

“(5) DISPOSITION OF PENALTIES.—

“(A) AMOUNTS WITHHELD.—The Secretary or the Administrator shall transfer any amounts withheld under paragraph (3) to the Airport and Airway Trust Fund.

“(B) CIVIL PENALTIES.—With respect to any amount collected by a court in a civil action under paragraph (4), the court shall cause to be transferred to the Airport and Airway Trust Fund any amount collected as a civil penalty under paragraph (4).

“(6) REIMBURSEMENT.—The Secretary, acting through the Administrator, shall, as soon as practicable after any amount is collected from a sponsor under paragraph (4), cause to be transferred from the Airport and Airway Trust Fund to an airport affected by a diversion that is the subject of a civil action under paragraph (4), reimbursement in an amount equal to the amount that has been collected from the sponsors under paragraph (4) (including any amount of interest calculated under subsection (o)).

“(7) STATUTE OF LIMITATION.—No person may bring an action for the recovery of funds illegally diverted in violation of this section (as determined under subsections (b) and (l)) or section 47133 after the date that is 6 years after the date on which the diversion occurred.

“(o) INTEREST.—

“(1) IN GENERAL.—Except as provided in paragraph (2), the Secretary, acting through the Administrator, shall charge a minimum annual rate of interest on the amount of any illegal diversion of revenues referred to in subsection (n) in an amount equal to the average investment interest rate for tax and loan accounts of the Department of the Treasury (as determined by the Secretary of the Treasury) for the applicable calendar year, rounded to the nearest whole percentage point.

“(2) ADJUSTMENT OF INTEREST RATES.—If, with respect to a calendar quarter, the average investment interest rate for tax and loan accounts of the Department of the Treasury exceeds the average investment interest rate for the immediately preceding calendar quarter, rounded to the nearest whole percentage point, the Secretary of the Treasury may adjust the interest rate charged under this subsection in a manner that reflects that change.

“(3) ACCRUAL.—Interest assessed under subsection (n) shall accrue from the date of the actual illegal diversion of revenues referred to in subsection (n).

“(4) DETERMINATION OF APPLICABLE RATE.—The applicable rate of interest charged under paragraph (1) shall—

“(A) be the rate in effect on the date on which interest begins to accrue under paragraph (3); and

“(B) remain at a rate fixed under subparagraph (A) during the duration of the indebtedness.

“(p) PAYMENT BY AIRPORT TO SPONSOR.—If, in the course of an audit or other review conducted under this section, the Secretary or the Administrator determines that an airport owes a sponsor funds as a result of activities conducted by the sponsor or expenditures by the sponsor for the benefit of the airport, interest on that amount shall be determined in the same manner as provided in paragraphs (1) through (4) of subsection (o), except that the amount of any interest assessed under this subsection shall be determined from the date on which the Secretary or the Administrator makes that determination.”

(b) REVISION OF POLICIES AND PROCEDURES; DEADLINES.—

(1) IN GENERAL.—Not later than 90 days after the date of enactment of this Act, the Secretary, acting through the Administrator, shall revise the policies and proce-

dures established under section 47107(l) of title 49, United States Code, to take into account the amendments made to that section by this title.

(2) STATUTE OF LIMITATIONS.—Section 47107(l) is amended by adding at the end the following new paragraph:

“(5) STATUTE OF LIMITATIONS.—In addition to the statute of limitations specified in subsection (n)(7), with respect to project grants made under this chapter—

“(A) any request by a sponsor to any airport for additional payments for services conducted off of the airport or for reimbursement for capital contributions or operating expenses shall be filed not later than 6 years after the date on which the expense is incurred; and

“(B) any amount of airport funds that are used to make a payment or reimbursement as described in subparagraph (A) after the date specified in that subparagraph shall be considered to be an illegal diversion of airport revenues that is subject to subsection (n).”

SEC. 906. CONFORMING AMENDMENTS TO THE INTERNAL REVENUE CODE OF 1986.

Section 9502 of the Internal Revenue Code of 1986 is amended—

(1) by striking “and” at the end of subsection (b)(3);

(2) by striking the period at the end of subsection (b)(4) and inserting “, and”; and

(3) by adding at the end of subsection (b) the following:

“(5) amounts determined by the Secretary of the Treasury to be equivalent to the amounts of civil penalties collected under section 47107(n) of title 49, United States Code.”; and

(4) in subsection (d), by adding at the end of subsection (d) the following:

“(4) TRANSFERS FROM THE AIRPORT AND AIRWAY TRUST FUND ON ACCOUNT OF CERTAIN AIRPORTS.—The Secretary of the Treasury may transfer from the Airport and Airway Trust Fund to the Secretary of Transportation or the Administrator of the Federal Aviation Administration an amount to make a payment to an airport affected by a diversion that is the subject of an administrative action under paragraph (3) or a civil action under paragraph (4) of section 47107(n) of title 49, United States Code.”.

CHAFEE (AND BAUCUS) AMENDMENT NO. 5361

Mr. CHAFEE (for himself and Mr. BAUCUS) proposed an amendment to the bill, S. 1994, supra; as follows:

On page 78, line 12, strike “and aircraft engine emissions.”.

On page 78, line 19 through 24, strike all of paragraph (C) and insert the following:

(C) The Administrator, as the Administrator deems appropriate, shall provide for the participation of a representative of the Environmental Protection Agency on such advisory committees or associated working groups that advise the Administrator on matters related to the environmental effects of aircraft and aircraft engines.

WARNER AMENDMENTS NOS. 5362–5363

Mr. WARNER proposed two amendments to the bill, S. 1994, supra; as follows:

AMENDMENT NO. 5362

On page 8, strike lines 14 through 17 and insert the following:

paragraph (D); and

(B) by striking subparagraph (F) and inserting the following:

“(F) for debt financing of a terminal development project that, on an annual basis, has a total number of enplanements that is less than or equal to 0.05 percent of the total enplanements in the United States if—

“(i) construction for the project commenced during the period beginning on November 6, 1988, and ending on November 4, 1990; and

“(ii) the eligible agency certifies that no other eligible airport project that affects airport safety, security, or capacity will be deferred as a result of the debt financing.”.

AMENDMENT NO. 5363

On page 10, line 23, strike “(4)” and insert “(5)”.

On page 11, line 4, strike “and”;

On page 11, between lines 4 and 5, insert the following:

“(4) any increase in the number of passenger boardings in the preceding 12-month period at the airport at which the project will be carried out, with priority consideration to be given to projects at airports at which, during that period, the number of passenger boardings was 20 percent or greater than the number of such boardings during the 12-month period preceding that period; and”.

SIMON (AND JEFFORDS) AMENDMENT NO. 5364

Mr. SIMON (for himself and Mr. JEFFORDS) proposed an amendment to the bill, S. 1994, supra; as follows:

At the appropriate place in the bill, insert the following new section.

SEC. . PROVISIONS RELATING TO LIMITED SCOPE AUDIT.

(a) IN GENERAL.—Subparagraph (C) of section 103(a)(3) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1023(a)(3)(C)) is amended by adding at the end the following new clause:

“(ii) If an accountant is offering his opinion under this section in the case of an employee pension benefit plan, the accountant shall, to the extent consistent with generally accepted auditing standards, rely on the work of any independent public accountant of any bank or similar institution or insurance carrier regulated and supervised and subject to periodic investigation by a State or Federal agency that holds assets or processes transactions of the employee pension benefit plan.”

(b) CONFORMING AMENDMENTS.—

(1) Section 103(a)(3)(A) of such Act (29 U.S.C. 1023(a)(3)(A)) is amended by striking “subparagraph (C)” and inserting “subparagraph (C)(i)”.

(2) Section 103(a)(3)(C) of such Act (29 U.S.C. 1023(a)(3)(C)) is amended by striking “(C) The” and inserting “(C)(i) In the case of an employee benefit plan other than an employee pension benefit plan, the”.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply with respect to opinions required under section 103(a)(3)(A) of the Employee Retirement Income Security Act of 1974 for plan years beginning on or after January 1 of the calendar year following the date of the enactment of this Act.

THE COMPREHENSIVE METH- AMPHETAMINE CONTROL ACT OF 1996

HATCH (AND OTHERS) AMENDMENT NO. 5365

Mr. MCCAIN (for Mr. HATCH, for himself, Mr. BIDEN, Mrs. FEINSTEIN, Mr.

GRASSLEY, and Mr. WYDEN) proposed an amendment to the bill (S. 1965) to prevent the illegal manufacturing and use of methamphetamine; as follows:

On page 9, line 2, strike "or facilitate to manufacture" and insert "or to facilitate the manufacture of".

On page 10, line 8, strike "IMPORTATION REQUIREMENTS" and insert "IMPORTATION AND EXPORTATION REQUIREMENTS".

On page 11, line 9, strike the comma after "item".

On page 11, line 12, strike beginning with "For purposes" through line 21 and insert "For purposes of paragraph (11), there is a rebuttable presumption of reckless disregard at trial if the Attorney General notifies a firm in writing that a laboratory supply sold by the firm, or any other person or firm, has been used by a customer of the notified firm, or distributed further by that customer, for the unlawful production of controlled substances or listed chemicals a firm distributes and 2 weeks or more after the notification the notified firm distributes a laboratory supply to the customer.".

On page 14, line 24, strike "Iso safrole" and insert "Isosafrole".

On page 15, between lines 5 and 6, add the following:

SEC. 210. WITHDRAWAL OF REGULATIONS.

The final rule concerning removal of exemption for certain pseudoephedrine products marketed under the Federal Food, Drug, and Cosmetic Act published in the Federal Register of August 7, 1996 (61 FR 40981-40993) is null and void and of no force or effect.

On page 21, line 23, strike beginning with "except that" through "transaction" on page 22, line 6, and insert "except that the threshold for any sale of products containing pseudoephedrine or phenylpropanolamine products by retail distributors or by distributors required to submit reports by section 310(b)(3) of this title shall be 24 grams of pseudoephedrine or 24 grams of phenylpropanolamine in a single transaction".

On page 22, line 8, strike "abuse" and insert "offense".

On page 23, strike lines 1 through 14 and insert the following:

"(46)(A) The term 'retail distributor' means a grocery store, general merchandise store, drug store, or other entity or person whose activities as a distributor relating to pseudoephedrine or phenylpropanolamine products are limited almost exclusively to sales for personal use, both in number of sales and volume of sales, either directly to walk-in customers or in face-to-face transactions by direct sales.

On page 24, line 12, strike "The" and insert the following: "Pursuant to subsection (d)(1), the".

On page 25, line 17, strike "effective date of this section" and insert "date of enactment of this Act".

On page 26, line 1, after "being" insert "widely".

On page 26, line 4, strike "in bulk" and insert "for distribution or sale".

On page 27, line 15, strike "effective date of this section" and insert "date of enactment of this Act".

On page 28, between lines 19 and 20, insert the following and redesignate the following paragraphs accordingly:

(3) SIGNIFICANT NUMBER OF INSTANCES.—

(A) IN GENERAL.—For purposes of this subsection, isolated or infrequent use, or use in insubstantial quantities, of ordinary over-the-counter pseudoephedrine or phenylpropanolamine, as defined in section 102(45) of the Controlled Substances Act, as added by section 401(b) of this Act, and sold at the retail level for the illicit manufacture of methamphetamine or amphetamine may not

be used by the Attorney General as the basis for establishing the conditions under paragraph (1)(A)(ii) of this subsection, with respect to pseudoephedrine, and paragraph (2)(A)(ii) of this subsection, with respect to phenylpropanolamine.

(B) CONSIDERATIONS AND REPORT.—The Attorney General shall—

(i) in establishing a finding under paragraph (1)(A)(ii) or (2)(A)(ii) of this subsection, consult with the Secretary of Health and Human Services in order to consider the effects on public health that would occur from the establishment of new single transaction limits as provided in such paragraph; and

(ii) upon establishing a finding, transmit a report to the Committees on the Judiciary in both, respectively, the House of Representatives and the Senate in which the Attorney General will provide the factual basis for establishing the new single transaction limits.

On page 29, between lines 14 and 15, insert the following:

(F) COMBINATION EPHEDRINE PRODUCTS.—

(1) IN GENERAL.—For the purposes of this section, combination ephedrine products shall be treated the same as pseudoephedrine products, except that—

(A) a single transaction limit of 24 grams shall be effective as of the date of enactment of this Act and shall apply to sales of all combination ephedrine products, notwithstanding the form in which those products are packaged, made by retail distributors or distributors required to submit a report under section 310(b)(3) of the Controlled Substances Act (as added by section 402 of this Act);

(B) for regulated transactions for combination ephedrine products other than sales described in subparagraph (A), the transaction limit shall be—

(i) 1 kilogram of ephedrine base, effective on the date of enactment of this Act; or

(ii) a threshold other than the threshold described in clause (i), if established by the Attorney General not earlier than 1 year after the date of enactment of this Act; and

(C) the penalties provided in subsection (d)(1)(B) of this section shall take effect on the date of enactment of this Act for any individual or business that violates the single transaction limit of 24 grams for combination ephedrine products.

(2) DEFINITION.—For the purposes of this section, the term "combination ephedrine product" means a drug product containing ephedrine or its salts, optical isomers, or salts of optical isomers and therapeutically significant quantities of another active medicinal ingredient.

On page 29, line 15, strike "(f)" and insert "(g)".

On page 29, line 17, strike all beginning with "over-the-counter" through line 20 and insert "pseudoephedrine or phenylpropanolamine product prior to 12 months after the date of enactment of this Act, except that, on application of a manufacturer of a particular pseudoephedrine or phenylpropanolamine drug product, the Attorney General may, in her sole discretion, extend such effective date up to an additional six months. Notwithstanding any other provision of law, the decision of the Attorney General on such an application shall not be subject to judicial review."

On page 35, line 5, after "funds" insert "or appropriations".

KENNEDY (AND SIMON) AMENDMENT NO. 5366

Mr. MCCAIN (for Mr. KENNEDY, for himself and Mr. SIMON) proposed an amendment to the bill, S. 1965, supra; as follows:

Strike sections 301 and 302 and insert the following:

SEC. 301. PENALTY INCREASES FOR TRAFFICKING IN METHAMPHETAMINE.

(a) DIRECTIVE TO THE UNITED STATES SENTENCING COMMISSION.—Pursuant to its authority under section 994 of title 28, United States Code, the United States Sentencing Commission shall review and amend its guidelines and its policy statements to provide for increased penalties for unlawful manufacturing, importing, exporting, and trafficking of methamphetamine, and other similar offenses, including unlawful possession with intent to commit any of those offenses, and attempt and conspiracy to commit any of those offenses. The Commission shall submit to Congress explanations therefor and any additional policy recommendations for combating methamphetamine offenses.

(b) IN GENERAL.—In carrying out this section, the Commission shall ensure that the sentencing guidelines and policy statements for offenders convicted of offenses described in subsection (a) and any recommendations submitted under such subsection reflect the heinous nature of such offenses, the need for aggressive law enforcement action to fight such offenses, and the extreme dangers associated with unlawful activity involving methamphetamine, including—

(1) the rapidly growing incidence of methamphetamine abuse and the threat to public safety such abuse poses;

(2) the high risk of methamphetamine addiction;

(3) the increased risk of violence associated with methamphetamine trafficking and abuse; and

(4) the recent increase in the illegal importation of methamphetamine and precursor chemicals.

SEC. 302. ENHANCED PENALTIES FOR OFFENSES INVOLVING CERTAIN LISTED CHEMICALS.

(a) CONTROLLED SUBSTANCES ACT.—Section 401(d) of the Controlled Substances Act (21 U.S.C. 841(d)) is amended by striking "not more than 10 years," and inserting "not more than 20 years in the case of a violation of paragraph (1) or (2) involving a list I chemical or not more than 10 years in the case of a violation of this subsection other than a violation of paragraph (1) or (2) involving a list I chemical."

(b) CONTROLLED SUBSTANCE IMPORT AND EXPORT ACT.—Section 1010(d) of the Controlled Substance Import and Export Act (21 U.S.C. 960(d)) is amended by striking "not more than 10 years," and inserting "not more than 20 years in the case of a violation of paragraph (1) or (3) involving a list I chemical or not more than 10 years in the case of a violation of this subsection other than a violation of paragraph (1) or (3) involving a list I chemical."

(c) SENTENCING GUIDELINES.—

(1) IN GENERAL.—The United States Sentencing Commission shall, in accordance with the procedures set forth in section 21(a) of the Sentencing Act of 1987, as though the authority of that section had not expired, amend the sentencing guidelines to increase by at least two levels the offense level for offenses involving list I chemicals under—

(A) section 401(d) (1) and (2) of the Controlled Substances Act (21 U.S.C. 841(d) (1) and (2)); and

(B) section 1010(d) (1) and (3) of the Controlled Substance Import and Export Act (21 U.S.C. 960(d) (1) and (3)).

(2) REQUIREMENT.—In carrying out this subsection, the Commission shall ensure that the offense levels for offenses referred to in paragraph (1) are calculated proportionally on the basis of the quantity of controlled substance that reasonably could have

been manufactured in a clandestine setting using the quantity of the list I chemical possessed, distributed, imported, or exported.

On page 2, strike out the items relating to sections 301 and 302 and insert the following:
Sec. 301. Penalty increases for trafficking in methamphetamine.

Sec. 302. Enhanced penalties for offenses involving certain listed chemicals.

THE THRIFT SAVINGS INVESTMENT FUNDS ACT OF 1996

KERREY (AND PRYOR)
AMENDMENT NO. 5367

Mr. MCCAIN (for Mr. KERREY, for himself and Mr. PRYOR) proposed an amendment to the bill (S. 1080) to amend chapter 84 of title 5, United States Code, to provide additional investment funds for the Thrift Savings Plan; as follows:

On page 15, line 2 of the bill, change the “;” to an “,” and add the following: “and by adding at the end of the paragraph the following sentence: ‘Before a loan is issued, the Executive Director shall provide in writing the employee or Member with appropriate information concerning the cost of the loan relative to other sources of financing, as well as the lifetime cost of the loan, including the difference in interest rates between the funds offered by the Thrift Savings Fund, and any other effect of such loan on the employee’s or Members’s final account balance.’”

NOTICE OF HEARING

COMMITTEE ON ENERGY AND NATURAL RESOURCES, SUBCOMMITTEE ON PARKS, HISTORIC PRESERVATION, AND RECREATION

Mr. CAMPBELL. Mr. President, I would like to announce for the public that the hearing scheduled before the Subcommittee on Parks, Historic Preservation, and Recreation of the Committee on Energy and Natural Resources to review S. 1539, a bill to establish the Los Caminos del Rio National Heritage Area along the Lower Rio Grande Texas-Mexico border; S. 1583, a bill to establish the Lower Eastern Shore American Heritage Area; S. 1785, a bill to establish in the Department of the Interior the Essex National Heritage Commission; and S. 1808, a bill to amend the Act of October 15, 1966 (80 Stat. 915), as amended, establishing a program for the preservation of additional historic property throughout the Nation on Thursday, September 19, 1996 at 9:30 a.m. in room SD-366 of the Dirksen Senate Office Building in Washington, DC has been canceled.

For further information, please contact Jim O’Toole of the subcommittee staff at (202) 224-5161.

SUBCOMMITTEE ON OVERSIGHT AND INVESTIGATIONS

Mr. THOMAS. Mr. President, I would like to announce for the information of the Senate and the public that an oversight hearing has been scheduled before the Subcommittee on Oversight and Investigations, Energy and Natural Resources Committee, to examine the

NEPA decision making process in the federal land management agencies, including the role of the Council on Environmental Quality.

The hearing will take place Thursday, September 26, 1996 at 2:00 p.m. in Room SD-366 of the Dirksen Senate Office Building in Washington, D.C.

Those wishing to testify or who wish to submit written statements should write to the Committee on Energy and Natural Resources, U.S. Senate, Washington, D.C. 20510. For further information, please call Kelly Johnson or Jo Meuse at (202) 224-6730.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. GORTON. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be allowed to meet twice during the Tuesday, September 17, 1996 session of the Senate for the purpose of conducting a hearing on airport security and a hearing on computational biology.

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

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. GORTON. 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 Tuesday, September 17, 1996, for purposes of conducting a Full Committee hearing which is scheduled to begin at 9:30 a.m. The purpose of this oversight hearing is to receive testimony on the issue of U.S. Climate Change Policy.

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

COMMITTEE ON GOVERNMENTAL AFFAIRS

Mr. GORTON. Mr. President, I ask unanimous consent on behalf of the Governmental Affairs Committee to meet on Tuesday, September 17, 1996, at 9:15 a.m., for a hearing on S. 1794, Congressional, Presidential, and Judiciary Pension Forfeiture Act.

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

COMMITTEE ON INDIAN AFFAIRS

Mr. GORTON. Mr. President, I ask unanimous consent that the Committee on Indian Affairs be authorized to meet during the session of the Senate on Tuesday, September 17, 1996 at 9:30 a.m. in room 485 of the Russell Senate Office Building to conduct a hearing on economic development on Indian reservations.

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

COMMITTEE ON LABOR AND HUMAN RESOURCES

Mr. GORTON. Mr. President, I ask unanimous consent that the Committee on Labor and Human Resources be authorized to meet for a hearing on The National Labor Relations Board, during the session of the Senate on Tuesday, September 17, 1996, at 10:00.

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

COMMITTEE ON VETERANS’ AFFAIRS

Mr. GORTON. The Committee on Veterans’ Affairs would like to request unanimous consent to hold a joint hearing with the House Committee on Veterans’ Affairs to receive the legislative presentations of the American Legion.

The hearing will be held on September 17, 1996, at 9:30 a.m., in room 334 of the Cannon House Office Building.

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

ADDITIONAL STATEMENTS

TRIBUTE TO LOWELL MOHLER

• Mr. BOND. Mr. President, I rise today to pay tribute to Lowell Mohler of Missouri, who is retiring after many decades of service to the Missouri Farm Bureau.

Lord Chesterfield, an English statesman in the 18th century advised citizens to “Be wiser than other people if you can, but do not tell them so.” This advice has been practiced regularly by 20th century Missourian Lowell Mohler, from the halls of the University of Missouri to the State and Nation’s Capitol, where he has advised farmers, professors, Governors, and Senators. Though Lowell’s tenure at Farm Bureau was slightly more brief than the 20th century, his service on behalf of rural Americans has been immense. His approach is always warm, his counsel wise, his strategy practical, and his word true.

Lowell Mohler is truly representative of the Missouri Farm Bureau, an organization of members who are characterized by common sense, work hard, value initiative and character, and who love agriculture, family, God, and country—not necessarily in that order. He, like they, live by a more stringent self-imposed code of right and wrong which is an example for all to observe.

Lowell also has the typical non-modern and unrealistic view of retirement. He said he is going to retire to spend more time extolling the virtues of the University of Missouri and to farm. He reminds me of the Missouri farmer who came out of retirement to farm and was asked if he was going to work full time. “No, just 6 days a week,” the elderly farmer replied.

I hope that Lowell will now have some well-deserved time to spend with his terrific family, of which I know he is very proud. He and his wife, JoAnn, can grow asparagus and hornets and maybe catch some fish at their farm. They can invite large crowds of friends to backyard barbecues and leave the cleanup duties to the coyotes which come up from the river near his house and clean perfectly the remains.

Only Lowell could make the availability of coyotes useful. It must relate to his affinity with members of the media and politicians that he can appreciate coyotes. If he is so inclined, he