limits our citizens' access to public waters.

I believe that my record clearly indicates my dedication to defending and improving the health of our oceans and coasts. Recreational anglers are among America's most proactive conservationists and their contributions need to be recognized.

The Act would establish guidelines and safeguards by which the public's right to use and enjoy these resources are preserved in all but the most serious cases. It provides assurances that the public who enjoy recreational fishing will have a place at the table when decisions are made regarding their use of the resource. Secondly, the Freedom to Fish Act will ensure that measurable scientific criteria is used to determine the cause and impact of damage to fishery resources.

Restricting public access to our coastal waters should not be our first course of action, but rather our last resort. Open access to fishing is the single most important element of recreational fishing. We must defend public access against those that would try to restrict it under the cloak of marine resource protection.

I am proud to offer this legislation to bring attention to this important issue and I urge my colleagues to support the Freedom to Fish Act. I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2244

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This bill may be cited as the ''Freedom to Fish Act''.

SEC. 2. FINDINGS.

Congress makes the following findings:

(1) Recreational fishing is traditionally the most popular outdoor sport with more than 50,000,000 participants of all ages, in all regions of the country.

(2) Recreational anglers makes a substantial contribution to local, State, and national economies and infuse $116,000,000,000 annually into the national economy.

(3) In the United States, more than 1,200,000 jobs are related to recreational fishing, a number that is approximately 1 percent of the entire civilian workforce in the

United States. In communities that rely on seasonal tourism, the expenditures of recreational anglers result in substantial benefits to the local economies and small businesses in those communities.

(4) Recreational anglers have long demonstrated a conservation ethic. In addition to payment of Federal excise taxes on fishing equipment, motorboats and fuel, as well as license fees, recreational anglers contribute more than $500,000,000 annually to State fisheries conservation management programs and projects.

(5) It is a long standing policy of the Federal Government to allow public access to public lands and waters for recreational purposes in a manner that is consistent with principals of sound conservation. This policy is reflected in the National Forest Management Act of 1976, the Wilderness Act, the Wild and Scenic Rivers Act, and the National Parks and Recreation Act of 1978.

(6) In most instances, recreational fishery resources can be maintained without restricting public access to fishing areas through a variety of management measures including take limits, minimum size requirements, catch and release requirements, gear adaptations, and closed seasons.

(7) A clear policy is required to demonstrate to recreational anglers that recreational fishing can be managed without unnecessarily prohibiting such fishing.

(8) A comprehensive policy on the implementation, use, and monitoring of marine protected areas is required to maintain the optimum balance between recreational fishing and sustaining recreational fishery resources.

SEC. 3. POLICY.

It is the policy of the United States to promote sound conservation of fishery resources by ensuring that—

(1) Federal regulations promote access to fishing areas by recreational anglers to the maximum extent practicable;

(2) recreational anglers are actively involved in the formulation of any regulatory procedure that contemplates imposing restrictions on access to a fishing area; and

(3) limitations on access to fishing areas by recreational anglers are not imposed unless such limitations are scientifically necessary to provide for the conservation of a fishery resource.

SEC. 4. MAGNUSON-STEVENS FISHERY CONSERVATION AND MANAGEMENT ACT AMENDMENTS.

(a) LIMITATION ON CLOSURES.—Section 303(a) of the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1853(a)) is amended by adding at the end the following:

''(15) not establish geographic areas where recreational fishing is prohibited unless—

''(A) clear indication exists that recreational fishing in such area is the cause of a specific conservation problem in the fishery;

''(B) no alternative conservation measures related to recreational fishing, such as gear restrictions, quotas, or closed seasons will adequately provide for conservation and management of the fishery;

''(C) the management plan—

''(i) provides for specific measurable criteria to assess whether the prohibition provides conservation benefits to the fishery; and

''(ii) requires a periodic review to assess the continued need for the prohibition not less than once every 3 years;

''(D) the best available scientific information supports the need to close the area to recreational fishing; and

''(E) the prohibition is terminated as soon as the condition in subparagraph (A) that was the basis of the prohibition no longer exists.''.

(b) TECHNICAL AMENDMENTS.—Such section is further amended—

(1) in paragraph (13), by striking ''and'' after the semicolon; and

(2) in paragraph (14), by striking ''fishery.'' and inserting ''fishery; and''.

SEC. 5. NATIONAL MARINE SANCTUARIES ACT AMENDMENT.

Section 304(a)(5) of the National Marine Sanctuaries Act (16 U.S.C. 1434(a)(5)) is amended to read as follows:

''(5) FISHING REGULATIONS.—

''(A) IN GENERAL.—The Secretary shall provide the appropriate Regional Fishery Management Council with the opportunity to prepare, and to revise from time to time, draft regulations for fishing within the exclusive economic zone as the Council may deem necessary to implement the proposed designation.

''(B) RELATIONSHIP TO MAGNUSON.—Draft regulations prepared by the Council under subparagraph (A) shall be made in accordance with the standards and procedures of the Magnuson Act.

''(C) REGULATION WITHIN A STATE.—Such regulations may regulate a fishery within the boundaries of a State (other than the State's internal waters) if—

''(i) the Governor of the State approves such regulation; or

''(ii) the Secretary determines, after notice and an opportunity for a hearing in accordance with section 554 of title 5, United States Code, that the State has taken any action, or omitted to take any action, the results of which will substantially and adversely affect the fulfillment of the purposes and policies of this Act and the goals and objectives of the proposed designation.

''(D) NOTIFICATION AND HEARING.—If the Secretary makes a determination under subparagraph (C)(ii) to regulate a fishery within the boundaries of such State (other than State's internal waters)—

''(i) the Secretary shall promptly notify the State and the appropriate Council of such determination;

''(ii) the State may request that a hearing be held pursuant to section 554 of title 5, United States Code; and

''(iii) the Secretary shall conduct a hearing requested under clause (ii) prior to taking any action to regulate a fishery within the boundaries of such State (other than the State's internal waters) under subparagraph (C)(ii).

''(E) TERMINATION OF REGULATION WITHIN A STATE.—If the Secretary, pursuant to a determination under subparagraph (C)(ii), assumes responsibility for the regulation of any fishery, the State involved may at any time thereafter apply to the Secretary for reinstatement of its authority over such fishery. If the Secretary finds that the reasons for which the Secretary assumed such regulation no longer prevail, the Secretary shall promptly terminate such regulation.''.

By Mr. DASCHLE:

S. 2245. A bill to amend the Internal Revenue Code of 1986 to provide a small business health tax credit; to the Committee on Finance.

Mr. DASCHLE. Mr. President, today I am introducing legislation to provide relief to small businesses struggling with the high cost of health care.

Rising health care costs are a serious problem for most Americans. The average premium offered by an employer rose last year by 13.9 percent, 4 times faster than wages. This was the third straight year of double-digit increases.

The cost of health care for small businesses is even higher. Health care costs for businesses with 25 to 50 employees rose by 14.3 percent. For firms with 10 to 24 employees, premiums rose by 15.2 percent, and for firms with 3 to 9 workers, they increased by 16.6 percent. In many cases, the increases faced by individual small businesses is significantly larger. I've heard from businesses in my State about premium increases as high as 40 percent in one year.

For many small business owners, increases of this size force them to make tough decisions regarding whether to continue offering coverage, whether to scale back coverage, and whether they can improve wages and make other improvements to their business. At a time when the number of uninsured Americans is growing, our economy is struggling, jobs are scarce, and financial uncertainty affects many too many Americans, the cost of health care is a tremendous problem. Skyrocketing health care costs could pose the single greatest obstacle to entrepreneurship and growth in our economy today.

And many small businesses don't offer coverage at all, not because they don't want to, but because they simply cannot afford it. Both nationally and in South Dakota, only about 55 percent of businesses with 3 to 9 employees offer coverage to their employees, as compared to almost all large businesses—those with over 50 employees.

Why don't small businesses offer coverage? The number one reason they cite is cost. A study by the Kaiser Family Foundation found that about 72 percent of small businesses cite the high cost of insurance premiums as a major reason they don't offer coverage. And a study of South Dakota business owners found that 79 percent said they would be more likely to offer coverage if the costs weren't so high.

Clearly small business owners are desperate for relief. The stories I hear from South Dakota business owners underscore the need.

Last summer, Kathleen Perkins, the owner of Great Plains Coffee Roasting Company in Sioux Falls, wrote to me about the cost of health insurance. In her letter, she wrote, ''I recently lost two great employees because as a small business, I cannot afford to offer comprehensive health care to my full time employees.''

Earlier this year, I heard from the owner of South Dakota Magazine, in Yankton. He shared with me the notification from his insurer informing him that premiums would rise 27 percent. The owner expressed his frustration that he faces these increases, even after experiencing past double-digit increases and benefit reductions.

Yet another small business owner in Mitchell wrote to me about yearly rate increases of 10 to 30 percent. She used to pay 100 percent of her employees' cost, but she has had to shift more of the cost onto her employees. And still

she struggles. She said, ''I'm not sure how many more increases we can tolerate before we will discontinue this company benefit.''

Small employers need relief. That's why the bill I'm introducing today would provide up to a 50-percent tax credit to help small employers pay for insurance for their employees. The legislation would provide a 50-percent credit for businesses with 25 or fewer employees, a 40-percent credit for businesses with between 26 and 35 employees, and a 30-percent credit for businesses with between 36 and 50 employees.

We must take additional steps to address the high cost of health care, the administrative waste in the system, and the growing number of uninsured. This tax credit is a first, important step in that process.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2245

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Small Business Health Tax Credit Act''.

SEC. 2. SMALL BUSINESS TAX CREDIT FOR 50 PERCENT OF HEALTH PREMIUMS.

(a) IN GENERAL.—Subpart D of part IV of subchapter A of chapter 1 of the Internal Revenue Code of 1986 (relating to business-related credits) is amended by adding at the end the following:

''SEC. 45G. EMPLOYEE HEALTH INSURANCE EXPENSES.

''(a) GENERAL RULE.—For purposes of section 38, in the case of a qualified small employer, the employee health insurance expenses credit determined under this section is an amount equal to the applicable percentage of the amount paid by the taxpayer during the taxable year for qualified employee health insurance expenses.

''(b) APPLICABLE PERCENTAGE.—For purposes of subsection (a), the applicable percentage is equal to—

''(1) 50 percent in the case of an employer with less than 26 qualified employees,

''(2) 40 percent in the case of an employer with more than 25 but less than 36 qualified employees, and

''(3) 30 percent in the case of an employer with more than 35 but less than 51 qualified employees.

''(c) PER EMPLOYEE DOLLAR LIMITATION.—The amount of qualified employee health insurance expenses taken into account under subsection (a) with respect to any qualified employee for any taxable year shall not exceed the maximum employer contribution for self-only coverage or family coverage (as applicable) determined under section 8906(a) of title 5, United States Code, for the calendar year in which such taxable year begins.

''(d) DEFINITIONS AND SPECIAL RULES.—For purposes of this section—

''(1) QUALIFIED SMALL EMPLOYER.—

''(A) IN GENERAL.—The term 'qualified small employer' means any small employer which provides eligibility for health insurance coverage (after any waiting period (as defined in section 9801(b)(4)) to all qualified employees of the employer.

''(B) SMALL EMPLOYER.—

''(i) IN GENERAL.—For purposes of this paragraph, the term 'small employer' means, with respect to any calendar year, any employer if such employer employed an average of not less than 2 and not more than 50 qualified employees on business days during either of the 2 preceding calendar years. For purposes of the preceding sentence, a preceding calendar year may be taken into account only if the employer was in existence throughout such year.

''(ii) EMPLOYERS NOT IN EXISTENCE IN PRECEDING YEAR.—In the case of an employer which was not in existence throughout the 1st preceding calendar year, the determination under clause (i) shall be based on the average number of qualified employees that it is reasonably expected such employer will employ on business days in the current calendar year.

''(2) QUALIFIED EMPLOYEE HEALTH INSURANCE EXPENSES.—

''(A) IN GENERAL.—The term 'qualified employee health insurance expenses' means any amount paid by an employer for health insurance coverage to the extent such amount is attributable to coverage provided to any employee while such employee is a qualified employee.

''(B) EXCEPTION FOR AMOUNTS PAID UNDER SALARY REDUCTION ARRANGEMENTS.—No amount paid or incurred for health insurance coverage pursuant to a salary reduction arrangement shall be taken into account under subparagraph (A).

''(C) HEALTH INSURANCE COVERAGE.—The term 'health insurance coverage' has the meaning given such term by paragraph (1) of section 9832(b) (determined by disregarding the last sentence of paragraph (2) of such section).

''(3) QUALIFIED EMPLOYEE.—The term 'qualified employee' means an employee of an employer who, with respect to any period, is not provided health insurance coverage under—

''(A) a health plan of the employee's spouse,

''(B) title XVIII, XIX, or XXI of the Social Security Act,

''(C) chapter 17 of title 38, United States Code,

''(D) chapter 55 of title 10, United States Code,

''(E) chapter 89 of title 5, United States Code, or

''(F) any other provision of law.

''(4) EMPLOYEE—The term 'employee'—

''(A) means any individual, with respect to any calendar year, who is reasonably expected to receive at least $5,000 of compensation from the employer during such year,

''(B) does not include an employee within the meaning of section 401(c)(1), and

''(C) includes a leased employee within the meaning of section 414(n).

''(5) COMPENSATION.—The term 'compensation' means amounts described in section 6051(a)(3).

''(e) CERTAIN RULES MADE APPLICABLE.—For purposes of this section, rules similar to the rules of section 52 shall apply.

''(f) DENIAL OF DOUBLE BENEFIT.—No deduction or credit under any other provision of this chapter shall be allowed with respect to qualified employee health insurance expenses taken into account under subsection (a).''.

(b) CREDIT TO BE PART OF GENERAL BUSINESS CREDIT.—Section 38(b) of the Internal Revenue Code of 1986 (relating to current year business credit) is amended by striking ''plus'' at the end of paragraph (14), by striking the period at the end of paragraph (15) and inserting '', plus'', and by adding at the end the following:

''(16) the employee health insurance expenses credit determined under section 45G.''.

(c) CREDIT ALLOWED AGAINST MINIMUM TAX.—

(1) IN GENERAL.—Subsection (c) of section 38 of the Internal Revenue Code of 1986 (relating to limitation based on amount of tax) is amended by redesignating paragraph (4) as paragraph (5) and by inserting after paragraph (3) the following new paragraph:

''(4) SPECIAL RULES FOR EMPLOYEE HEALTH INSURANCE CREDIT.—

''(A) IN GENERAL.—In the case of the employee health insurance credit—

''(i) this section and section 39 shall be applied separately with respect to the credit, and

''(ii) in applying paragraph (1) to the credit—

''(I) the amounts in subparagraphs (A) and (B) thereof shall be treated as being zero, and

''(II) the limitation under paragraph (1) (as modified by subclause (I)) shall be reduced by the credit allowed under subsection (a) for the taxable year (other than the employee health insurance credit).

''(B) EMPLOYEE HEALTH INSURANCE CREDIT.—For purposes of this subsection, the term 'employee health insurance credit' means the credit allowable under subsection (a) by reason of section 45G(a).''.

(2) CONFORMING AMENDMENTS.—

(A) Subclause (II) of section 38(c)(2)(A)(ii) of such Code is amended by inserting ''or the employee health insurance credit'' after ''employee credit''.

(B) Subclause (II) of section 38(c)(3)(A)(ii) of such Code is amended by inserting ''or the employee health insurance credit'' after ''employee credit''.

(d) NO CARRYBACKS.—Subsection (d) of section 39 of the Internal Revenue Code of 1986 (relating to carryback and carryforward of unused credits) is amended by adding at the end the following:

''(11) NO CARRYBACK OF SECTION 45G CREDIT BEFORE EFFECTIVE DATE.—No portion of the unused business credit for any taxable year which is attributable to the employee health insurance expenses credit determined under section 45G may be carried back to a taxable year ending before the date of the enactment of section 45G.''.

(e) CLERICAL AMENDMENT.—The table of sections for subpart D of part IV of subchapter A of chapter 1 of the Internal Revenue Code of 1986 is amended by adding at the end the following:

''Sec. 45G. Employee health insurance expenses.''.

(f) EMPLOYER OUTREACH.—The Internal Revenue Service shall, in conjunction with the Small Business Administration, develop materials and implement an educational program to ensure that business personnel are aware of—

(1) the eligibility criteria for the tax credit provided under section 45G of the Internal Revenue Code of 1986 (as added by this section),

(2) the methods to be used in calculating such credit,

(3) the documentation needed in order to claim such credit, and

(4) any available health plan purchasing alliances established under title II,

so that the maximum number of eligible businesses may claim the tax credit.

(g) EFFECTIVE DATE.—The amendments made by this section shall apply to amounts paid or incurred in taxable years beginning after the date of the enactment of this Act.