

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

table, any statements relating to the nominations be printed in the RECORD, the President be immediately notified of the Senate's action, and the Senate then return to legislative session.

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

The nominations were considered and confirmed en bloc, as follows:

Joel Gerber, of Virginia, to be a Judge of the United States Tax Court for a term of fifteen years after he takes office.

Stephen J. Swift, of Virginia, to be a Judge of the United States Tax Court for a term of fifteen years after he takes office.

Thomas R. Saving, of Texas, to be a Member of the Board of Trustees of the Federal Old-Age and Survivors Insurance Trust Fund and the Federal Disability Insurance Trust Fund for a term of four years.

Thomas R. Saving, of Texas, to be a Member of the Board of Trustees of the Federal Supplementary Medical Insurance Trust Fund for a term of four years.

Thomas R. Saving, of Texas, to be a Member of the Board of Trustees of the Federal Hospital Insurance Trust Fund for a term of four years.

John L. Palmer, of New York, to be a Member of the Board of Trustees of the Federal Old-Age and Survivors Insurance Trust Fund and the Federal Disability Insurance Trust Fund for a term of four years.

John L. Palmer, of New York, to be a Member of the Board of Trustees of the Federal Supplementary Medical Insurance Trust Fund for a term of four years.

John L. Palmer, of New York, to be a Member of the Board of Trustees of the Federal Hospital Insurance Trust Fund for a term of four years.

Gerald M. Shea, of the District of Columbia, to be a Member of the Social Security Advisory Board for a term expiring September 30, 2004.

Mark A. Weinberger, of Maryland, to be a Member of the Social Security Advisory Board for a term expiring September 30, 2006.

Troy Hamilton Cribb, of the District of Columbia, to be an Assistant Secretary of Commerce, vice Robert S. LaRusso.

COAST GUARD

The following named officers for appointment in the United States Coast Guard to the grade indicated under title 14, U.S.C., section 271:

To be rear admiral

Rear Adm. (lh) Robert C. Olsen, Jr., 0000.

Rear Adm. (lh) Robert D. Sirois, 0000.

Rear Adm. (lh) Patrick M. Stillman, 0000.

ARMY

The following Army National Guard of the United States officer for appointment in the Reserve of the Army to the grade indicated under title 10, U.S.C., Section 12203:

To be major general

Brig. Gen. Alexander H. Burgin, 0000.

The following named officer for appointment in the United States Army to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be lieutenant general

Maj. Gen. Joseph K. Kellogg, Jr., 0000.

The following named officer for appointment in the United States Army to the grade indicated under title 10, U.S.C., section 624:

To be brigadier general

Col. Jeffrey J. Schloesser, 0000.

NOMINATIONS PLACED ON THE SECRETARY'S

DESK

ARMY

PN 1348 Army nominations (5) beginning Kirk M. Krist, and ending Robert H. Wil-

liams, which nominations were received by the Senate and appeared in the Congressional Record of October 12, 2000

PN 1349 Army nominations (7) beginning James W. Lenoir, and ending Charles L. Yriarte, which nominations were received by the Senate and appeared in the Congressional Record of October 12, 2000

PN 1350 Army nominations (9) beginning Timothy L. Bartholomew, and ending Robert E. Welch, Jr., which nominations were received by the Senate and appeared in the Congressional Record of October 12, 2000

PN 1351 Army nomination of Angelo Riddick, which was received by the Senate and appeared in the Congressional Record of October 12, 2000

PN 1352 Army nomination of James White, which was received by the Senate and appeared in the Congressional Record of October 12, 2000

PN 1353 Army nominations (2) beginning Joseph C. Carter, and ending Raymond M. Murphy, which nominations were received by the Senate and appeared in the Congressional Record of October 17, 2000

COAST GUARD

PN 1219 Coast Guard nominations (2) beginning Michael J. Corl, and ending Gregory J. Hall, which nominations were received by the Senate and appeared in the Congressional Record of September 7, 2000

PN 1241 Coast Guard nominations (2) beginning Mark B. Case, and ending Robert C. Ayer, which nominations were received by the Senate and appeared in the Congressional Record of September 12, 2000

PN 1242 Coast Guard nominations (64) beginning Kevin G. Ross, and ending Charles W. Ray, which nominations were received by the Senate and appeared in the Congressional Record of September 12, 2000

PN 1368 Coast Guard nominations (41) beginning LT. CDR. Janet B. Gammon, and ending LT. CDR. Thomas C. Thomas, which nominations were received by the Senate and appeared in the Congressional Record of October 19, 2000

PN 1369 Coast Guard nominations (20) beginning CDR. Mark S. Telich, and ending CDR. Deborah A. Dombek, which nominations were received by the Senate and appeared in the Congressional Record of October 19, 2000

LEGISLATIVE SESSION

The PRESIDING OFFICER. The Senate will now return to legislative session.

ORDERS FOR TOMORROW

Mr. SMITH of New Hampshire. Mr. President, in closing, on behalf of the leader, I ask unanimous consent that when the Senate completes its business today, it recess until the hour of 11 a.m. on Wednesday, October 25. I further ask unanimous consent that on Wednesday, immediately following the prayer, the Journal of proceedings be approved to date, the time for the two leaders be reserved for their use later in the day, and the Senate then proceed to a period of morning business until 12:30 p.m., with Senators speaking for up to 5 minutes, with the following exceptions: Senator DURBIN, or his designee, from 11 a.m. to 11:45 a.m.; Senator THOMAS, or his designee, from 11:45 to 12:30 p.m.

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

Mr. SMITH of New Hampshire. I further ask unanimous consent that at the hour of 12:30 p.m. the Senate stand in recess until the hour of 2:15 p.m. in order for the weekly party caucuses to meet.

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

PROGRAM

Mr. SMITH of New Hampshire. Mr. President, for the information of all Senators, the Senate will be in a period of morning business on Wednesday until 12:30 p.m. Following morning business, the Senate will recess until 2:15 p.m. for the weekly party conferences.

The House is expected to consider the foreign operations conference report during tomorrow morning's session, and it is hoped that the Senate can begin consideration of that conference report upon reconvening at 2:15 p.m.

The Senate is also expected to have the final votes on S. 2508, the Colorado Ute Settlement Act Amendments of 2000, as well as a vote on the continuing resolution.

Therefore, Senators can expect votes during tomorrow afternoon's session.

RECESS UNTIL 11 A.M. TOMORROW

Mr. SMITH of New Hampshire. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that the Senate stand in recess under the previous order.

There being no objection, the Senate, at 6:06 p.m., recessed until Wednesday, October 25, 2000, at 11 a.m.

CONFIRMATIONS

Executive nominations confirmed by the Senate October 24, 2000:

DEPARTMENT OF COMMERCE

TROY HAMILTON CRIBB, OF THE DISTRICT OF COLUMBIA, TO BE AN ASSISTANT SECRETARY OF COMMERCE.

FEDERAL INSURANCE TRUST FUNDS

JOHN L. PALMER, OF NEW YORK, TO BE A MEMBER OF THE BOARD OF TRUSTEES OF THE FEDERAL OLD-AGE AND SURVIVORS INSURANCE TRUST FUND AND THE FEDERAL DISABILITY INSURANCE TRUST FUND FOR A TERM OF FOUR YEARS.

THOMAS R. SAVING, OF TEXAS, TO BE A MEMBER OF THE BOARD OF TRUSTEES OF THE FEDERAL OLD-AGE AND SURVIVORS INSURANCE TRUST FUND AND FEDERAL DISABILITY INSURANCE TRUST FUND FOR A TERM OF FOUR YEARS.

JOHN L. PALMER, OF NEW YORK, TO BE A MEMBER OF THE BOARD OF TRUSTEES OF THE FEDERAL SUPPLEMENTARY MEDICAL INSURANCE TRUST FUND FOR A TERM OF FOUR YEARS.

THOMAS R. SAVING, OF TEXAS, TO BE A MEMBER OF THE BOARD OF TRUSTEES OF THE FEDERAL SUPPLEMENTARY MEDICAL INSURANCE TRUST FUND FOR A TERM OF FOUR YEARS.

JOHN L. PALMER, OF NEW YORK, TO BE A MEMBER OF THE BOARD OF TRUSTEES OF THE FEDERAL HOSPITAL INSURANCE TRUST FUND FOR A TERM OF FOUR YEARS.

THOMAS R. SAVING, OF TEXAS, TO BE A MEMBER OF THE BOARD OF TRUSTEES OF THE FEDERAL HOSPITAL INSURANCE TRUST FUND FOR A TERM OF FOUR YEARS.

SOCIAL SECURITY ADMINISTRATION

GERALD M. SHEA, OF THE DISTRICT OF COLUMBIA, TO BE A MEMBER OF THE SOCIAL SECURITY ADVISORY BOARD FOR A TERM EXPIRING SEPTEMBER 30, 2004.

SOCIAL SECURITY ADVISORY BOARD

MARK A. WEINBERGER, OF MARYLAND, TO BE A MEMBER OF THE SOCIAL SECURITY ADVISORY BOARD FOR A TERM EXPIRING SEPTEMBER 30, 2006.

THE JUDICIARY

JOEL GERBER, OF VIRGINIA, TO BE A JUDGE OF THE UNITED STATES TAX COURT FOR A TERM OF FIFTEEN YEARS AFTER HE TAKES OFFICE.