

Farm Security and Rural Investment Act of 2002 to ensure the humane slaughter of non-ambulatory livestock, and for other purposes.

S. 1558

At the request of Mr. ALLARD, the name of the Senator from South Carolina (Mr. GRAHAM) was added as a cosponsor of S. 1558, a bill to restore religious freedoms.

S. 1587

At the request of Mr. BIDEN, the name of the Senator from Georgia (Mr. MILLER) was added as a cosponsor of S. 1587, a bill to make it a criminal act to willfully use a weapon, explosive, chemical weapon, or nuclear or radioactive material with the intent to cause death or serious bodily injury to any person while on board a passenger vessel, and for other purposes.

S. 1600

At the request of Mr. CAMPBELL, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 1600, a bill to provide for periodic Indian needs assessments, to require Federal Indian program evaluations, and for other purposes.

S. 1630

At the request of Mrs. CLINTON, the name of the Senator from Georgia (Mr. MILLER) was added as a cosponsor of S. 1630, a bill to facilitate nationwide availability of 2-1-1 telephone service for information and referral services, and for other purposes.

S. 1638

At the request of Mr. GRASSLEY, the name of the Senator from Mississippi (Mr. LOTT) was added as a cosponsor of S. 1638, a bill to amend title II of the Higher Education Act of 1965 to increase teacher familiarity with the educational needs of gifted and talented students, and for other purposes.

S. RES. 228

At the request of Mr. MILLER, his name was added as a cosponsor of S. Res. 228, a resolution recognizing the teams and players of the Negro Baseball Leagues for their achievements, dedication, sacrifices, and contributions to baseball and the Nation.

S. RES. 231

At the request of Mr. FEINGOLD, the names of the Senator from Indiana (Mr. LUGAR) and the Senator from Delaware (Mr. BIDEN) were added as cosponsors of S. Res. 231, a resolution commending the Government and people of Kenya.

#### STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. BROWNBACK (for himself and Mr. NICKLES):

S. 1667. A bill to exempt small trailer manufacturers from enhanced early warning reporting requirements under the Transportation Recall Enhancement, Accountability, and Documentation (TREAD) Act; to the Committee on Commerce, Science, and Transportation.

Mr. BROWNBACK. 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. 1667

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

#### SECTION 1. WEIGHT EXEMPTION FOR CLASSIFICATION OF TRAILER MANUFACTURERS.

Notwithstanding any other provision of law, for purposes of the early warning reporting requirements under section 30166(m) of title 49, United States Code, manufacturers of trailers with a gross vehicle weight rating of 26,000 pounds or less shall not, with respect to such trailers, be subject to the additional reporting requirements under section 579.24 of title 49, Code of Federal Regulations, that are applicable to manufacturers that produce, import, offer for sale, or sell 500 or more vehicles during the calendar year of a reporting period or during each of the prior two calendar years.

#### AMENDMENTS SUBMITTED AND PROPOSED

SA 1788. Mr. FRIST (for Ms. SNOWE (for herself and Mr. KERRY)) proposed an amendment to the bill S. 1375, to provide for the reauthorization of programs administered by the Small Business Administration, and for other purposes.

SA 1789. Mr. FRIST (for Mr. GRAHAM, of South Carolina) proposed an amendment to the resolution S. Res. 219, to encourage the People's Republic of China to establish a market-based valuation of the yuan and to fulfill its commitments under international trade agreements.

#### TEXT OF AMENDMENTS

SA 1788. Mr. FRIST (for Ms. SNOWE (for herself and Mr. KERRY)) proposed an amendment to the bill S. 1375, to provide for the reauthorization of programs administered by the Small Business Administration, and for other purposes; as follows:

On page 87, strike line 7 and all that follows through page 91, line 4.

On page 91, strike line 23 and all that follows through page 92, line 5, and insert the following:

Section 351(3)(A)(ii) of the Small Business Investment Act of 1958 (15 U.S.C. 689(3)(A)(ii)) is amended—

(1) in subclause (I), by striking “50 percent or more” and all that follows and inserting “the median family income for such tract does not exceed 80 percent of the greater of the statewide median family income or metropolitan area median family income; or”; and

(2) in subclause (II), by striking “household income” each place it appears and inserting “family income”.

On pages 109 through 110, redesignate paragraphs (6) through (13) as paragraphs (7) through (14), respectively.

On page 109, between lines 2 and 3, insert the following:

“(6) DISADVANTAGED NATIVE AMERICAN ENTREPRENEUR.—The term ‘disadvantaged Native American entrepreneur’ means a disadvantaged entrepreneur who is also a member of an Indian Tribe.”

On page 111, line 21, strike “and” and all that follows through “(4)” on line 22, and insert the following:

“(4) to provide training and technical assistance to disadvantaged Native American entrepreneurs and prospective entrepreneurs; and

“(5)”

On page 117, strike lines 9 through 14 and insert the following:

“(i) AUTHORIZATION OF APPROPRIATIONS.—

“(1) IN GENERAL.—There are authorized to be appropriated to the Administrator \$15,000,000 for each of the fiscal years 2004 through 2006 to carry out the provisions of this section, which shall remain available until expended.

“(2) TRAINING FOR NATIVE AMERICAN ENTREPRENEURS.—In addition to the amount authorized under subsection (i)(1), there are authorized to be appropriated to the Administrator \$2,000,000 for each of the fiscal years 2004 through 2006 to carry out the provisions of subsection (c)(4), which shall remain available until expended.”

On page 190, strike line 21 and all that follows through “(iii)” on page 191, line 1, and insert the following:

“(ii)”

On page 192, strike line 11 and all that follows through page 193, line 6, and insert the following:

#### SEC. 403. SMALL BUSINESS PARTICIPATION IN PRIME CONTRACTING.

(a) RESERVED CONTRACTS.—Section 15(j) of the Small Business Act (15 U.S.C. 644(j)) is amended by adding at the end the following:

“(4) Any adjustment to the simplified acquisition threshold (as defined in section 4(11) of the Office of Federal Procurement Policy Act (41 U.S.C. 403(11))), shall be immediately matched by an identical adjustment to the small business reserve for purposes of this subsection.”

(b) PARTICIPATION IN MULTIPLE AWARD CONTRACTS.—Section 15(j) of the Small Business Act (15 U.S.C. 644(j)) is amended—

(1) in paragraph (2), by striking “(2) In carrying out paragraph (1)” and inserting “(3) In carrying out paragraphs (1) and (2)”;

(2) in paragraph (3), by striking “(3) Nothing in paragraph (1)” and inserting “(4) Nothing in this subsection”; and

(3) by adding after paragraph (1) the following:

“(2)(A) In the case of orders under multiple award contracts, including Federal Supply Schedule contracts and multi-agency contracts, that are subject to the small business reserve, contracting officers shall consider not less than 2 small business concerns if such small business concerns can offer the items sought by the contracting officer on competitive terms, with respect to price, quality, and delivery schedule, with the goods or services available in the market.

“(B) If only 1 small business concern can satisfy the requirement, the contracting officer shall include such small business concern in their evaluation.”

(c) REPORT REQUIREMENT.—

(1) IN GENERAL.—Not less than once every 180 days, the Comptroller General shall submit a report on the level of participation in multiple award contracts, including the Federal Supply Schedule to—

(A) the Small Business Administration;

(B) the Committee on Small Business and Entrepreneurship of the Senate; and

(C) the Committee on Small Business of the House of Representatives.

(2) CONTENTS.—Each report submitted under paragraph (1) shall contain, for the 6-month reporting period—

(A) the total number of multiple award contracts;

(B) the total number of small business concerns that received multiple award contracts;

(C) the total number of orders;

(D) the total value of orders;

(E) the number of orders received by small business concerns;

(F) the value of orders received by small business concerns;

(G) the number of small business concerns that received orders; and

(H) such other information that the Comptroller General considers relevant.

On page 193, strike line 14 and all that follows through page 194, line 7, and insert the following:

(2) in subparagraph (F), by striking the period at the end and inserting “; and”; and

“(G) certification that the offeror or bidder will acquire articles, equipment, supplies, services, or materials, or obtain the performance of construction work from small business concerns in the amount and quality used in preparing the bid or proposal, unless such small business concerns are no longer in business or can no longer meet the quality, quantity, or delivery date.”.

(b) PENALTIES FOR FALSE CERTIFICATIONS.—Section 16(f) of the Small Business Act (15 U.S.C. 645(f)) is amended by striking “of this Act” and inserting “or the reporting requirements of section 8(d)(11)”.

On page 195, strike lines 4 through 19 and insert the following:

(1) by redesignating paragraph (11) as paragraph (14); and

(2) by inserting after paragraph (10) the following:

“(11) CERTIFICATION.—A report submitted by the prime contractor pursuant to paragraph (6)(E) to determine the attainment of a subcontract utilization goal under any subcontracting plan entered into with a Federal agency under this subsection shall contain the name and signature of the president or chief executive officer of the contractor, certifying that the subcontracting data provided in the report are accurate and complete.

“(12) CENTRALIZED DATABASE.—The results of an evaluation under paragraph (10)(C) shall be included in a national centralized governmentwide database.

“(13) PAYMENTS PENDING REPORTS.—Each Federal agency having contracting authority shall ensure that the terms of each contract for goods and services includes a provision allowing the contracting officer of an agency to withhold an appropriate amount of payment with respect to a contract (depending on the size of the contract) until the date of receipt of complete, accurate, and timely subcontracting reports in accordance with paragraph (11).”.

On page 196, lines 17 and 18, strike “performance, or lack of performance of the subcontractor.” and insert “circumstances surrounding the failure to make the timely payment described in subparagraph (A).”.

On page 199, line 3, strike “(b)” and insert the following:

(b) HUBZONE STATUS TIMELINE AND COMMENCEMENT.—

(1) IN GENERAL.—A base closure area shall be treated as a HUBZone for a period of 5 years beginning on the date of final closure. A military base that was closed before the date of enactment of this Act shall not be considered a base closure area for purposes of this section.

(2) EFFECTIVE DATE.—This section and the amendments made by this section shall take effect on the date of enactment of this Act.

(c)

**SA 1789.** Mr. FRIST (for Mr. GRAHAM of South Carolina) proposed an amendment to the resolution S. Res. 219, to encourage the People's Republic of China to establish a market-based valuation of the yuan and to fulfill its commitments under international trade agreements; as follows:

Strike the fourth clause of the preamble.

In the seventh clause of the preamble, strike “free fluctuation” and insert “market-based valuation”.

## EXECUTIVE SESSION

### EXECUTIVE CALENDAR

Mr. FRIST. Mr. President, I ask unanimous consent that the Senate immediately proceed to executive session to consider en bloc the following nominations on today's Executive Calendar: Nos. 364 through 378 and all the nominations on the Secretary's desk.

I further ask unanimous consent that the nominations be confirmed, the motions to reconsider be laid upon the table, 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 considered and confirmed en bloc are as follows:

#### DEPARTMENT OF DEFENSE

Gordon England, of Texas, to be Secretary of the Navy.

#### AIR FORCE

The following named officer for appointment in the United States Air force 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

Lt. Gen. Lance L. Smith, 7660

The following named officer for appointment in the United States Air Force 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

Lt. Gen. William R. Looney, III, 5052

#### ARMY

The following named officer for appointment in the Reserve of the Army to the grades indicated under title 10, U.S.C., section 12203:

#### To be brigadier general

Colonel Dennis P. Geoghan, 4365

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. Claude V. Christianson, 1982

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

Lt. Gen. William E. Ward, 9000

#### NAVY

The following named officer for appointment in the United States Naval Reserve to the grade indicated under title 10, U.S.C., section 12203:

#### To be rear admiral

Rear Adm. (1h) Peter L. Andrus, 0199

The following named officer for appointment in the United States Naval Reserve to the grade indicated under title 10, U.S.C., section 12203:

#### To be rear admiral

Rear Adm. (1h) James M. McGarrah, 3828

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

#### To be rear admiral (lower half)

Capt. Richard E. Cellon, 1250

The following named officer for appointment in the United States Naval Reserve to the grade indicated under title 10, U.S.C., section 12203:

#### To be rear admiral (lower half)

Capt. Ben F. Gaumer, 1618

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

#### To be vice admiral

Rear Adm. Henry G. Ulrich, III, 2552

The following named officer for appointment as Chief of Naval Reserve, United States Navy, and appointment to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., sections 601 and 5143:

#### To be vice admiral

Rear Adm. John G. Cotton, 6982

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

#### To be vice admiral

Vice Adm. Timothy J. Keating, 8508

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

#### To be rear admiral (lower half)

Capt. Robert F. Burt, 9653

#### MARINE CORPS

The following named officer for appointment in the United States Marine Corps 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. Jan C. Huly, 6184

#### NOMINATIONS PLACED ON THE SECRETARY'S DESK

#### AIR FORCE

PN363 Air Force nominations (44) beginning MARK T. ALLISON, and ending FREDERICK M. WOLFE, which nominations were received by the Senate and appeared in the Congressional Record of February 25, 2003

PN871 Air Force nominations (2) beginning GEOFFREY H. HILLS, and ending JOHN B. STEELE, which nominations were received by the Senate and appeared in the Congressional Record of September 2, 2003

PN905 Air Force nominations (3) beginning STEPHEN W. HUMPHREY, and ending RANDY J. YOVANOVICH, which nominations were received by the Senate and appeared in the Congressional Record of September 4, 2003

PN875 Air Force nominations (5) beginning SCOTT G. BOOK, and ending SARAH K. SLAVENS, which nominations were received by the Senate and appeared in the Congressional Record of September 2, 2003

PN874 Air Force nominations (2) beginning TERI L. POULTON-CONSOLDANE, and ending SHELDON G. WHITE, which nominations were received by the Senate and appeared in the Congressional Record of September 2, 2003

PN873 Air Force nomination of Brian P. Olson, which was received by the Senate and appeared in the Congressional Record of September 2, 2003

PN872 Air Force nominations (2) beginning CRAIG H. MORRIS, and ending SHERICE D. YOUNG, which nominations were received by