

amendment that was a \$600 million emergency famine starvation relief amendment for sub-saharan Africa. There was a good bit of drama that occurred in the well, because the vote was so razor thin in difference. The final vote on a motion to table my amendment was agreed to 48 to 46. One vote change would have had the vote 47 to 47, and the motion to table my amendment would have failed, which would have given me the opportunity to go on and try to pass the amendment.

I have spoken to the substance, the reason for this amendment. There is not a person in the Senate who has not seen sights of those children with the spindly legs, the distended bellies, the thatched hair, and the soulful eyes. A lot of it is caused by the lack of rain. This has gone in cycles.

In 1985, I had the privilege of assisting my wife who had put together the first private group, other than the NGO organizations, responding to the famine in Ethiopia. My wife had raised the money in Florida. I was then a Member of the House of Representatives and had arranged for this stretch DC8 airplane. We rode the sacks of food into Addis Ababa and went into the feeding camps to see that food was distributed. Of course, when you see those starving children, and when my wife had the experience of holding a near lifeless African child in her arms, realizing in only a matter of moments that child would expire, it makes an impression. When famine comes back to that part of the land some 17 years later, it is hard to sit still.

Although my amendment was defeated yesterday by the razor-thin margin of one vote, I am not going to sit still. I am going to offer that amendment again and, fortunately, am in a parliamentary procedure by which I can do so because a very similar amendment to the one that was defeated yesterday had been filed by me.

For those Senators on the other side of the aisle—and there were four or five yesterday—who have been deeply touched by personal experiences in Africa, having seen that famine and the ravages of it on human beings, for those five or six on the other side of the aisle, and a score more who wanted to vote for that amendment, first, I thank you profoundly for your votes. You know, each one of you, who you are. And second, I want to say that we are going to have another chance. We are going to have another chance this afternoon.

I ask Senators to examine their hearts and see if they don't think that this is the right thing to do.

I yield the floor.

The PRESIDING OFFICER. The Senator from Nevada.

#### UNANIMOUS-CONSENT REQUEST

Mr. REID. Mr. President, to help move things along and to notify Democrats as to whose amendment would

come, I ask unanimous consent that the Democratic amendments—and Senator STEVENS may want to intersperse these with Republican amendments, and that is his privilege, but I ask unanimous consent that the next Democrat amendment be that of Senator KENNEDY, No. 123; Senator CLINTON, No. 89; Senator BINGAMAN, Nos. 126 and 138, and Senator CANTWELL, No. 108.

Mr. President, I also would say on each of these our members have agreed to time. But until the majority has seen the amendments, I am not going to ask time limits be established, even though we have established what our people have asked for in the way of time.

The PRESIDING OFFICER. Is there objection? The Senator from Wyoming?

Mr. THOMAS. I think probably there is no disagreement but at this time there needs to be some more agreement from our leader, so I object for the moment.

The PRESIDING OFFICER. Objection is heard.

Mr. REID. Mr. President, how much time do the Democrats have left?

The PRESIDING OFFICER. Two minutes forty seconds.

Mr. REID. Mr. President, all we are trying to do is move things along. We have a right to have our amendments in the order we want. If we want to move this bill along, as the two leaders want, we cannot have these foolish—I know someone told the Senator to object. I am not calling the Senator foolish—these foolish objections. I know there is nothing that can be done because there is an objection that has been raised, but it is too bad.

Democratic Senators should be aware this is the order we are going to offer amendments.

Mr. BYRD. Will the Senator yield?

Mr. REID. I am happy to yield.

Mr. BYRD. Mr. President, if the Senator will yield, have these priorities been established already and agreed to with Mr. STEVENS?

Mr. REID. Yes, I have talked to Senator STEVENS. I talked to him this morning in the presence of the majority leader.

Mr. BYRD. What the distinguished whip is trying to do is simply to lay the prioritization in the RECORD, so Senators will not have to wait around; they will know when their amendments are going to be called up?

Mr. REID. Absolutely right. We have a number of Senators who have been waiting since yesterday or the day before to offer amendments. This is done so they are not standing around here waiting, so there is some kind of order in the Chamber rather than people trying to get recognized.

Mr. BYRD. Perhaps, when Senator STEVENS is back on the floor, you can get that consent. I would hope so.

The PRESIDING OFFICER. Who seeks recognition?

The Senator from Wyoming.

#### PUBLIC-PRIVATE COMPETITION

Mr. THOMAS. Mr. President, we would like to take the remainder of the time that has been assigned to this side of the aisle to talk about an amendment that would be before us this morning, the Mikulski amendment, which has been proposed as an amendment to the bill. It has to do with the implementation of the Federal Activities Inventory Reform Act, the FAIR Act, which was passed in 1998. It basically requires all Federal agencies to itemize jobs that are classified as non-inherently governmental in nature, so there will be an opportunity for competition for those kinds of activities that the private sector, in the cases where it is appropriate, can be a competitor and can, indeed, do generally more efficiently than having it continue, as it has, with no competition.

In 2001 the FAIR Act inventory noted over 840,000 Federal jobs that are non-inherently governmental. Those are jobs that could be done by contract, that could well be done by contract. There should be opportunity for that competition to exist.

The goal, of course, of the FAIR Act is to spend taxpayers' money as efficiently as possible, to ensure the Federal Government is not without competition with the private sector.

I think most of us would like to have as much done in the private sector as we reasonably can do. This, obviously, is not all the things Government does. There are inherently governmental programs, and they will continue to be that. The goal of the FAIR Act is to spend the taxpayers' money as efficiently as possible to ensure the Federal Government does not compete with the private sector. Wherever that can be, whether it is in contracting, whether it is the kinds of things that could be better done in the private sector, that is what we are seeking to do.

President Bush's Competitive Sourcing Initiative asked the Federal agencies to conduct private sector competitions in up to 15 percent of the jobs listed in the FAIR Act inventory. Of course, that is exactly what needs to be done, to identify these roles and then to have an opportunity to put them into the private sector and let the Government compete with the private sector and do it that way. It is a pretty basic sort of philosophy and something which I think most people would agree to do.

The amendment that has been put forth was to not allow the administration to move forward with their plans. I will later offer a copy of a letter that the President has sent through his administration, saying that they are opposed to this idea, that they want to move forward.

The fact is, during the Clinton administration, after the 1998 passage of the FAIR Act, there was very little done to implement it. Now we have an administration that believes they ought to implement the law as it exists, and we want to move forward in doing that.

That is what this is all about. We will be voting on that amendment later today. It has been before the Senate several times. It has failed before. Hopefully, it will fail again. In fact, it was put on the appropriations bill for the Treasury Department last year and then taken off before it became part of this bill. So there has been a strong feeling about that, and that is what we want to pursue.

I yield the Senator from Virginia 5 minutes to comment.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. ALLEN. Mr. President, I thank the Senator from Wyoming, Mr. THOMAS, for his leadership. I will not repeat his eloquent explanation of the FAIR Act. I am rising with him, and hopefully with a majority of our colleagues, in opposition to Senator MIKULSKI's amendment which would prohibit the administration from applying and enforcing efforts to get the private sector involved where it is appropriate in various governmental services.

This amendment would weaken the executive branch's ability to manage the Federal Government. It would impede improvement of many of the Government's significant commercial activities and prevent the outsourcing of inherently nongovernmental jobs to the private sector. It really would be one of anti-efficiency.

I think the Bush management plan has a relatively modest goal of injecting some competition to the commercial activities performed by the Government. I believe we ought to be encouraging, not impeding, public-private competition reviews. Clearly, the President ought to have the flexibility to best execute governmental functions and to enforce important management objectives and goals, specifically in the area of competitive sourcing.

The fact that they look at potentially competitive areas each year doesn't mean that these jobs will go to the private sector. It only means that there will be an analysis. It may be that the Government functions at less cost and with better service and efficiency than the private sector.

They also realize even if the Government continues to perform a service or function that there are better ways of doing it. We will need to be looking at ways of improving, of innovating, of adapting and not just keep doing things the same old way.

This amendment is opposed by large and small business enterprises all across the country. The U.S. Chamber of Commerce is opposed to this, whose letter I will submit along with my statement.

For example, they state the time is now to create a more efficient and effective partnership between the public and private sectors and not to enact restrictive policies that limit funding, flexibility, and the decisionmaking process.

We also have received letters from the Professional Services Council

which represents 140 different businesses—the CADI, Northrup-Grumman, Lockheed, Quest, and many others. They point to what we all recognize as the truth. Competition is the greatest and the best guarantor of optimal performance and efficiency, and the Government's increasing reliance on competition has proven essential to achieving both meaningful savings and significant performance improvements.

Also, the Northern Virginia Technology Council that represents 1,600 member companies with 180,000 employees in Northern Virginia, is opposed to this.

The Information Technology Association of America, which represents 400 corporate technology companies, is opposed to it.

In addition, there is a coalition on outsourcing and privatization made up of small, minority, and women-owned businesses, national security organizations, experts in technology, community, and taxpayer groups that says do not be fooled by the hype and that urges Congress to hold the executive branch responsible for the highest possible level of performance and efficiency without placing procedural obstacles in the way of achieving that goal.

The Contract Services Association also points out that many of their members oppose this. Many of their members are small businesses, including eight A-certified companies, small, disadvantaged businesses, and Native American-owned firms. The goal of their Contract Services Association is to put the private sector to work for the public good. I ask unanimous consent that all of these letters be submitted as part of my statement.

Perhaps as important as all of these job opportunities is the recognition right now that this could have not only negative economic ramifications, but that it could impact national security as well. Indeed, at a time when our Nation is at war, the Federal Government must have the flexibility to contract out for services.

For example, look at the Departments of Defense and Homeland Security. What is going to be most useful for the Department of Homeland Security is not where all these boxes are located and who is moved from one place to the other, but the adaptation and the utilization of enterprise systems that will allow them to analyze volumes of information, analyze it accurately, and share it within the institution and also with others.

Furthermore, such contracting creates more private sector jobs and allows federal agencies to focus on their core missions, instead of concentrating on commercial activities.

I think at this point we need to be working for the taxpayers. We need to be increasing security. And we should be embracing advancements in technology and have the private sector help where they can help.

Therefore, I suggest that no member of this body should support legislation

that increases the cost of government for taxpayers while limiting the government's ability to respond to the changing economic and security needs of the American people.

I ask unanimous consent that the letters to which I referred be printed in the RECORD.

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

U.S. CHAMBER OF COMMERCE,  
Washington, DC, January 21, 2003.

TO MEMBERS OF THE U.S. SENATE: The U.S. Chamber of Commerce, the world's largest business federation, representing more than three million businesses and organizations of every size, sector and region, offers our strong support of H.J. Res. 2—the Fiscal Year 2003 Omnibus Appropriations bill. Passage of this measure is critical for continuity of existing domestic spending programs and initiation of funding for new programs for Homeland Security.

The U.S. Chamber and the business community applaud the Senate's resolve to wrap up the Fiscal Year 2003 spending bills prior to the upcoming Appropriations Committee's important work on the Fiscal Year 2004 appropriations measures. While separate passage of the 11 remaining individual Fiscal Year 2003 spending bills would be preferable, we support the Senate's determination in creating and moving this \$385.9 billion spending package during this compressed time frame. We are troubled that passage of this important appropriations measure could be jeopardized by the addition of several onerous policy riders to this package.

The Chamber strongly opposes any efforts to stall needed reform of the new source review (NSR) program. The amendment offered by Senator John Edwards (D-NC) would effectively prohibit the U.S. Environmental Protection Agency (EPA) from expending funds to implement recently promulgated changes to the NSR program. This amendment would derail much needed NSR reforms at a time when the courts are reviewing the regulations.

The Edwards NSR amendment would disrupt the Clean Air Act permitting process, and stifle economic activity during an economic downturn by making the maintenance and expansion of existing industrial facilities and power plants almost impossible. The new regulations have restored some certainty to the troubled NSR process. Congress should not interfere in the regulatory efforts of two administrations in this way.

In addition, we specifically urge you to oppose an amendment offered by Senator Barbara Mikulski (D-MD) that would prohibit the expenditure of funds by executive agencies to establish, apply or enforce any numerical goals, targets or quotas for public-private competitions of commercial functions with Federal agencies. Such language would legislatively weaken any President's authority to manage the Federal government and effect real saving and fundamental improvements. It is directly counter to efforts by the Bush Administration to increase government efficiency through competition between the public and private sectors. It would limit the President's ability to establish goals for outsourcing, and other procurement and acquisition workforce initiatives. Such a prohibition could significantly limit private sector involvement and discourage competition, which has proven to reap significant cost savings and performance enhancements regardless of who wins. The time is now to create more efficient and effective partnerships between the public and private sector, not to enact restrictive policies that

limit funding or flexibility in the sourcing decision-making process.

We also ask you to oppose an amendment sponsored by Senator Mark Dayton that would deny new contracts to subsidiaries of a publicly traded corporation if the corporation is incorporated in certain tax-advantaged foreign countries. By imposing these bans on contracting with domestic subsidiary corporations, Congress is seeking to discourage corporate "inversions," i.e., corporate flight from U.S. tax domicile in order to achieve tax parity with foreign competitors. We believe Congress should be asking why our tax system is causing corporate flight increasingly to occur.

Corporations should be free to incorporate where they choose, without the Federal government imposing economic penalties upon their free exercise of prudent business decision-making, and that the U.S. Congress certainly should not favor foreign firms over U.S. firms in the tax code. These contract bans are a poor substitute for needed reform of the U.S. tax code's archaic international provisions which currently put our corporations at a competitive disadvantage internationally and provide great incentive for them to leave this country. We believe that the proper response should be the undertaking of serious and overdue tax reform, such as conversion of the U.S. tax system to one based on territoriality, to active parity.

We also urge you to oppose the amendment offered by Senator Tom Harkin (D-IA) and Senator Russ Feingold (D-WI) pertaining to cash balance plans. Cash balance plans have become popular among both employers and employees. Because they are a relatively new "hybrid" type of plan, until last month, Treasury had not provided clear guidance to plan sponsors about how such plans should be designed. On December 10, 2002, after more than three years of study by an interagency task force, the Treasury Department issued proposed cash balance plan regulations.

The Harkin/Feingold amendment would prohibit the Treasury Department from finalizing or enforcing this rule. The proposed regulation clarifies how cash balance plans must be designed in order to satisfy existing laws pertaining to age discrimination and pension accruals. While the Chamber has concerns about certain parts of the regulations, which we will be conveying in comments to the Treasury Department, we do not believe the appropriations process is the proper place for enforcing pension laws and regulations.

We urge your swift consideration of the Fiscal Year 2003 Omnibus spending measure. In addition we strongly support the concept that spending restraint is a critical component to encouraging economic growth and long-term prosperity. Because of the importance of fully funding our domestic spending priorities, the U.S. Chamber may include votes on or in relation to these issues in our annual How They Voted Ratings for 2003.

Sincerely,

R. BRUCE JOSTEN,

*Executive Vice President, Government Affairs.*

PROFESSIONAL SERVICES COUNCIL,

*Arlington, VA, January 8, 2003.*

Hon. TED STEVENS,

*Committee on Appropriations, U.S. Senate,*

*Washington, DC.*

DEAR SENATOR STEVENS: I write on behalf of the 140 member companies of the Professional Services Council (PSC), the leading national trade association representing the Federal, professional and technical services industry. PSC's companies provide services including information technology, research and development, and high-end consulting to every government agency, and represent a significant portion of the government's technology industrial base.

As the Senate considers the remaining FY 2003 appropriations bills, I urge you to remove Section 640 of the Fiscal Year 2003 Treasury Appropriations bill, or any related provision that prohibits the expenditure of funds by executive agencies to establish, apply or enforce any numerical goals, targets or quotas for public-private competitions for commercial functions within agencies.

While Congress should hold the Executive Branch responsible for the highest levels of performance and efficiency, it should not place obstacles in the way of achieving that goal. Section 640 prohibits the President from establishing and enforcing important management objectives and goals, specifically in the area of competitive sourcing, which is one key element of his management agenda. It is an inappropriate constraint on executive branch management and on the President's flexibility to best execute governmental functions. Competition is the best guarantor of optimal performance and efficiency, and the government's increasing reliance on competition has proven essential to achieving both meaningful savings and significant performance improvements.

Again, on behalf of the member companies of the PSC, and the hundreds of thousands of working Americans who provide support to our government every day, I urge you to remove Section 640 of the Fiscal Year 2003 Treasury Appropriations bill.

Sincerely,

STAN Z. SOLOWAY,

*President.*

NORTHERN VIRGINIA  
TECHNOLOGY COUNCIL,

*Herndon, VA, January 23, 2003.*

Hon. GEORGE ALLEN,

*U.S. Senator,*

*Washington, DC.*

DEAR SENATOR ALLEN: On behalf of the more than 1,600 member companies of the Northern Virginia Technology Council (NVTC), I urge you to oppose an amendment offered by Senator Barbara Mikulski that would prohibit the expenditure of funds by executive agencies to establish, apply or enforce any numerical goals or targets for public-private competition of commercial functions within federal agencies.

During floor action on the FY 2003 Omnibus Appropriations bill, Senator Mikulski intends to offer an amendment (#61) which would prevent President Bush from setting any goals for federal agencies as a way to save taxpayer dollars and make the government more efficient. It is directly counter to efforts by the Bush Administration to increase government efficiency through competition between the public and private sectors. This amendment would significantly limit private sector involvement and discourage competition vital to the technology community.

I am concerned that this amendment hinders the flexibility of the President to efficiently manage the Federal government. By prohibiting the President from establishing and enforcing important management goals, specifically in the area of competitive sourcing, this amendment inappropriately hinders private-public competition. Competition creates the best environment for optimal performance and efficiency. The government's increasing reliance on competition has proven beneficial to taxpayers, private industry and the overall economy.

Again, on behalf of the more than 1,600 member companies representing over 180,000 employees in Northern Virginia that heavily rely on federal procurement contracts, I urge you to oppose the Mikulski amendment. Our membership includes companies from all sectors of the technology industry including in-

formation technology, software, Internet, ISPs, ASPs, telecommunications, bioscience, and aerospace, as well as the service providers that provide vital support and services to the Federal government.

Sincerely,

BOBBIE KILBERG,

*President.*

CONTRACT SERVICES  
ASSOCIATION OF AMERICA,  
*Arlington, VA, January 23, 2003.*

Hon. GEORGE ALLEN,

*U.S. Senate,*

*Washington, DC.*

DEAR MR. ALLEN: On behalf of the members of the Contract Services Association of America (CSA), I urge you to vote against an amendment offered by Senator Barbara Mikulski.

This provision would prohibit the expenditures of funds by executive agencies to establish, apply or enforce any numerical goals, targets or quotas for public-private competitions for commercial functions within agencies.

I am concerned, however, that the amendment hinders the flexibility of the President to efficiently manage the Federal government. One long-established management tool, used by all Presidents, is to set goals—whether it is for outsourcing targets within the Department of Defense (as established by the Clinton Administration), goals for performance-based services contracting or even small business contracting goals. Indeed, the amendment is directly counter to efforts by the Bush Administration aimed at increasing government efficiency through competition between the public and private sectors.

CSA is the premier industry representative for private sector companies that provide a wide array of services to Federal, state, and local governments. CSA members are involved in everything from maintenance contracts at military bases and within civilian agencies to high technology services, such as scientific research and engineering studies. Many of our members are small businesses, including 8(a)-certified companies, small disadvantaged businesses, and Native American owned firms. The goal of CSA is to put the private sector to work for the public good.

Again, I urge you to vote against the Mikulski amendment.

Sincerely,

GARY ENGBREISON,

*President.*

INFORMATION TECHNOLOGY  
ASSOCIATION OF AMERICA,  
*January 23, 2003.*

Hon. GEORGE ALLEN,

*U.S. Senate,*

*Washington, DC.*

DEAR SENATOR ALLEN: On behalf of the Information Technology Association of America, we urge you to oppose an amendment that Senator Barbara Mikulski will be offering today during floor consideration of the Omnibus Appropriations bill. ITAA appreciates your leadership in raising the IT industry's concerns on this restrictive amendment.

As you know, this amendment would prohibit agencies from using appropriated funds to establish, apply or enforce any numerical goals aimed at conducting public-private competitions for commercial functions within Federal agencies. President Bush and his Administration would be hampered in their efforts to promote competition and to manage the Federal government. All future Administrations would also face these restrictions. The Mikulski Amendment would also undermine the intent of the new revisions to the OMB Circular A-76, which were recently issued by the Office of Federal Procurement Policy.

The Information Technology Association of America consists of over 400 corporate members throughout the United States, and a global network of 49 countries' IT associations. ITAA members range from the smallest IT start-ups to the industry leaders in the Internet, software, IT services, ASP, digital content, systems integration, and telecommunications services sectors.

Again, we urge you to vote "No" on this amendment and thank you for your leadership in opposing this restrictive amendment.

Sincerely,

HARRIS N. MILLER,  
*President.*

The PRESIDING OFFICER. The Senator from Wyoming.

Mr. THOMAS. Mr. President, I thank the Senator from Virginia who certainly touched on the issues involved.

I yield to my friend and colleague, the Senator from Wyoming.

The PRESIDING OFFICER. The Senator from Wyoming.

Mr. ENZI. Mr. President, I rise to speak in opposition to the amendment that was offered by my colleague, the Senator from Maryland. This amendment would prohibit the administration from applying or enforcing any numerical goals for competitive sourcing within agencies, or converting Federal employees doing this work to private sector contractors. This provision would prevent this President and all future Presidents from managing Federal agencies for increased cost-effectiveness and quality.

I want to emphasize that again.

It would prevent this President and all future Presidents from managing Federal agencies for increased cost-effectiveness and quality. That is what we are trying to do. It is good for Government. Congress passed the first step, which was the Federal Activities Inventory Reform Act—the FAIR Act—in 1998. That was the bill that was drafted and sponsored and put through the process by my colleague from Wyoming, Senator THOMAS. It requires all Federal agencies to itemize jobs classified as noninherently governmental in nature. These are positions which potentially could be from the private sector, lessening the size of the Federal Government, and creating more opportunities for our economy through private business.

This is a tremendous step we have taken. It is one that recognizes we pay Government with taxes to operate, and we provide buildings and space for them—and a lot of other things that are kind of hidden costs. We have said the hidden costs ought to be counted in all of this. There ought to be competition with the private sector in all areas where it is traditionally done.

It seems to me like a pretty basic concept. President Bush's Competitive Sourcing Initiative requires Federal agencies to conduct public-private competition on 15 percent of the jobs listed on the FAIR Act inventory—that is, 840,000 jobs in 2001. That is to conduct public-private competition on just 15 percent of these 840,000 jobs that were listed in the inventory as being noninherently governmental in nature.

This amendment would prevent the President from setting and enforcing this reasonable goal. If this amendment passes, one of the losers will be the small business community.

I host an annual procurement conference in Wyoming to encourage small businesses to seek Federal procurement opportunities. Small businesses, services, and products is one of the treasures we will leave in the ground if this amendment is agreed to. We have a tremendous resource—the small businesses out there—that can provide services in a very competitive way. We need to make sure they have that opportunity.

I was visiting one Federal agency where they were talking about how they were going to check on bills that were coming in for Medicare. They were building their own program to do that. The interesting thing is the private sector already had programs that would do thousands more procedures than they were able to program in their first year of programming. Their agency wasn't designed to program it. But they tried doing it from the ground up.

I see that in agency after agency. When I take a look at this Government Performance Results Program, that is another thing that we put on agencies. They are supposed to tell us what they are doing, how we will know when they get it done, and how that relates to the budget. Congress needs to enforce that a little bit more to make sure it is happening because it gives us tremendous insight into all of the agencies and what their job is and the ways they are infringing on the private sector at greater expense than what the private sector would have. It is also resulting in some greater efficiencies in Government.

A couple of weeks ago, I visited the mint in Philadelphia. Those people are aware of this particular amendment. They are working like crazy to make sure they are the most competitive agency for being able to perform that work, and I am certain that they will. It is that kind of spirit of American competitiveness that they have at that Government agency. They do outstanding work there. I am sure, as a result, that is the way they will continue to handle it.

But it is an awareness that agencies have to have. President Bush's initiative encourages Federal agencies to allow private industry—including small business—to compete for jobs. Everybody wins because Federal agencies can concentrate on their real goals and private industry is encouraged at the same time.

I urge my colleagues to defeat this amendment, allow the administration to manage Federal agencies, and give small businesses a chance.

I thank the Chair. I yield the floor.

The PRESIDING OFFICER. The Senator from Wyoming.

Mr. THOMAS. I thank the Senator for his comments. Certainly, his inter-

est in small business activities is reflected in his comments on this bill.

I think there are a number of reasons why we should oppose this amendment. The administration opposes such limitations on the management agenda. I think all of us in the Government need to push the idea of having some vision as to where we are going and look beyond next week but to look to the future as to what we want to do with a number of activities that could well be in the competitive arena and to make some plans to get those out there.

That is basically what the administration is seeking to do. Senior advisers to the President are recommending that he veto any legislation that challenges this management agenda. Certainly we do not want that to happen.

Mr. President, how much time do we have remaining?

The PRESIDING OFFICER. Three minutes ten seconds remain.

Mr. THOMAS. Mr. President, I yield 2½ minutes to my friend from Kansas.

The PRESIDING OFFICER. The Senator from Kansas.

Mr. BROWBACK. Mr. President, I thank my colleague from Wyoming for recognizing me.

I rise in opposition to the Mikulski amendment to this omnibus appropriations bill. Succinctly put, we held a hearing 4 or 5 years ago on this very particular point. Much of it has been covered in the discussion and the debate so far, but if we want to have an efficient Government, we need to allow the private sector to compete.

What we need to do as well is make sure this 47-year-old Federal policy—which states "the government should not be involved in commercial activities"—is complied with and is enforced.

The goal of the FAIR Act was to eliminate the Government's direct competition with the private sector while at the same time providing a better utilization of taxpayer dollars. This is going both ways: So we do not have direct competition with the private sector, which we should not do, which is against Federal law for us to do, and at the same time provide a better utilization of taxpayer dollars so we concentrate the Government workers in areas where only the Government can do the work.

This seems to me to be good management and good objectives.

In 2001, the FAIR Act inventory noted that over 840,000 Federal jobs were noninherently governmental. President Bush's Competitive Sourcing Initiative requires Federal agencies to conduct public-private competition on 15 percent of the jobs listed on the FAIR Act inventory. This seems to be minimal at best.

The Mikulski amendment prohibits the President from establishing or enforcing goals for competitive sourcing. This is not the direction in which we should go. In addition, it would severely impede our ability to manage the Federal Government. We need that management flexibility at this time.

Where we have budget deficits that are rising, we need to get those down and to use every tool we have at our disposal to be able to keep those budget deficits down as efficiently and effectively as we possibly can.

This amendment would prevent improving the performance of the Government's many commercial activities. We certainly do not need to do that. The amendment goes against the congressionally mandated findings of the Commercial Activities Panel which unanimously adopted the principle of competition.

Competition has been good in this country. It is the basis for what our economy is—so that things can grow based on competition.

For those reasons, I will oppose the Senator's amendment.

The PRESIDING OFFICER. The Senator has used his time.

Mr. BROWNBACK. I yield the floor.

Mr. THOMAS. Our time has expired, Mr. President. I thank the Chair for the opportunity to express these views. I urge that Members vote against this amendment when it comes before the Senate.

I yield the floor.

The PRESIDING OFFICER. The Senator has yielded back his time.

Mr. THOMAS. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

#### CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

#### MAKING FURTHER CONTINUING APPROPRIATIONS FOR FISCAL YEAR 2003

The PRESIDING OFFICER. Under the previous order, the Senate will now resume consideration of H.J. Res. 2, which the clerk will report.

The assistant legislative clerk read as follows:

A joint resolution (H.J. Res. 2) making further continuing appropriations for the fiscal year 2003, and for other purposes.

Pending:

Feingold Amendment No. 200, to restrict funds made available for IMET assistance for Indonesian military personnel to "Expanded International Military Education and Training" assistance unless certain conditions are met.

Mikulski Amendment No. 61, to prohibit funds to be used to establish, apply, or enforce certain goals relating to Federal employees and public-private competitions or workforce conversions.

Murray Amendment No. 39, to provide funding for the community access program.

Mr. STEVENS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BOND. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

#### AMENDMENT NO. 200

Mr. BOND. Mr. President, I rise today in strong opposition to the Feingold amendment. The Feingold amendment, as my colleagues probably know, deals with Indonesia and makes not too subtle suggestions about evil doings and suggests that we can only work with them in certain circumstances. As one who has traveled frequently to that region, I am very much disturbed by the intent and the apparent direction of this amendment.

It is very clear to the Government of Indonesia and its people that there is a legitimate terrorism threat in that country today. The tragic bombing in Bali, a major international tourist destination and the source of essential revenue in the country, brought the reality of terrorism squarely on the heads of the Indonesian Government. This is a country which, if superimposed geographically on the United States, would extend from San Francisco to Bermuda. It is the fourth largest country in the world, with the largest Muslim population in the world. It is also, unfortunately, home to many elements of al-Qaida and Jamaah Islamiyah, another Islamic terrorist group.

The tragic bombing in Bali, with almost 300 people killed, has brought home to that country the real threat of terrorism, and they are taking that threat seriously.

I have talked with our resources in the area, our embassies. I have talked with neighboring countries that are very much concerned about the future of Indonesia. We believe they are performing a credible and thorough investigation of the bombing. Arrests have been made. But the investigation continues and the Government is committed to arresting all those involved.

Indonesia is a majority Muslim nation. Many of its citizens, regrettably, hear continually from extreme elements within the country that the United States is targeting Muslims and is anti-Islam. This creates a very difficult political climate for the country's moderate Muslim President. She is one who has visited this country. I have met with her on a number of occasions, and I know she understands the importance of our relationship and the importance of their efforts against terrorism.

The country is making an effort now to investigate the terrorists who committed the bombing, to control the terrorism problem, and to strengthen the military.

I ask, Is this the best we can offer in the Senate to encourage cooperation between the two countries, to pursue a

warmed-over agenda, to embarrass the military because some activist groups are not satisfied with the results of the tribunals that investigated the outrages in East Timor?

This is a time when we in the United States have to be serious about our relationship with moderate Muslim nations. We need to support the people within these countries who are resisting the extremists. It is a tremendous challenge for them to stand up to extreme voices. We should be supportive. We ought not to be sticking a finger in their eye. We ought not to be gratuitously slapping them in the face.

In the case of Indonesia, we should encourage strengthening those institutions which the Government will rely on to investigate terrorism, apprehend terrorists, and prevent further attacks. In Indonesia, the only institution with that capacity is the military.

I have talked with our Secretary of State and our Secretary of Defense, and I have asked them what we can do to improve our relations with Indonesia to assure they have the strength to resist terrorism and to provide their share of the role in the international battle against terrorism.

What they have said, quite frankly, to bipartisan groups in front of them is to stop congressional interference and slurs on the Indonesia military. Unfortunately, rather than moving in a sensible direction to encourage military-to-military contact, to take actions to raise the standards of their military to levels we are comfortable with and to promote relationships between officers, we would, by adopting this measure, pursue a course that insults the people, strains relations, and will aid the extremist elements in their efforts to demonize the United States.

This may be presented as a harmless amendment, one that can be satisfied easily by us and the Indonesians, but those people are our friends. Our allies in Southeast Asia take note of what we do; they hear our message. What we pass is loud, and it is clear; it resonates. It is not only a bad idea, it is dangerous.

We need to stand up and support our friends, especially in these challenging times. As I have met with friendly nations in Southeast Asia, they have been dumbfounded that we continue to insult, denigrate, and downgrade Indonesia. We should be supporting them.

This amendment is not grounded in legitimate policy concerns but, rather, in an ongoing interest by some to refight the East Timor battle year in and year out, despite the fact that East Timor is now an independent country. It is hollow all the way through.

I urge my colleagues to join with me in defeating this amendment, to send the message that we will support moderate Islam countries, struggling democracies trying to fight terrorism.

I thank the managers and yield the floor.

The PRESIDING OFFICER. The Senator from Alaska.