We, Ron J. Corbett, Speaker of the House and Mary E. Kramer, President of the Senate; Elizabeth A. Isaacson, Chief Clerk of the House, and Mary Pat Gunderson, Secretary of the Senate, hereby certify that the above and foregoing Resolution was adopted by the House of Representatives and the Senate of the Seventy-seventh General Assembly.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

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

By Mr. STEVENS (for himself, Mr. CAMPBELL, and Mr. BREAUX):

S. 281. A bill to amend the Internal Revenue Code of 1986 to provide a mechanism for taxpayers to designate $1 of any overpayment of income tax, and to contribute other amounts, for use by the United States Olympic Committee; to the Committee on Finance.

By Mr. STEVENS (for himself, Mr. CAMPBELL, Mr. BREAUX, and Mr. MURKOWSKI):

S. 282. A bill to establish a recurring bi-annual Olympic commemorative coins program, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. BURNS:

S. 283. A bill to establish a Commission on Structural Alternatives for the Federal Courts of Appeals; to the Committee on the Judiciary.

By Mr. LUGAR (for himself and Mr. COATS):

S. 284. A bill to amend title 23, United States Code, to improve safety at public railway-highway crossings, and for other purposes; to the Committee on Environment and Public Works.

By Mr. SHELBY (for himself, Mr. SESSIONS, Mr. DEWINE, Mr. HUTCHINSON, Mr. COCHRAN, and Mr. SMITH):

S. 285. A bill to amend the Internal Revenue Code of 1986 to exclude from gross income any distribution from a qualified State tuition program used exclusively to pay qualified higher education expenses incurred by the designated beneficiary, and for other purposes; to the Committee on Finance.

By Mr. ABRAHAM (for himself, Mr. LEVIN, Mr. ASHCROFT, Mr. DEWINE, Mr. BOND, Mr. KYL, Mr. FRIST, Mr. NICKLES, Ms. MIKULSKI, Mr. SHELBY, Mr. COATS, Mr. SANTORUM, and Mr. INHOFE):

S. 286. A bill to provide for a reduction in regulatory costs by maintaining Federal average fuel economy standards applicable to automobiles in effect at current levels until changed by law, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. HOLLINGS:

S. 287. A bill to require congressional approval before any trade agreements entered into under the auspices of the World Trade Organization; to the Committee on Finance.

By Mr. DORGAN:

S. 288. A bill to amend the Internal Revenue Code of 1986 to provide families with estate tax relief, and for other purposes; to the Committee on Finance.

By Mr. DEWINE:

S. 289. A bill to designate the United States courthouse to be constructed at the corner of Superior Road and Huron Road in Cleveland, Ohio, as the ''Carl B. Stokes United States Courthouse''; to the Committee on Environment and Public Works.

By Mr. MURKOWSKI (for himself, Mr. INOUYE, Mr. AKAKA, Mr. STEVENS, and Mr. THOMAS):

S. 290. A bill to establish a visa waiver pilot program for nationals of Korea who are traveling in tour groups to the United States; to the Committee on the Judiciary.

By Mr. BYRD:

S.J. Res. 15. A joint resolution proposing an amendment to the Constitution of the United States to clarify the intent of the Constitution to neither prohibit nor require public school prayer; to the Committee on the Judiciary.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. STEVENS (for himself, Mr. CAMPBELL, and Mr. BREAUX):

S. 281. A bill to amend the Internal Revenue Code of 1986 to provide a mechanism for taxpayers to designate $1 of any overpayment of income tax, and to contribute other amounts, for use by the United States Olympic Committee; to the Committee on Finance.

THE UNITED STATES OLYMPIC CHECKOFF ACT

Mr. STEVENS. Mr. President, today I bring to the Senate the United States Olympic Checkoff Act. This bill would provide significant—and needed—new funding for our Nation's amateur athletic movement. This will present a way for Americans to show support for the United States Olympic Committee, the USOC, and for our amateur athletes. Simply by checking a box on their tax returns, American taxpayers could designate a dollar from their refunds to go to the USOC, or they could enclose a contribution to the USOC when they mail their tax forms. This concept is similar to the existing Presidential checkoff. It is different though, in that this deduction for the Olympic Committee would come from the taxpayers' own money, their refunds or their contributions, and not from the money destined for the Federal Treasury.

The Amateur Sports Act of 1978 made the USOC the central coordinating body for amateur sports in the United States. The responsibilities of the act, that is the responsibilities given by the act to the USOC, include training and selecting athletes to represent the United States at international competitions and, equally important, encouraging athletic activities for all amateur athletes in the United States through grassroots sports opportunities.

What the Amateur Sports Act does not do is authorize Federal funding of the USOC. In almost every other nation in the world, Olympic and amateur sports receive substantial government funding. That is not true in our country. The USOC's primary means of raising money to support U.S. athletes and to carry out the purposes of the act is through charging sponsors a fee to use the words ''Olympics'' or ''Olympiad,'' and to display the Olympic symbol of five interlocking rings. Sponsors' fees do not come close to providing the funds necessary to train our growing legions of athletes. Our athletes at the grassroots level are not getting a fair chance to be competitive with their counterparts from nations that provide funding from government sources.

My bill would create a new trust fund in the Treasury called the United States Olympic Trust Fund. The amounts voluntarily contributed by Americans would be deposited into the trust fund. At least once quarterly, the Secretary of Treasury would distribute the amounts in the trust fund to the USOC, after deducting reasonable administrative costs.

I look forward to working with the Senate Finance Committee and all of the Senate and the House to achieve enactment of this valuable legislation in this Congress. I hope this bill will be welcomed by all Americans who believe in the importance of our country's athletic programs.

Mr. President, 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. 281

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 ''United States Olympic Checkoff Act''.

SEC. 2. DESIGNATION OF OVERPAYMENTS AND CONTRIBUTIONS FOR UNITED STATES OLYMPIC TRUST FUND.

(a) IN GENERAL.—Subchapter A of chapter 61 of the Internal Revenue Code of 1986 (relating to returns and records) is amended by adding at the end the following new part:

''PART IX—DESIGNATION OF OVERPAYMENTS AND CONTRIBUTIONS TO UNITED STATES OLYMPIC TRUST FUND

''SEC. 6097. AMOUNTS FOR UNITED STATES OLYMPIC TRUST FUND.

''(a) IN GENERAL.—With respect to each taxpayer's return for the taxable year of the tax imposed by chapter 1, such taxpayer may designate that—

''(1) $1 of any overpayment of such tax for such taxable year, and

''(2) any cash contribution which the taxpayer includes with such return,

be paid over to the United States Olympic Trust Fund.

''(b) JOINT RETURNS.—In the case of a joint return showing any overpayment of $2 or more, each spouse may designate $1 of such overpayment under subsection (a)(1).

''(c) MANNER AND TIME OF DESIGNATION.—A designation under subsection (a) may be made with respect to any taxable year only at the time of filing the return of the tax imposed by chapter 1 for such taxable year. Such designation shall be made on the first page of the return.

''(d) OVERPAYMENTS TREATED AS REFUNDED.—For purposes of this title, any overpayment of tax designated under subsection (a) shall be treated as being refunded to the taxpayer as of the date prescribed for filing the return of tax imposed by chapter 1 (determined without regard to extensions) or, if later, the date the return is filed.''.

(b) CLERICAL AMENDMENT.—The table of parts for subchapter A of chapter 61 of such Code is amended by adding at the end the following new item:

''Part IX. Designation of overpayments and contributions for United States Olympic Trust Fund.''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable

years beginning with the first full taxable year after the date of enactment of this Act.

SEC. 3. ESTABLISHMENT OF UNITED STATES OLYMPIC TRUST FUND.

(a) IN GENERAL.—Subchapter A of chapter 98 of the Internal Revenue Code of 1986 (relating to trust fund code) is amended by adding at the end the following new section:

''SEC. 9512. UNITED STATES OLYMPIC TRUST FUND.

''(a) CREATION OF TRUST FUND.—There is established in the Treasury of the United States a trust fund to be known as the 'United States Olympic Trust Fund', consisting of such amounts as may be appropriated or credited to the United States Olympic Trust Fund as provided in this section or section 9602(b).

''(b) TRANSFER TO UNITED STATES OLYMPIC TRUST FUND OF AMOUNTS DESIGNATED.—There is hereby appropriated to the United States Olympic Trust Fund amounts equivalent to the amounts designated under section 6097 and received in the Treasury.

''(c) EXPENDITURES FROM TRUST FUND.—

''(1) PAYMENTS.—Not less often than quarterly, the Secretary shall pay to the United States Olympic Committee an amount from the United States Olympic Trust Fund equal to the amount in such Fund as of the time of such payment, less any administrative expenses of the Secretary which may be paid under paragraph (2), for the purposes of carrying out the Amateur Sports Act of 1978 (36 U.S.C. 371 et seq.).

''(2) ADMINISTRATIVE EXPENSES.—Amounts in the United States Olympic Trust Fund shall be available to pay the administrative expenses of the Department of the Treasury directly allocable to—

''(A) modifying the individual tax return forms to carry out section 6097,

''(B) carrying out this chapter with respect to such Fund, and

''(C) processing amounts received under section 6097 and transferring such amounts to such Fund.''.

(b) CLERICAL AMENDMENT.—The table of sections for such subchapter A is amended by adding at the end the following new item:

''Sec. 9512. United States Olympic Trust Fund.''.

By Mr. STEVENS (for himself, Mr. CAMPBELL, Mr. MURKOWSKI, and Mr. BREAUX):

S. 282. A bill to establish a recurring bi-annual Olympic commemorative coins program, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

THE OLYMPIC COMMEMORATIVE COINS ACT

Mr. STEVENS. Mr. President, I have a second bill pertaining to amateur sports I would like to present to the Senate today. This will create a recurring Olympic Commemorative Coins Program in the United States to provide valuable souvenirs to amateur sports enthusiasts, and a new source of revenue to the United States Olympic Committee, the USOC. These are sort of companion bills. The second bill would require the Secretary of the Treasury to consult with the USOC and the Citizens Commemorative Coin Advisory Committee on the design of a $1 silver coin which would commemorate each summer and winter Olympic games held outside the United States. Only 500,000 of such coins would be minted.

Under the bill, a new commemorative coin would be issued every 2 years. The summer and winter Olympics are now staggered, so that, as we all know, now there is an Olympic games every 2 years.

Each coin would carry a surcharge of $10 and that money would be transferred by the Secretary of the Treasury to the USOC. The Secretary of Treasury would be required to include in the sale price of each coin an additional amount to pay for the costs of the program. If the coins sell as they have in the past, and these have been very successful programs in the past, the USOC could receive a total of about $5 million for each Olympic games, in other words every 2 years. This would go a long way toward supporting our amateur athletes and carrying out our responsibilities of the Amateur Sports Act of 1978. In years when the Olympics are held inside the United States, the Secretary of the Treasury would be required to develop an expanded multicoin program to commemorate our Olympic Games. This program, designed by the Secretary, with the USOC and the Coins Committee, could provide 4 or 5 different gold, silver or other coins in numbers larger than the 500,000 for the games that are held outside the United States. These would be of special interest to travelers who would come to the United States for the Olympic games.

My bill also provides discretion with respect to the surcharge in each coin. This would make it possible for U.S. athletes and the USOC to receive an even greater benefit from each coin. In the first 2 months after the new Olympic Coins Program begins, the Secretary of Treasury would be prohibited from issuing other commemorative coins. In other words, we would like to have one period, every 2 years, of 2 months in which the USOC's coins, the Olympic coins, would be the only coins available.

The Amateur Sports Act made the USOC, as I said before, the central coordinating body for amateur sports in the United States. It does give the USOC the duty to not only select and train athletes to represent the United States at international competitions, but to encourage athletic activities through a grassroots sports program.

I believe that the USOC carries out the Amateur Sports Act well, in view of the fact it does not receive support from Federal appropriations. As I said before, the act does not authorize such appropriations.

I repeat, Mr. President, unless we find a source of revenue for the USOC, we are going to have a situation where it cannot carry out the responsibilities that were given it by Congress in 1978.

Last year, the Senate Commerce Committee began a review of the Amateur Sports Act. During our first two hearings, we determined additional revenues are needed to provide greater grassroots sports opportunities in our country.

Toward this end, the bill I am introducing would require at least 25 percent of the revenues received by the USOC under the coins program would be used solely for promoting grassroots sports opportunities, and it would require USOC to use at least 25 percent of the revenues to promote and encourage physical fitness and public participation in amateur athletic activities; to assist organizations and persons concerned with sports in the development of special amateur athletic programs for amateurs in our country; and it would also foster the development of amateur athletic facilities for use by amateur athletes, as well as assist in making existing amateur athletic facilities available and to modernize them, Mr. President, which is necessary for their use by amateur athletes now in this country.

I look forward on this bill to working with the chairman and ranking member of the Senate Judiciary Committee. I believe this bill will be sent to that committee. It is important legislation to be enacted in this Congress.

Mr. President, 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. 282

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 referred to as the ''Olympic Commemorative Coins Act''.

SEC. 2. DEFINITIONS.

For the purposes of this Act—

(1) the term ''Corporation'' shall mean the corporation by the name of ''United States Olympic Committee'' created by the Act entitled ''An Act to incorporate the United States Olympic Association'', approved September 21, 1950 (36 U.S.C. 371 et seq.), as amended; and

(2) the term ''Secretary'' shall mean the Secretary of the Treasury.

SEC. 3. COMMEMORATIVE COINS PROGRAMS.

(a) BI-ANNUAL OLYMPIC COINS.—Beginning in 1977, in each six month period prior to the date upon which the Summer or Winter Olympic Games are held in a nation other than the United States, the Secretary shall issue not more than 500,000 commemorative one dollar coins, each of which shall—

(1) weigh 26.73 grams;

(2) have a diameter of 1.5 inches;

(3) contain 90 percent silver and 10 percent alloy; and

(4) bear the design selected by the Secretary pursuant to subsection (f).

(b) OLYMPIC COINS WHEN GAMES ARE HELD IN THE UNITED STATES.—In each year prior to a year in which the Summer or Winter Olympic Games are held in the United States, the Secretary shall develop an expanded multicoin commemorative coins program in consultation with the Corporation and the Citizens Commemorative Coin Advisory Committee. The Secretary shall issue such coins in the six month period to the date upon which such games are held.

(c) EXCLUSIVITY.—During the first two months of each period in which coins are issued under this Act, the Secretary shall not issue other commemorative coins.

(d) SURCHARGES.—(1) All sales of the coins issued under subsection (a) shall include a surcharge of $10 per coin.

(2) All sales of the coins issued under subsection (b) shall include a surcharge of between $1 and $50 per coin as determined by the Secretary in consultation with the Corporation.

(e) DISTRIBUTION AND USE OF SURCHARGES.—(1) All surcharges received by the Secretary from the sale of coins under this Act shall be promptly paid by the Secretary to the Corporation.

(2) Funds received by the Corporation under this Act shall be used to carry out the Amateur Sports Act of 1978 (36 U.S.C. 371 et seq.), and not less than twenty-five percent of such funds shall be used for the objects and purposes of paragraphs (6), (7), and (9) of section 104 of such Act (36 U.S.C. 374).

(f) DESIGN.—(1) The design for each coin issued under this Act shall be selected by the Secretary after consultation with the Corporation.

(2)(A) On each coin issued under this Act there shall be—

(i) a designation of the value of the coin;

(ii) an inscription of the year; and

(iii) inscriptions of the words ''Liberty'', ''In God We Trust'', ''United States of America'', and ''E Pluribus Unum''.

(B) On coins issued under this Act there may be, with the consent of the Corporation under section 9 of the Act entitled ''An Act to incorporate the United States Olympic Association'', approved September 21, 1950 (36 U.S.C. 380), the symbol of the International Olympic Committee, the emblem of the Corporation, the words ''Olympic'', ''Olympiad'' or other symbols, emblems, trademarks and names which the Corporation has the exclusive right to use under that section.

SEC. 4. LEGAL TENDER.

The coins issued under this Act shall be legal tender, as provided in section 5103 of title 31, United States Code.

SEC. 5. SOURCES OF BULLION.

(a) SILVER.—The Secretary shall obtain silver for minting coins under this Act from sources the Secretary determines to be appropriate, including stockpiles established under the Strategic and Critical Materials Stock Piling Act.

(b) GOLD.—The Secretary shall obtain any gold for minting coins under this Act pursuant to the authority of the Secretary under other provisions of law.

SEC. 6. SALE PRICE.

Each coin issued under this Act shall be sold by the Secretary at a price equal to the sum of—

(1) the face value of the coin;

(2) the surcharge provided in section 3 with respect to such coin;

(3) the cost of designing and issuing the coin (including labor, materials, dies, use of machinery, overhead expenses, marketing, and shipping); and

(4) the estimated profit determined under section 7(b) with respect to such coin.

SEC. 7. DETERMINATION OF COSTS AND PROFIT.

(a) DETERMINATION OF COSTS.—The Secretary shall determine the costs incurred with respect to coins issued under this Act, including overhead costs.

(b) DETERMINATION OF PROFIT.—Prior to the sale of each edition of coin issued under this Act, the Secretary shall calculate the estimated profit to be included in the sale price of each such coin under section 6(4).

(c) PROHIBITION ON JUDICIAL REVIEW.—Determinations made under this section shall be made at the sole discretion of the Secretary and shall not be subject to judicial review.

SEC. 8. GENERAL WAIVER OF PROCUREMENT REGULATIONS.

Section 5112(j) of title 31, United States Code, shall apply to the procurement of goods and services necessary to carry out the programs and operations of the United States Mint under this Act.

SEC. 9. AUDITS AND REPORT.

(a) The Comptroller General of the United States shall have the right to examine books, records, documents, and other data of the Corporation related to the expnditure of amounts it has received under section 3(e)(1).

(b) The Corporation shall biannually transmit a report to Congress and to the Secretary which shall account for the expenditure of funds received under section 3(e)(1).

SEC. 11. FINANCIAL ASSURANCES.

It is the sense of Congress that each coin edition issued under this Act should be self-sustaining and should be administered so as not to result in any net cost to the Numismatic Public Enterprise Fund.

By Mr. BURNS:

S. 283. A bill to establish a Commission on Structural Alternatives for the Federal Court of Appeals; to the Committee on the Judiciary.

THE STRUCTURAL ALTERNATIVES FOR THE FEDERAL COURT OF APPEALS COMMISSION ESTABLISHMENT ACT OF 1997

● Mr. BURNS. Mr. President, I introduce a bill which would establish a Commission on Structural Alternatives for the Federal Court of Appeals.

This commission would study the present division of the United States into the several judicial circuits, study the structure and alignment of the Federal Court of Appeals system, with particular reference to the ninth circuit, and report recommendations to the President and Congress on appropriate changes in circuit boundaries or structure for the expeditious and effective disposition of the caseload of the Federal Court of Appeals, consistent with fundamental conceptions of fairness and due process.

As you may know, I have cosponsored legislation in the past that would have split the ninth circuit. I have not altered my opinion of the need for this, however, it seems that some of my colleagues need a little bit more convincing. That is why I believe having a well-formed commission, which examines this issue closely and delivers a nonpolitical response, will dispel the doubts that my colleagues have about a split.

I believe that the commission will begin to answer some of the concerns that Montanans have voiced that they are not obtaining the same level of judicial consideration as others in the ninth circuit. Considering the size of the district, I have the same doubts. The ninth circuit is now comprised not only of Montana, but also, Alaska, Arizona, California, Guam, Hawaii, Idaho, the Northern Mariana Islands, Nevada, Oregon, and Washington. That's nine States and two principalities. The ninth circuit is about twice the size of the next largest circuit, both in population and geography.

Its caseload is among the fastest growing in the Nation, and the time to complete an average appeal, more than 14 months, is more than 4 months longer than the national average. Its 28 judges are about twice the recommended number for an appellate circuit.

Any objective view of the ninth circuit is a case study in the phrase ''Justice delayed is justice denied.'' I am optimistic that a commission that studies the ninth will come to the same conclusion: This body will acknowledge this travesty and finally move for justice for all.●

By Mr. LUGAR (for himself, and Mr. COATS):

S. 284. A bill to amend title 23, United States Code, to improve safety at public railway-highway crossings, and for other purposes; to the Committee on Environment and Public Works.

THE HIGHWAY RAIL GRADE CROSSING SAFETY FORMULA ENHANCEMENT ACT

● Mr. LUGAR. Mr. President, today I rise to introduce legislation to provide a more effective method of targeting available Federal funds to enhance safety at our Nation's most hazardous highway-rail grade crossings.

I first introduced this measure during the 104th Congress following 2 years of work to address a pressing public safety problem occurring in Indiana and other rail-intensive States. It is my hope this important legislation will be given thoughtful and thorough consideration this year as Congress moves to reauthorize the Intermodal Surface Transportation Efficiency Act [ISTEA]. It is unclear what the final program structure will look like, or what the specific Federal role will be in the transportation decisionmaking process. I will work this year to assure that the goals of this rail safety legislation are incorporated as part of an ISTEA reauthorization bill that creates a more streamlined, flexible Federal highway program to help States maintain safe, effective, and efficient transportation networks.

In America today, several hundred people are killed and thousands more injured every year as a result of vehicle-train collisions at highway-rail grade crossings. A significant number of these accidents occur in rail-intensive States such as Indiana, Illinois, Ohio, California, and Texas. One quarter of the Nation's 168,000 public highway-rail grade crossings are located in these 5 States. They accounted for 38 percent of deaths and 32 percent of injuries caused by vehicle-train collisions nationwide during 1991–1993.

My home State of Indiana ranks sixth in the Nation for number of total public grade crossings with about 6,700, and is annually among the top five States for numbers of accidents and fatalities caused by vehicle-train crashes.

In 1994, I travelled across northern Indiana aboard a QSX–500 locomotive and witnessed what engineers see every day—motorists darting across the railroad tracks before an oncoming train. From this experience, and from my work to improve safety at highway-rail grade crossings, I learned that engineering solutions, along with education and awareness about grade crossing safety, are key strategies that can effectively prevent grade crossing accidents.

Responding to this disturbing national trend, I began working in 1993 with Transportation Secretary Federico Peña and with the Indiana Department of Transportation to address this serious safety problem. We worked to find solutions that would help Indiana and other States make better use of available funds to target the Nation's most hazardous rail crossings.

The Federal Government has played an important role in helping States eliminate accidents and fatalities at public highway-rail intersections since passage of the Highway Safety Act by Congress in 1973. This act created the Rail-Highway Crossing Program, also known as the Section 130 Program. Since the program's inception, more than 28,000 improvement projects have been undertaken—from installation of warning gates, lights and bells, to pavement improvements and grade separation construction projects.

During the 103d Congress, I introduced grade crossing safety legislation to restore States' discretion over millions of Federal highway dollars lost as a result of noncompliance with the Federal motorcycle helmet law. Indiana and other States affected by this law were prohibited from using a portion of their highway construction dollars to improve safety at highway-rail grade crossings. I was pleased the Congress repealed the helmet law penalty in 1995 as part of the National Highway System designation legislation. States now have greater flexibility to use their highway dollars for improvements at rail crossings, and for other transportation priorities.

In March 1994, Senator COATS and I asked the General Accounting Office to conduct a survey of rail safety programs in Indiana and other rail intensive States experiencing a high number of accidents at highway-rail grade crossings. Released in August 1995, the report ''Railroad Safety: Status of Efforts to Improve Railroad Crossing Safety'' evaluated the best uses of limited Federal funds for rail crossing safety, reviewed policy changes that help State and local governments address rail safety issues, and recommended strategies to encourage interagency and intergovernmental cooperation.

The report found that in addition to States' efforts to reduce accidents and fatalities through emphasis on education programs, engineering solutions, and enforcement of traffic laws, changes to the Federal funding formulas would target highway funds to areas of greatest risk.

Under, ISTEA, the Section 130 Program was continued—with a portion of the 10 percent of a State's STP safety funds dedicated to highway-rail crossing improvement and hazard elimination projects.

The GAO reported that key indicators or ''risk factors'' used to assess rail-grade crossing safety are not taken into account when STP funds are distributed among States. The GAO outlined the Federal Highway Administration's [FHWA] work to review options for STP formula changes that adjust the current flat percentage allocation to include these risk factors. Applying these factors to the funding formula creates a more targeted and focused process that maximizes the effectiveness of Federal funds.

The risk factors criteria considered by FHWA include a State's share of the national total for number of public crossings, number of public crossings with passive warning devices, total number of accidents, and total number of fatalities occurring as a result of vehicle-train collisions at highway-rail grade crossings.

For example, while Indiana received 3.4 percent of section 130 funds in fiscal year 1995, the Hoosier State experienced 6.1 percent of the Nation's accidents and 5.9 percent of the fatalities as a result of vehicle-train collisions from 1991 to 1993. In addition, Indiana has about 4 percent of the Nation's public rail crossings.

Preliminary estimates of STP apportionments under a risk-based apportionment formula indicate Indiana's share of section 130 funds could increase by 49 percent, from the fiscal year 1997 level of $4.9 to $7.3 million. Overall, about 21 States would receive a substantial increase in section 130 funds for grade crossing improvements, including: Alabama, Arkansas, Georgia, Illinois, Iowa, Kansas, Louisiana, Mississippi, Minnesota, Missouri, Nebraska, Ohio, Oklahoma, South Carolina, Texas, Utah, and Wisconsin.

While the Indiana Department of Transportation [INDOT] spends over $10 million a year to improve highway-rail grade crossings, a 49-percent increase in section 130 funds would allow INDOT and other State departments of transportation additional resources to improve hazardous highway-rail grade crossings.

The Formula Enhancement Act addresses the allocation problem by adjusting the funding formula for the STP to include an apportionment of funds to States for the section 130 Program based on a 3-year average of these risk factors. I want to express my appreciation to the FHWA and to the Federal Railroad Administration for their valuable assistance in preparing this legislation.

This legislation will help improve the way the Federal Government targets existing resources to enhance safety on our Nation's highways and along our rail corridors. This legislation does not call for new Federal spending, but rather for a more equitable and effective distribution of existing highway funds to States to enhance safety at dangerous highway-rail grade crossings.

This legislation addresses one aspect of the grade crossing safety problem by refining a key provision of the existing ISTEA law. Using this proposal as a foundation, I am hopeful the Congress will craft provisions for the highway reauthorization bill that recognize the overall efforts of States to implement comprehensive rail safety programs. An effective grade crossing safety program integrates construction improvement projects with driver education and awareness programs, crossing closures, vigorous enforcement of crossing traffic laws and assessments of crossing inventories to identify the most hazardous crossings in a State.

I will work with my colleagues this year to help assure Congress passes highway reauthorization legislation that makes the best use of available Federal resources while encouraging States to continue pursuing comprehensive efforts to address their public grade crossing safety requirements. My intent with this legislation is not to penalize certain States or to create winners or losers in the process of distributing Federal highway funds, but to find the best solution that will eliminate these preventable tragedies.

At this time, it is unclear what direction the next highway authorization bill will take, what the Federal role will be in maintaining the national transportation infrastructure, and what current ISTEA programs will be renewed. Last year, I endorsed Senator WARNER's reauthorization proposal to provide a more streamlined and flexible highway program that returns resources and authority back to the States. My intent with this legislation during this reauthorization process is not to protect a particular highway program or specific Federal set-aside requirement of the expiring ISTEA law, but rather to continue emphasizing an issue of great importance to my State of Indiana and to other States experiencing rail safety problems. I will advocate grade crossing safety as a priority within the context of other key funding and flexibility issues that are vital to the continued safety and mobility of Hoosiers traveling on Indiana roadways. I am hopeful this legislation will reinforce the importance of highway-rail grade crossing safety as the Congress moves forward with the national discussion of U.S. transportation policy for the 21st century.

Continued emphasis on finding new and better ways to target existing resources to enhance safety at highway-rail grade crossings will contribute to the overall effort in Congress and in the States to prevent accidents, save lives, and sustain a balanced and effective transportation network for the Nation.●

● Mr. COATS. Mr. President, Senator LUGAR and I are introducing today legislation which will more effectively direct Federal funding to those States which have the greatest needs with highway-rail grade crossings.

We first introduced this bill in the 104th Congress after recognizing a critical deficiency at rail grade crossings which has contributed senseless, tragic deaths over the years.

This year as the Intermodal Surface Transportation Efficiency Act [ISTEA]

is reauthorized, it is my hope that the committee will seriously consider the needs of rail-intensive States, such as Indiana. While the final structure of ISTEA is still unknown, I will work to ensure that the objectives of this legislation are incorporated in the final highway bill.

Rail transportation is important in Indiana, playing a key role in the State's agriculture and manufacturing economy. Much of the rail activity goes through northwest Indiana which accounts for 75 percent of the State's rail crossing accidents. In 1994, Indiana ranked third in the Nation with 263 rail crossing accidents, resulting in the deaths of 27 people. Six percent of all rail crossing accidents in America took place in Indiana and 5.9 percent of the fatalities occurred there.

Several years ago, I became aware that Indiana and a number of other States had a critical problem with rail accidents. Senator LUGAR and I asked the General Accounting Office [GAO] to examine the safety conditions in States with a high concentration of rail crossings. The GAO report, completed in August 1995, revealed that while Indiana had a large number of rail crossings—6,700, the sixth largest number of all States—the State received only 3.4 percent of the Federal funding available specifically targeted to prevent such tragedies.

The Section 130 Program was established in 1973 to help States reduce accidents, injuries, and fatalities at public railroad crossings. In the first 10 years of the program, accidents declined by 61 percent and deaths were reduced by 34 percent. Since 1985, little progress was made toward further reducing these numbers.

The problem becomes apparent when you realize that many of the States with the highest concentration of crossings, number of accidents, and fatalities receive less money than States that do not have as great a need. Thus, the GAO included that the Federal Government should examine funding formulas and consider using risk factors in determining how to distribute section 130 highway dollars to States for rail safety purposes.

The current formula funding—based on 10 percent of a State's surface transportation program [STP] funding—does not take into account such essential criteria as a State's total number of crossing, amount of train traffic, nor the number of accidents and fatalities. I believe it is critical that these risk factors be considered in determining how much money a State should receive for rail safety under the current funding structure.

The formula enhancement bill would correct this flaw in the current formula. Based on the GAO report and work with the Federal Highway Administration, we crafted this legislation to ensure that States with the greatest risk receive more money. This bill does not increase Federal spending. Rather it ensures that money is targeted to those States with the most serious safety concerns.

Using this more equitable way of disbursing funds, Indiana—which received $4.9 million in fiscal year 1997—could receive $7.3 million in fiscal year 1998. Overall, 21 States would benefit substantially from increased funding to help reduce rail crossing accidents.

Clearly, this bill addresses one aspect of law, providing a fairer distribution of resources. But money alone will not solve all the problems related to rail crossing accidents. A comprehensive plan to educate people about the dangers at rail crossings must be developed. I support the efforts of programs like Operation Lifesaver which works effectively to get information to citizens. Continued cooperation among all levels of government: local, State, and Federal is essential to stop these sort of tragedies.

There are many issues facing the Congress this year as we decide funding levels, formulas, and determine the role of the Federal Government in the context of the highway authorization. I supported Senator WARNER's legislation last year to provide for a streamlined, flexible, and equitable highway program. I continue to believe this approach is best for the States to address their fundamental needs and priorities. The STEP–21 proposal would ensure that States receive a fairer return on highway funding and the flexibility to spend the resources according to State and local priorities. My purpose in introducing this rail legislation at this time is to draw attention to this serious problem facing Indiana and other States and to show my determination to make rail crossing safety a priority as we make the key decisions on ISTEA.

We cannot afford to neglect the safety of our citizens at rail grade crossings. We must find ways to address these critical problems. Overall, the safety of our highways and rail is essential as we examine and make decisions on the future of our transportation system. I look forward to working with my colleagues to ensure that our focus is indeed comprehensive in addressing our transportation needs.●

By Mr. SHELBY (for himself, Mr. SESSIONS, Mr. DEWINE, Mr. HUTCHINSON, Mr. COCHRAN, and Mr. SMITH):

S. 285. A bill to amend the Internal Revenue Code of 1986 to exclude from gross income any distribution from a qualified State tuition program used exclusively to pay qualified higher education expenses incurred by the designated beneficiary, and for other purposes; to the Committee on Finance.

THE TUITION TAX ELIMINATION ACT

● Mr. SHELBY. Mr. President, today I am introducing legislation, the Tuition Tax Elimination Act, which will help make college more affordable for thousands of young people all across America. I am pleased that Senators SESSIONS, DEWINE, HUTCHINSON, FAIRCLOTH, COCHRAN, and SMITH of New Hampshire have joined me as original cosponsors. This bill will eliminate a new Federal tax on the tuition expenses of students participating in State prepaid tuition programs. Here is how the tax came about.

It is no secret that many families in our Nation are struggling to finance their childrens' education. College tuition costs have skyrocketed in the past decade increasing 95 percent at private institutions and 82 percent at public institutions. Newsweek magazine reported last year that some families will spend more than $100,000 just to send one child to college.

To combat the high cost of a college education, many States, including Alabama, have set up prepaid tuition funds. These funds allow parents to make a tax-free investment, years in advance of their child's enrollment in college, with the guarantee that the child's tuition will be paid for by the State when he or she enrolls in college.

Last year, the IRS attempted to impose taxes on States operating prepaid tuition funds by claiming that the funds were not legitimate functions of the State and thus not exempt from Federal taxation. If the IRS had been successful in their attempt, many States would have been forced to terminate their prepaid tuition programs.

Fortunately, Senators MCCONNELL, GRAHAM, and I were able to get a provision in the Small Business Job Protection Act which clarified that prepaid tuition programs should not be subject to Federal taxes, since they are a legitimate function of State governments.

At the same time, the IRS was also attempting to impose a tax on the parents' contributions to these State prepaid tuition programs. What the IRS wanted to do was to count the annual increased value of the parents' contribution as income and tax it. Again, Senators MCCONNELL, GRAHAM, and I put a provision in the minimum wage bill last year to prevent the IRS from taking those actions.

However, there was a provision of that bill which I did not support. It provided that when a student enrolls in college under a prepaid tuition plan, the student must pay taxes on the difference between the value of the tuition costs, which are paid by the State, and the amount his or her parent paid for the contract. Essentially, this provision is a new tax on students. I attempted to offer an amendment to strike this provision, but unfortunately, no amendments were in order.

Mr. President, prepaid tuition programs are a creative way many States all across the country have developed to help more young people afford a college education. We need to do everything we can at the Federal level to encourage these types of programs.

The Tuition Tax Elimination Act will do that by relieving students from Federal taxes on their tuition expenses. This legislation will provide

that distributions from qualified prepaid tuition funds are not to be counted as taxable income for the student, as long as the money is spent for the designated purpose.

This legislation is fully paid for with a provision which would suspend the automatic inflation adjustments used to award the earned income tax credit to individuals without children. President Clinton's 1993 tax bill expanded the EITC to cover individuals without children, and currently, a childless individual earning between $4,220 and $5,280 is eligible for a maximum EITC amount of $323. Each year, these income levels are adjusted upward for inflation. Many people have questioned whether we should even be providing the EITC to individuals without children. However, that is a question which can be addressed in other legislation. This offset does not eliminate the EITC for individuals without children; it simply eliminates the annual increase in the EITC calculation for individuals who have no dependents. This provision passed the Senate last year as a part of welfare reform, but it was dropped in conference.

Mr. President, the cost of going to college is now more expensive than ever, and is growing much faster than inflation. Eliminating the tax students will face on their tuition expenses is a real step toward making college more affordable for thousands of young people all across America, and I hope my colleagues join me in support of this legislation.●

By Mr. ABRAHAM (for himself, Mr. LEVIN, Mr. ASHCROFT, Mr. DEWINE, Mr. BOND, Mr. KYL, Mr. FRIST, Mr. NICKLES, Ms. MIKULSKI, Mr. SHELBY, Mr. COATS, Mr. SANTORUM, and Mr. INHOFE):

S. 286. A bill to provide for a reduction in regulatory costs by maintaining Federal average fuel economy standards applicable to automobiles in effect at current levels until changed by law, and for other purposes; to the Committee on Commerce, Science, and Transportation.

THE CORPORATE AVERAGE FUEL ECONOMY STANDARDS ACT OF 1997

● Mr. ABRAHAM. Mr. President, I introduce legislation with Senators LEVIN and ASHCROFT that would freeze the corporate average fuel economy standards—known as CAFE—at current levels unless changed by Congress.

Enacted in 1975, CAFE established Federal requirements regulating the average fleet fuel economy of new passenger cars and light trucks. Now there are a number of reasons why the CAFE standards should continue to be frozen at their current level, and there is a great deal of information available which documents CAFE's harmful effects. Rest assured, I'll touch on both these topics in a moment. But there is one overriding reason this legislation needs to be adopted: control of CAFE standards must reside with the U.S. Congress.

Mr. President, the control of CAFE standards is too great a responsibility to be entrusted to any entity other than the Congress. CAFE requirements were initiated over 20 years ago in response to an oil crisis that has long since disappeared. New standards would constitute the most tremendous regulation foisted on the automobile industry in over two decades and would require a massive retooling, at great cost, by America's automakers.

This is an industry that employs 2.3 million Americans and is estimated to provide 4.4 percent of this Nation's GDP. Should the authority to impose upon this industry a new regulation with questionable goals and dubious results reside with unelected bureaucrats? Should regulators at the Department of Transportation have the authority to change CAFE standards at any time, for any reason and do so without congressional approval? The answer to these questions is clearly no. Such a decision in my view belongs with this legislature, the body entrusted by our Constitution with the duty to determine whether any proposed policy change is in the best interests of the American people.

The other question we need to ask is why a CAFE increase should be considered at all. When CAFE was instituted, it was part of a larger effort to regulate oil consumption and reduce America's dependence on foreign oil. Today, however, it is clear that CAFE standards failed to achieve this goal. Domestic manufacturers have increased passenger car fuel economy 108 percent and light truck fuel economy almost 60 percent since the mid-1970's. Rather than decreasing during this time, however, oil imports have increased. In 1974 the United States imported 35 percent of its oil—last year this country imported between 45 and 50 percent of its oil.

Now, with CAFE's obvious failure to reduce oil imports, CAFE proponents cite the threat of potential global warming as the major rationale for increasing these standards further. Mr. President, the argument that CAFE standards will prevent or reduce global warming is as weak as the argument that CAFE would reduce this country's reliance on foreign oil.

According to the Congressional Office of Technology Assessment, cars and light trucks subject to CAFE standards account for only one and 1½ percent of global man-made greenhouse gas emissions. Increasing CAFE standards to 40 miles per gallon, as has been discussed, would result in minuscule reductions in emissions—less than one-half of 1 percent.

There can be no doubt, Mr. President, that CAFE standards have failed to reduce America's dependency on foreign oil or significantly reduce greenhouse gas emissions. So what have they succeeded in doing? They have succeeded in putting domestic automobile manufacturers at a competitive disadvantage and putting American families at risk of severe injury and even death.

First, on competitiveness. CAFE standards apply to the average fuel consumption standards for a company's fleet of cars—that is, the fuel economy for all cars sold in one model year is averaged together to determine the fleet average. Due to the high price of gasoline in Japan, the Japanese have traditionally engineered smaller cars. Consequently their automobile fleets come in below the CAFE standards, thus allowing them to make larger, less fuel-efficient cars and still fall within the CAFE limits for their fleet. According to the National Academy of Sciences, ''the CAFE system operated to the benefit of the Japanese manufacturers, and at the expense of the domestic manufacturers.'' This system continues to this day.

Despite this inequity, the Department of Transportation continues to push for increased CAFE standards, and in 1994 issued an Advanced Notice of Proposed Rule Making that suggested setting light truck CAFE standards for up to 9 years at levels up to 40 percent higher than they are today.

Compounding their potential harm to our light truck industry, these CAFE supporters fail to consider the differences between cars and trucks. Many of the fuel efficient technologies used to make cars more efficient, such as front wheel drive and increased aerodynamics, cannot be used for trucks. Trucks are designed specifically for hauling capacity, off-road use and durability. Only one or two very small trucks currently provide the level of fuel efficiency sought by CAFE proponents, and they account for less than 1 percent of light truck sales. The Department of Transportation's CAFE-mandated changes would negatively affect American manufacturers by reducing the segment of the light-duty truck market—the full-size trucks consumers desire—in which they predominate.

But, important as competitiveness is to our workers and consumers, there is a more important reason to freeze CAFE standards: it will save lives. Why? Because higher CAFE standards will force automobile manufacturers to downsize cars and trucks, and smaller vehicles are more dangerous. Automobile experts estimate that almost 50 percent of the fuel economy gains made since the mid-1970's are attributable to reductions in vehicle size and weight. And what was the cost? In 1991, the National Highway Traffic Safety Administration concluded that vehicle downsizing since the mid-1970's was responsible for an additional 2,000 deaths and 20,000 serious injuries on America's highways every year.

Other studies have reached the same, logical conclusion. To illustrate the relationship between size and safety, the Insurance Institute for Highway Safety studied the occupant death rates of 11 car models that had been downsized since 1977. It found that death rates were higher for 10 of the 11 vehicle types after downsizing. More recently, the institute has determined that, even when equipped with airbags, smaller cars are still less safe than larger cars.

The National Academy of Sciences also understands that emissions controls result in less protection in the event of an accident. According to the Academy, ''safety and fuel economy are linked because one of the most direct methods of increasing gas mileage is reducing size and weight.''

And what would happen if the new, increased CAFE standards are adopted? A study by the Harvard Injury Control Center estimates that an increase to proposed CAFE levels would result in downsizing that would produce an additional 1,650 deaths and 8,500 serious injuries on our highways every year. This is absolutely unacceptable.

Mr. President, what I find most troubling about efforts to increase CAFE standards is that they are simply unnecessary. American automobile manufacturers are constantly striving to improve their current product and develop innovative new ways to power cars and trucks. And these efforts are beginning to show results. In recent weeks, Chrysler has announced breakthroughs in fuel-cell technology. By converting gasoline into hydrogen, Chrysler's new engine will increase fuel efficiency and reduce tailpipe emissions. Similarly, all three auto makers are working to develop a gas turbine engine that will combine better efficiency, low emissions and quiet performance.

These technological advances are the result of open competition, not Government mandate. This kind of innovation is only produced in a free market. Thus, rather than shackling American manufacturers with costly, outdated regulations, we should be encouraging them to develop new technologies to take the automobile industry into the 21st century.

Mr. President, the National Academy of Sciences has concluded that, ''the CAFE approach to achieving automotive fuel economy has defects that are sufficiently grievous to warrant careful reconsideration.'' This bill is a modest step in that direction. It will permit Congress to carefully consider and debate any increases to CAFE standards rather than allow the administration to change the standards, at any time and for any reason without congressional approval, as is currently the case.

Specifically, this bill will freeze CAFE standards at 27.5 miles per gallon for passenger cars and 20.7 miles per gallon for light-duty trucks. The transportation appropriations conference report we passed last year included a 1-year freeze on CAFE standards. This bill would make that freeze permanent unless changed by Congress.

CAFE standards did not reduce our country's reliance on foreign oil, and they are not saving the planet from ozone depletion. CAFE standards are hurting American manufacturers and putting American families at increased risk of injury or death. All this when the automobile industry has shown itself capable of producing the technological advances necessary for increased efficiency on its own. Congress should fulfill its responsibility as our Nation's law-making body by protecting the American people from this instance of excessive and counterproductive bureaucratic rule making.

Mr. President, I ask unanimous consent that the full text of this legislation be printed in the RECORD.

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

S. 286

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

SECTION 1. AVERAGE FUEL ECONOMY STANDARDS.

Beginning on the date of enactment of this Act, the average fuel economy standards established (whether directly or indirectly) under regulations promulgated by the Secretary of Transportation under chapter 329 of title 49, United States Code, prior to the date of enactment of this Act for automobiles (as that term is defined in section 32901 of title 49, United States Code) that are in effect on the day before the date of enactment of this Act, shall apply without amendment, change, or other modification of any kind (whether direct or indirect) for—

(1) the model years specified in the regulations;

(2) the applicable automobiles specified in the regulations last promulgated for such automobiles; and

(3) each model year thereafter;

until chapter 329 of title 49, United States Code, is specifically amended to authorize an amendment, change, or other modification to such standards or is otherwise modified or superseded by law.●

By Mr. HOLLINGS:

S. 287. A bill to require congressional approval before any trade agreements entered into under the auspices of the World Trade Organization; to the Committee on Finance.

THE APPROVAL OF TRADE AGREEMENTS ACT OF 1997

Mr. HOLLINGS. Mr. President, I rise today to restore the constitutional balance to our trade policy and preserve the Congress' constitutional obligation to regulate foreign commerce. The bill I introduce requires that before a trade agreement negotiated under the auspices of the World Trade Organization is accorded the force of law, it must be ratified by the Congress. It is a simple bill, but I believe it protects a fundamental principle of our democracy, the separation of powers.

By Mr. DORGAN:

S. 288. A bill to amend the Internal Revenue Code of 1986 to provide families with estate tax relief, and for other purposes; to the Committee on Finance.

THE FAMILY ESTATE TAX RELIEF ACT OF 1997

● Mr. DORGAN. Mr. President, I introduce the Family Estate Tax Relief Act of 1997. This legislation is nearly identical to my bill from the 104th Congress with one major change.

My new legislation still targets substantial estate tax relief to help preserve one of our Nation's most important economic assets—its family run small businesses. But it also increases the existing $600,000 unified estate and gift tax credit, which is available to everyone.

Of course, increasing the unified credit will further reduce the estate tax burden now imposed on many families trying to transfer their businesses to the next generation. It also will help any families wishing to pass along to the children or grandchildren some stock, proceeds from a life insurance policy or other assets acquired over many years.

The main thrust of this legislation remains the preservation of family farmers and other family run businesses. These businesses are the major creators of new wealth and jobs in this country. However, they face a number of obstacles to succeeding, ranging from price gouging by tough international competitors to excessive U.S. regulations. That is why it is not surprising to find, for example, that we have lost some 377,000 family farms since 1980, a decline of some 23,500 family farms every year.

Since 1980, we have lost some 9,000 of our family farms in North Dakota. At the same time, we see that only a small fraction of other family run businesses survive beyond the second generation.

When families have to sell their farms or board up their Main Street businesses, those families lose their very livelihood. Moreover, our communities lose the jobs and services those family businesses provide.

I have been approached on many occasions at town meetings by North Dakotans who say it is virtually impossible for them to pass along their farm or business—which has been the family's major asset for decades—to their children because of the exorbitant estate taxes they would pay. They think it is unfair, and I agree.

Unfortunately, our estate tax laws force many family members who inherit a modestly sized farm, ranch, or other family business to sell it, or a large part of it, out of the family in order to pay off estate taxes. This is especially onerous when the inheriting family members have already been participating in the business for years and depend upon it to earn a living.

I think that we must take immediate steps to breathe new economic life and opportunities into our family businesses and the communities in which they operate. It seems to me that a good first step is correcting our estate tax laws so they do not unfairly penalize those working families.

There are a few provisions included in our estate tax laws to help a family keep its business running long after the death of the original owner. But for the most part, these provisions are either too modest or too narrowly drawn to do much good.

Now I also understand that there are some complicated estate tax planning techniques available for those wealthy

enough to hire sophisticated and costly tax advisors. Clearly some estate planning devices may reduce the estate tax burden imposed on some family businesses upon the death of a principal owner. But for those less affluent families inheriting a family business—where such estate planning tools were unavailable for whatever reason—the estate taxes will ultimately force them to amass a pile of debt, or to sell off all or a large part of a family business, just to pay off their estate taxes. I think that this is wrong, and it runs counter to the kinds of policies that we ought to be pursuing in support of our family-owned businesses.

That is why I am introducing the Family Estate Tax Relief Act to rectify this matter, and I urge my colleagues to consider joining me in this endeavor.

The Family Estate Tax Relief Act of 1997 would provide three significant measures of estate tax relief to those families hoping to pass along their businesses or other assets to the next generation.

First, my bill would increase the existing unified estate and gift tax credit from $600,000 today to $1,000,000 in the year 2004. The amount of the existing credit has not been changed for nearly a decade, and its benefit has been reduced by more than 35 percent due to inflation over this period. Moreover, even 3-percent inflation for another 7 years will rob an additional 20 percent of the real value of the unified credit. This provision will prevent erosion of the credit's real value by inflation.

Second, my bill allows a decedent's estate to exclude up to the first $1,000,000 of value of the family business from estate taxes so long as the heirs continue to materially participate in the business for many years after the death of the owner. The full benefit of this new $1,000,000 exclusion is available to couples trying to pass along the family business without the complicated tax planning tailored to one spouse or the other that is sometimes used today.

Together, these two proposals would eliminate estate tax liability on qualifying family business assets valued up to $2.0 million. This would eliminate the burden of estate taxes for the majority of family run businesses.

Third, my bill would allow the executor of a qualifying estate who chooses to pay estate taxes in installments to benefit from a special 4-percent interest rate on the payment of estate taxes attributable to a family business worth between $2.0 and $3.0 million. In other words, my bill would also lighten the estate tax burden on the next $1 million of estate assets.

The parts of my legislation targeted to family run businesses expand upon the well-tested approaches found in sections 2032A and 6601(j) of the Tax Code.

For example, we currently provide a special-use calculation for valuing real estate used in a farm or other trade or business for estate tax purposes, where a qualifying business is passed along to another family member after the death of the owner. To benefit from the special-use formula under section 2032A, the inheriting family member must continue to actively participate in the business operation. If the heir ceases to participate in the business, he or she may face a substantial recapture of the estate taxes which would have been paid at the time of the original owner's death.

In enacting this provision, Congress embraced the goal of keeping a farm or other closely held business in the family after the death of the owner. However, in the case of family farms, special-use valuation primarily helps those farms adjacent to urban areas, where the value of the land for nonfarm uses is often much higher. But section 2032A does not help many farms located in truly rural areas of the country where farming is the land's best use. This provision also provides little help for families transferring other nonfarm small businesses under similar circumstances. My legislation would correct these glaring shortfalls in current law.

In addition, my bill would increase the benefit of the existing preferential interest rates under section 6601(j) that apply to farms and other closely held businesses. The benefits of the current provision have been significantly reduced by inflation over the past several decades, and my bill simply increases the amount of estate taxes that qualify for a special 4-percent interest rate if paid to the IRS in installment payments over time.

Moreover, my bill includes several safeguards to ensure that its tax benefits are truly targeted at the preservation of most family businesses.

Finally, I plan to offset any estimated revenue losses from this bill by offering another legislative package to close a number of outdated or unnecessary tax loopholes for large multinational corporations doing business in the United States. As a result, passing my estate tax relief proposals will not increase the Federal deficit. But passing the Family Estate Tax Relief Act will help to preserve the economic backbone of this country and to help thrifty parents to help their children.

Again, I urge my colleagues to join me in supporting this much-needed legislation.●

By Mr. MURKOWSKI (for himself, Mr. INOUYE, Mr. AKAKA, Mr. STEVENS, and Mr. THOMAS):

S. 290. A bill to establish a visa waiver pilot program for nationals of Korea who are traveling in tour groups to the United States; to the Committee on the Judiciary.

THE KOREA VISA WAIVER PILOT PROJECT ACT OF 1997

Mr. MURKOWSKI. Mr. President, today I, along with Senators STEVENS, INOUYE, AKAKA and THOMAS, am introducing the Korea Visa Waiver Pilot Project Bill of 1997.''

This bill addresses the problem of the slow issuance of United States tourist visas to Korean citizens. Koreans typically wait up to 3 weeks to obtain tourist visas from the United States Embassy in Seoul. As a result, most of these spontaneous travelers decide to vacation in one of the other 48 nations that allow them to travel to their country without a visa, including both Canada and New Zealand.

This legislation provides a carefully controlled pilot program of visa-free travel by small groups of Koreans to the United States. The program seeks to capture the Korean tourism market lost due to the cumbersome visa system. For example, New Zealand experienced a 2,400-percent increase in tourism from Korea after easing its visa requirements in 1993.

The pilot program is designed to allow visitors in a tour group from South Korea to travel to the United States without a visa for up to 15 days. However, it does not compromise the security standards of the United States. The program would allow selected travel agencies in Korea to issue temporary travel permits based on applicants meeting the same preset standards used by the United States Embassy in Seoul. The travel permits could only be used by supervised tour groups.

While the pilot project would allow small Korean tour groups to travel to the United States without visas, the project includes many restrictions. These are:

The Attorney General and Secretary of State can terminate the program if the overstay rates in the program are over 2 percent.

The stay of the visitors is less than or equal to 15 days.

The visitors must have a round-trip ticket and arrive by a carrier that agrees to return them if they are deemed inadmissible.

The Secretary of State should institute a bonding and licensing requirement that each participating travel agency post a substantial performance bond and pay a financial penalty if a tourist fails to return on schedule.

The on-time return of each tourist in the group would be certified after each tour.

Security checks will be done to ensure that the visitor is not a safety threat to the United States.

This legislation's restrictions ensure that the pilot program will be a successful program, and one that I hope will entice more Korean tourists to visit the United States.

By Mr. BYRD:

S.J. Res. 15. A joint resolution proposing an amendment to the Constitution of the United States to clarify the intent of the Constitution to neither prohibit nor require public school prayer; to the Committee on the Judiciary.

PUBLIC SCHOOL PRAYER CONSTITUTIONAL AMENDMENT

Mr. BYRD. Mr. President, the English word ''irony'' comes to us from an Ancient Greek word meaning ''a dissembler in speech.''

The English word ''irony'' is defined as the contrast between something

that somebody thinks to be true, as revealed in speech, action, or common wisdom, and that which an audience or a reader knows to be true.

Mr. President, permit me to give an example.

If anyone in the hearing of my voice will take out a U.S. one-dollar bill and turn that one-dollar bill over onto its obverse side, he or she will read in clear script, ''In God We Trust.''

Permit me to introduce another example.

Every day of each new meeting of the Senate and House of Representatives, an official chaplain of each of those two chambers of Congress—or a designated substitute—will stride to the dais and address a sometimes elegant prayer to the Deity.

Again, every day in courtrooms across this country, hundreds of witnesses will take their place at the front of the court chamber, put their hands on incalculable numbers of Bibles, and swear to tell the truth, ''. . . so help me God.''

We do the same. I have done it many times in my 50 years of service and elected office. We stand and swear on oath to support and defend the Constitution of the United States, ''so help me God.''

Additionally, daily, thousands of men and women, in a variety of groups and millions upon millions of boys and girls in our schools will pledge allegiance to our flag, uttering, among other words, the words ''under God.'' I was a member of the House of Representatives in June 1954, when the House of Representatives, I believe on June 7th of that year, added the words ''under God'' to the Pledge of Allegiance to the Flag. The next day, the Senate adopted a similar amendment, and then, on June 14, the measure was signed into law adding the words ''under God.'' I will always be proud of the fact that I was a Member of the Congress of the United States when those words were added to the Pledge of Allegiance—''one nation under God.'' Both Houses added the words ''under God.''

Here is the irony. In spite of that chain of rituals I have just related, in situation after situation, anecdotal and documented both, public school authorities, ostensibly following rulings of the Supreme Court dating from at least the 1960's, have prohibited the utterance of prayers at school functions, in classrooms, or even in groups or privately on public school property.

As I read my U.S. Constitution—and here it is—such a prohibition of prayer in school flies in the face of the first amendment, which declares that ''Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof. . . .''

Please note those words again: ''. . . or prohibiting the free exercise thereof. . . .''

That passage was explicitly written into our Bill or Rights at the insistence of none other than James Madison, based on direct appeals to Madison by baptist ministers in Virginia, who had been forced to support the official State church during the colonial era, and whose practice of their own religious choice had been officially denied, proscribed, or penalized by colonial officials.

It is ironic that from that understandable constitutional safeguard in support of the free exercise of religious faith, opponents of any religion have turned that passage of the First Amendment on its head to prohibit—I say prohibit—the free exercise of religion in our public life and, particularly, to drive religious faith out of our public schools.

It is equally ironic that, as religion is making a public resurgence in the long-atheistic former Soviet Union, our Nation, whose protofoundations stand on the sacrifices of hundreds of thousands of early colonists whose primary inspiration in coming to America in the first—Congregationalists, Calvinists, Baptists, Jews, Catholics, Orthodox, and others—whose primary purpose in coming to America in the first place, I repeat, was a yearning for religious liberty against those who would deny them the right of religious liberty—that our Nation should be embarked on a course which, in effect, denies religious liberty to many of our citizens.

Mr. President, I have heard increasing concerns about the lack of moral orientation among so many younger Americans—about a rising drug epidemic among our children, about rampant sexual promiscuity, about children murdering children, about gangs of teenage thugs terrorizing their neighborhoods, and about a pervading moral malaise among youth in both our inner cities and suburbs.

Is there any wonder that so many young Americans should be drifting with seemingly no ethical moorings in the face of an apparent effort to strip every shred of recognizable ethics, of teachings about values, and spirituality from the setting in which those young Americans spend most of their waking hours—our public schools?

Mr. President, in an effort to restore something of a spiritual balance to our public schools and to extracurricular activities in our public schools, I am today introducing a joint resolution to propose an amendment to the Constitution clarifying the intent of the Constitution with regard to public school prayer.

My amendment is an effort to make clear that neither the Constitution, or the amendments thereto, require, nor do they prohibit, voluntary prayer in the public schools or in the extracurricular activities of the public schools.

Let me read my amendment. Let me read my proposed amendment. It is very short, very brief, very much to the point:

Nothing in this Constitution, or amendments thereto, shall be construed to prohibit or require voluntary prayer in public schools, or to prohibit or require voluntary prayer at public school extracurricular activities.

So anyone who fears that the language of this amendment would allow public schools to mandate the recitation of daily prayer, or that school administrators will become the authors of such prayers, need not worry. Have no fear. You need not lose a moment of sleep. This amendment does not supplant the clear proscription contained in the ''establishment'' clause of the First Amendment. My amendment is an effort to make clear that the words that the Constitution uses with regard to religious freedom do not mean that voluntary prayer is prohibited from our public schools or our public school activities.

As I shall one day state on this floor, all of the Presidents in their inaugural speeches, and/or in other documents and writings, have referred to the Deity, referred to the Almighty God, to Providence, all of them. I shall read from the words of each President's inauguration speech in which he refers, in one way or another, to God Almighty, the Great Judge of the world. We read those references in the Declaration of Independence and the Mayflower Compact, and all of the State constitutions, as I shall show upon another occasion. Then to say that the schoolchildren of the Nation cannot enter into voluntary prayer in the public schools, or during commencement exercises is absurd, absurd, utter nonsense.

In short, I hope to end the three-decades-long tyranny of the minority in denying to the majority of Americans the least vestige of the exercise of a liberty otherwise guaranteed by the Constitution—the right of believing children in our public school system to pray in accordance with their own consciences and in the privacy of their voluntary associations within our public schools. That right I sincerely believe the Constitution already grants, but I want to spell out in that same Constitution by way of an amendment that permission to pray voluntarily in our public schools does not constitute ''an establishment of a religion.''

To deny any schoolchild in this country the right to voluntarily pray in academics maintaining that that constitutes establishment of religion is pure nonsense.

With introduction, and I hope eventual adoption of my amendment, we can finally begin the 7-year long process to answer the peoples' concerns. We can begin to restore the spiritual compass that has been lost in the lives of so many of our citizens. And, most importantly, we can begin to return to our children the moral orientation they so desperately desire.

Tennyson said, ''More things are wrought by prayer than this world dreams of.''

So, Mr. President, I urge those who want to deliver on the wishes of the American people to join me in this effort.

I send to the desk my amendment, and ask that it be printed and referred appropriately to committee.

I yield the floor.

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

S.J. RES. 15

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled (two-thirds of each House concurring therein), That the following article is proposed as an amendment to the Constitution, which shall be valid to all intents and purposes as part of the Constitution when ratified by the legislatures of three-fourths of the several States within seven years after the date of its submission to the States for ratification:

''ARTICLE —

''SECTION 1. Nothing in this Constitution, or amendments thereto, shall be construed to prohibit or require voluntary prayer in public schools, or to prohibit or require voluntary prayer at public school extracurricular activities.''.

ADDITIONAL COSPONSORS

S. 6

At the request of Mr. SANTORUM, the names of the Senator from Montana [Mr. BURNS] and the Senator from Mississippi [Mr. COCHRAN] were added as cosponsors of S. 6, a bill to amend title 18, United States Code, to ban partial-birth abortions.

S. 11

At the request of Mr. DASCHLE, the name of the Senator from Nevada [Mr. BRYAN] was added as a cosponsor of S. 11, a bill to reform the Federal election campaign laws applicable to Congress.

S. 15

At the request of Mr. LEAHY, the name of the Senator from Iowa [Mr. HARKIN] was added as a cosponsor of S. 15, a bill to control youth violence, crime, and drug abuse, and for other purposes.

S. 18

At the request of Mr. LAUTENBERG, the name of the Senator from Connecticut [Mr. LIEBERMAN] was added as a cosponsor of S. 18, a bill to assist the States and local governments in assessing and remediating brownfield sites and encouraging environmental cleanup programs, and for other purposes.

S. 25

At the request of Mr. FEINGOLD, the name of the Senator from Iowa [Mr. HARKIN] was added as a cosponsor of S. 25, a bill to reform the financing of Federal elections.

S. 213

At the request of Mr. LEAHY, the name of the Senator from Massachusetts [Mr. KERRY] was added as a cosponsor of S. 213, a bill to amend section 223 of the Communications Act of 1934 to repeal amendments on obscene and harassing use of telecommunications facilities made by the Communications Decency Act of 1996 and to restore the provisions of such section on such use in effect before the enactment of the Communications Decency Act of 1996.

S. 253

At the request of Mr. LUGAR, the name of the Senator from Nebraska [Mr. HAGEL] was added as a cosponsor of S. 253, a bill to establish the negotiating objectives and fast track procedures for future trade agreements.

SENATE JOINT RESOLUTION 2

At the request of Mr. HOLLINGS, the name of the Senator from Iowa [Mr. HARKIN] was added as a cosponsor of Senate Joint Resolution 2, a joint resolution proposing an amendment to the Constitution of the United States relating to contributions and expenditures intended to affect elections.

AMENDMENTS SUBMITTED

THE BALANCED BUDGET CONSTITUTIONAL AMENDMENT

DURBIN AMENDMENT NO. 2

Mr. DURBIN proposed an amendment to the joint resolution (S.J. Res. 1) proposing an amendment to the Constitution of the United States to require a balanced budget; as follows:

On page 3, between lines 11 and 12, insert the following:

''The provisions of this article may be waived for any fiscal year in which there is an economic recession or serious economic emergency in the United States as declared by a joint resolution, adopted by a majority of the whole number of each House, which becomes law.''

NOTICES OF HEARINGS

COMMITTEE ON LABOR AND HUMAN RESOURCES

Mr. JEFFORDS. Mr. President, I would like to announce for information of the Senate and the public that a hearing of the Senate Committee on Labor and Human Resources will be held on Tuesday, February 11, 1997, 9:30 a.m., in SD–430 of the Senate Dirksen Building. The subject of the hearing is ''Health Insurance Portability and Accountability Act (HIPAA) Oversight.'' For further information, please call the committee, 202—224–5375.

COMMITTEE ON SMALL BUSINESS

Mr. BOND. Mr. President, I wish to announce that the Committee on Small Business will hold two hearings on February 12, 1997. The first hearing entitled ''Nomination of Aide Alvarez to be Administrator of the United States Small Business Administration'' will begin at 9:30 a.m. The second hearing entitled ''The President's Fiscal Year 1998 Budget Request for the United States Small Business Administration'' will begin at 10:30 a.m. Both hearings will be held, in room 428A of the Russell Senate Office Building.

For further information, please contact Louis Taylor at 224–5175.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON ARMED SERVICES

Ms. SNOWE. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet at 10 a.m. on Thursday, February 6, 1997, to receive testimony on the worldwide threat facing the United States.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Ms. SNOWE. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources be granted permission to meet during the session of the Senate on Thursday, February 6, 1997, for purposes of conducting a full committee hearing which is scheduled to begin at 9:30 a.m. the purpose of this hearing is to consider S. 210, to amend the Organic Act of Guam, the Revised Organic Act of the Virgin Islands, and the Compact of Free Association Act, and for other purposes.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON RULES AND ADMINISTRATION

Ms. SNOWE. Mr. President, I ask unanimous consent that the Committee on Rules and Administration be authorized to meet during the session of the Senate to receive testimony from committee chairman and ranking members on their committee funding resolutions for 1997 and 1998 on Tuesday, February 4, Wednesday, February 5, and Thursday, February 6, all at 9:30 a.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON SMALL BUSINESS

Ms. SNOWE. Mr. President, I ask unanimous consent that the Committee on Small Business be authorized to meet during the session of the Senate for a hearing entitled ''Women-Owned and Home-Based Businesses'' on Thursday, February 6, 1997, which will begin at 9:30 a.m. in room 428A of the Russell Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

SELECT COMMITTEE ON INTELLIGENCE

Ms. SNOWE. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on Thursday, February 6, 1997 at 2:30 p.m., to hold a closed business meeting.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADDITIONAL STATEMENTS

CONGRATULATIONS TO FATHER GEORGE SHALHOUB, ST. MARY'S ANTIOCHIAN ORTHODOX CHURCH, LIVONIA, MI

• Mr. ABRAHAM. Mr. President, I rise today to offer my sincere congratulations to Father George Shalhoub, pastor and spiritual leader of St. Mary's Antiochian Orthodox Church in Livonia, MI. Father George will be celebrating 25 years as pastor at St.