

“(g) PROHIBITION ON CERTAIN REHABILITATION ASSISTANCE.—The Secretary may not approve a rehabilitation request if the need for rehabilitation of the structure is the result of a lack of adequate maintenance by the party responsible for the maintenance.

“(h) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Secretary to provide financial and technical assistance under this section—

- “(1) \$5,000,000 for fiscal year 2001;
- “(2) \$10,000,000 for fiscal year 2002;
- “(3) \$15,000,000 for fiscal year 2003;
- “(4) \$25,000,000 for fiscal year 2004; and
- “(5) \$35,000,000 for fiscal year 2005.

“(i) ASSESSMENT OF REHABILITATION NEEDS.—The Secretary, in concert with the responsible State agencies, shall conduct an assessment of the rehabilitation needs of covered water resource projects in all States in which such projects are located.

“(j) RECORDKEEPING AND REPORTS.—

“(1) SECRETARY.—The Secretary shall maintain a data base to track the benefits derived from rehabilitation projects supported under this section and the expenditures made under this section. On the basis of such data and the reports submitted under paragraph (2), the Secretary shall prepare and submit to Congress an annual report providing the status of activities conducted under this section.

“(2) GRANT RECIPIENTS.—Not later than 90 days after the completion of a specific rehabilitation project for which assistance is provided under this section, the local organization that received the assistance shall make a report to the Secretary giving the status of any rehabilitation effort undertaken using financial assistance provided under this section.”

SEC. 314. RELEASE OF REVERSIONARY INTEREST AND CONVEYANCE OF MINERAL RIGHTS IN FORMER FEDERAL LAND IN SUMTER COUNTY, SOUTH CAROLINA.

(a) FINDINGS.—Congress finds the following:

(1) The hiking trail known as the Palmetto Trail traverses the Manchester State Forest in Sumter County, South Carolina, which is owned by the South Carolina State Commission of Forestry on behalf of the State of South Carolina.

(2) The Commission seeks to widen the Palmetto Trail by acquiring a corridor of land along the northeastern border of the trail from the Anne Marie Carton Boardman Trust in exchange for a tract of former Federal land now owned by the Commission.

(3) At the time of the conveyance of the former Federal land to the Commission in 1955, the United States retained a reversionary interest in the land, which now prevents the land exchange from being completed.

(b) RELEASE OF REVERSIONARY INTEREST.—

(1) RELEASE REQUIRED.—In the case of the tract of land identified as Tract 3 on the map numbered 161-DI and further described in paragraph (2), the Secretary of Agriculture shall release the reversionary interest of the United States in the land that—

(A) requires that the land be used for public purposes; and

(B) is contained in the deed conveying the land from the United States to the South Carolina State Commission of Forestry, dated June 28, 1955, and recorded in Deed Drawer No. 6 of the Clerk of Court for Sumter County, South Carolina.

(2) MAP OF TRACT 3.—Tract 3 is generally depicted on the map numbered 161-DI, entitled “Boundary Survey for South Carolina Forestry Commission”, dated August 1998, and filed, together with a legal description of the tract, with the South Carolina State Commission of Forestry.

(3) CONSIDERATION.—As consideration for the release of the reversionary interest under paragraph (1), the State of South Carolina shall transfer to the United States a vested future interest, similar to the restriction described in

paragraph (1)(A), in the tract of land identified as Parcel G on the map numbered 225-HI, entitled “South Carolina Forestry Commission Boardman Land Exchange”, dated June 9, 1999, and filed, together with a legal description of the tract, with the South Carolina State Commission of Forestry.

(c) EXCHANGE OF MINERAL RIGHTS.—

(1) EXCHANGE REQUIRED.—Subject to any valid existing rights of third parties, the Secretary of the Interior shall convey to the South Carolina State Commission of Forestry on behalf of the State of South Carolina all of the undivided mineral rights of the United States in the Tract 3 identified in subsection (b)(1) in exchange for mineral rights of equal value held by the State of South Carolina in the Parcel G identified in subsection (b)(3) as well as in Parcels E and F owned by the State and also depicted on the map referred to in subsection (b)(3).

(2) DETERMINATION OF MINERAL CHARACTER.—Not later than 90 days after the date of the enactment of this Act, the Secretary of the Interior shall determine—

(A) the mineral character of Tract 3 and Parcels E, F, and G; and

(B) the fair market value of the mineral interests.

SEC. 315. TECHNICAL CORRECTION REGARDING RESTORATION OF ELIGIBILITY FOR CROP LOSS ASSISTANCE.

Section 259 of the Agricultural Risk Protection Act of 2000 (Public Law 106-224; 114 Stat. 426; 7 U.S.C. 1421 note) is amended by adding at the end the following:

“(c) COMMODITY CREDIT CORPORATION.—The Secretary shall use the funds, facilities, and authorities of the Commodity Credit Corporation to carry out this section.”

SEC. 316. PORK CHECKOFF REFERENDUM.

Notwithstanding section 1620(c)(3)(B)(iv) of the Pork Promotion, Research, and Consumer Information Act of 1985 (7 U.S.C. 4809(c)(3)(B)(iv)), the Secretary shall use funds of the Commodity Credit Corporation to pay for all expenses associated with the pork checkoff referendum ordered by the Secretary on February 25, 2000.

Mr. SMITH of New Hampshire. Mr. President, I ask unanimous consent that the Senate agree to the amendment of the House.

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

REAUTHORIZING AUTHORITY FOR THE SECRETARY OF AGRICULTURE TO PAY COSTS OF REMOVING COMMODITIES POSING HEALTH AND SAFETY RISKS

Mr. SMITH of New Hampshire. Mr. President, I ask unanimous consent that the Senate now proceed to the immediate consideration of S. 3230, introduced earlier today by Senators LUGAR and HARKIN.

The PRESIDING OFFICER. The clerk will state the bill by title.

The assistant legislative clerk read as follows:

A bill (S. 3230) to reauthorize the authority for the Secretary of Agriculture to pay costs associated with removal of commodities that pose a health or safety risk and to make adjustments to certain child nutrition programs.

There being no objection, the Senate proceeded to consider the bill.

GRAIN STANDARDS REAUTHORIZATION

Mr. HARKIN. The Grain Standards Act contains the Small Watershed Re-

habilitation Amendments of 2000, legislation that enables the Natural Resources Conservation Service (NRCS) to provide cost-share money for local sponsors to rehabilitate dams that were built with funding from the U.S. Department of Agriculture. Before approving a project, NRCS will examine all options, including correcting damage or deterioration of the structure, upgrading the structural measure to meet changed land use conditions or safety needs within the watershed, and decommissioning the structure. Let me ask you, Mr. Chairman, is it your understanding that even though NRCS must fully evaluate every reasonable option, if a local sponsor does not wish to choose decommissioning the local sponsor can reject that option if NRCS presents it?

Mr. LUGAR. Yes. As with any of options for rehabilitation, the local sponsor can reject NRCS' offer to provide cost-share for a particular project. also, NRCS is never required to fund a project that it believes is not justified.

Mr. HARKIN. Mr. President, I recognize that this Act is silent on the requirements of a formal cost-benefit analysis. I would like to ask you, Mr. Chairman, if it is your understanding that each project should be completed using the most-effective option possible that also has the fewest environmental costs, including the options of voluntary buy-outs of at-risk structures, wetland restoration, dam decommissioning, and dam removal?

Mr. LUGAR. Yes. Although the bill is silent on cost-benefit analysis, it is expected that NRCS will follow its normal procedures including following the “Economic and Environmental Principles and Guidelines for Water and Related Land Resources Implementation Studies.” As part of being fiscally and environmentally responsible, NRCS should look for the most cost-effective solution with the best feasible environmental results. Further, NRCS should not fund a project if the local sponsor insists on a form of rehabilitation that does not meet these standards.

Mr. HARKIN. Under this Act, the Secretary will establish a system of approving rehabilitation requests. As part of this process, Mr. Chairman, is it correct that NRCS should give equal priority to local sponsors projects regardless of the form of rehabilitation requested?

Mr. LUGAR. Yes. The system NRCS establishes for approving a rehabilitation project should not rank projects based on the local sponsor's choice of rehabilitation, as defined in the bill.

Mr. HARKIN. The Senate has passed a substantially similar version of the Act. When the bill was reported by the Senate Agriculture Committee our report embodied the Committee's understanding of how the provisions of the bill should be carried out. Mr. Chairman, does that report still embody our understanding of the interpretation of the Small Watershed Rehabilitation Amendments of 2000?

Mr. LUGAR. Yes. Our report language should be used as legislative history of interpreting and applying this important piece of legislation.

Mr. SMITH of New Hampshire. Mr. President, I ask unanimous consent that the bill be read the third time and passed, the motion to reconsider be laid upon the table, and that any statements related to this bill be printed in the RECORD.

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

The bill (S. 3230) was read the third time and passed, as follows:

S. 3230

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

SECTION 1. PAYMENT OF COSTS ASSOCIATED WITH REMOVAL OF COMMODITIES THAT POSE A HEALTH OR SAFETY RISK.

Section 15(e) of the Commodity Distribution Reform Act and WIC Amendments of 1987 (7 U.S.C. 612c note; Public Law 100-237) is amended by striking "2000" and inserting "2003".

SEC. 2. SPECIAL SUPPLEMENTAL NUTRITION PROGRAM FOR WOMEN, INFANTS, AND CHILDREN.

(a) COST-OF-LIVING ALLOWANCES FOR MEMBERS OF UNIFORMED SERVICES.—Section 17(d)(2)(B)(ii) of the Child Nutrition Act of 1966 (42 U.S.C. 1786(d)(2)(B)(ii)) is amended by striking "continental" and inserting "contiguous States of the".

(b) DEMONSTRATION PROJECT.—Effective October 1, 2000, section 17(r)(1) of the Child Nutrition Act of 1966 (42 U.S.C. 1786(r)(1)) is amended by striking "at least 20 local agencies" and inserting "not more than 20 local agencies".

SEC. 3. CHILD AND ADULT CARE FOOD PROGRAM.

(a) TECHNICAL AMENDMENTS.—Section 17 of the Richard B. Russell National School Lunch Act (42 U.S.C. 1766) is amended—

(1) by striking the section heading and all that follows through "SEC. 17." and inserting the following:

"SEC. 17. CHILD AND ADULT CARE FOOD PROGRAM.;

and

(2) in subsection (a)(6)(C)(ii), by striking "and" at the end.

(b) EXCEPTIONS TO HEARING REQUIREMENTS.—Section 17(d)(5)(D) of the Richard B. Russell National School Lunch Act (42 U.S.C. 1766(d)(5)(D)) is amended—

(1) by striking "(D) HEARING.—An institution" and inserting the following:

"(D) HEARING.—

"(i) IN GENERAL.—Except as provided in clause (ii), an institution"; and

(2) by adding at the end the following:

"(ii) EXCEPTION FOR FALSE OR FRAUDULENT CLAIMS.—

"(I) IN GENERAL.—If a State agency determines that an institution has knowingly submitted a false or fraudulent claim for reimbursement, the State agency may suspend the participation of the institution in the program in accordance with this clause.

"(II) REQUIREMENT FOR REVIEW.—Prior to any determination to suspend participation of an institution under subclause (I), the State agency shall provide for an independent review of the proposed suspension in accordance with subclause (III).

"(III) REVIEW PROCEDURE.—The review shall—

"(aa) be conducted by an independent and impartial official other than, and not accountable to, any person involved in the determination to suspend the institution;

"(bb) provide the State agency and the institution the right to submit written documentation relating to the suspension, including State agency documentation of the alleged false or fraudulent claim for reimbursement and the response of the institution to the documentation;

"(cc) require the reviewing official to determine, based on the review, whether the State agency has established, based on a preponderance of the evidence, that the institution has knowingly submitted a false or fraudulent claim for reimbursement;

"(dd) require the suspension to be in effect for not more than 120 calendar days after the institution has received notification of a determination of suspension in accordance with this clause; and

"(ee) require the State agency during the suspension to ensure that payments continue to be made to sponsored centers and family and group day care homes meeting the requirements of the program.

"(IV) HEARING.—A State agency shall provide an institution that has been suspended from participation in the program under this clause an opportunity for a fair hearing on the suspension conducted in accordance with subsection (e)(1)."

(c) STATEWIDE DEMONSTRATION PROJECTS INVOLVING PRIVATE FOR-PROFIT ORGANIZATIONS PROVIDING NONRESIDENTIAL DAY CARE SERVICES.—Section 17(p)(3)(C) of the Richard B. Russell National School Lunch Act (42 U.S.C. 1766(p)(3)(C)) is amended—

(1) in clause (iii), by striking "all families" and inserting "all low-income families"; and

(2) in clause (iv), by striking "made" and inserting "reported for fiscal year 1998".

CONSOLIDATED FARM AND RURAL DEVELOPMENT ACT AMENDMENTS

Mr. SMITH of New Hampshire. Mr. President, I ask unanimous consent that the Senate now proceed to the consideration of Calendar No. 819, S. 2811.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

A bill (S. 2811) to amend the Consolidated Farm and Rural Development Act to make communities with high levels of out-migration or population loss eligible for community facilities grants.

There being no objection, the Senate proceeded to consider the bill.

Mr. SMITH of New Hampshire. Mr. President, I ask unanimous consent that the bill be read the third time and passed, the motion to reconsider be laid upon the table, and that any statements relating to the bill be printed in the RECORD.

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

The bill (S. 2811) was read the third time and passed, as follows:

S. 2811

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

SECTION 1. COMMUNITY FACILITIES GRANT PROGRAM FOR RURAL COMMUNITIES WITH HIGH LEVELS OF OUT-MIGRATION OR LOSS OF POPULATION.

(a) IN GENERAL.—Section 306(a) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1926(a)) is amended by adding at the end the following:

"(20) COMMUNITY FACILITIES GRANT PROGRAM FOR RURAL COMMUNITIES WITH HIGH LEV-

ELS OF OUT-MIGRATION OR LOSS OF POPULATION.—

"(A) GRANT AUTHORITY.—The Secretary may make grants to associations, units of general local government, nonprofit corporations, and Indian tribes (as defined in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b)) in a State to provide the Federal share of the cost of developing specific essential community facilities in any geographic area—

"(i) that is represented by—

"(I) any political subdivision of a State;

"(II) an Indian tribe on a Federal or State reservation; or

"(III) other federally recognized Indian tribal group;

"(ii) that is located in a rural area (as defined in section 381A);

"(iii) with respect to which, during the most recent 5-year period, the net out-migration of inhabitants, or other population loss, from the area equals or exceeds 5 percent of the population of the area; and

"(iv) that has a median household income that is less than the nonmetropolitan median household income of the United States.

"(B) FEDERAL SHARE.—Paragraph (19)(B) shall apply to a grant made under this paragraph.

"(C) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this paragraph \$50,000,000 for fiscal year 2001 and such sums as are necessary for each subsequent fiscal year, of which not more than 5 percent of the amount made available for a fiscal year shall be available for community planning and implementation."

(b) CONFORMING AMENDMENT.—Section 381E(d)(1)(B) of the Consolidated Farm and Rural Development Act (7 U.S.C. 2009d(d)(1)(B)) is amended by striking "section 306(a)(19)" and inserting "paragraph (19) or (20) of section 306(a)".

EXECUTIVE SESSION

EXECUTIVE CALENDAR

Mr. SMITH of New Hampshire. Mr. President, in executive session, I ask unanimous consent that the following nominations be discharged from the Finance Committee and, further, the Senate proceed to their consideration en bloc: Joel Gerber and Stephen Swift to be Judges of the U.S. Tax Court; Thomas Saving and John Palmer to be Members of the Board of Trustees of the Federal Old-Age and Survivors Insurance Trust Fund and the Federal Disability Insurance Trust Fund, to be Members of the Board of Trustees of the Federal Supplementary Medical Insurance Trust Fund, and to be Members of the Board of Trustees of the Federal Hospital Insurance Trust Fund; Gerald Shea and Mark Weinberger to be members of the Social Security Advisory Board, and Troy Cribb to be Assistant Secretary of Commerce.

I further ask consent that the Senate proceed to the consideration of the following nominations on the calendar: Nos. 693, 694, 756, 757, 758, and all nominations on the Secretary's desk in the Army and Coast Guard.

I further ask unanimous consent that the nominations be confirmed, the motions to reconsider be laid upon the