

That is not what is happening with \$1.7 billion worth of contracts for rebuilding highways and bridges and rehabilitating Iraq's school system. Recently, the U.S. Agency for International Development handpicked a selective group of companies to participate in a secret bidding process for awarding four separate contracts totaling \$1.7 billion. That is just one example of what is ahead with respect to how taxpayers' money is going to be used.

In the past, the General Accounting Office has been very critical of this kind of approach. The General Accounting Office has found that contractors had not done enough to contain costs on projects involving engineering support in areas where the military was involved.

According to a September 2000 report by the General Accounting Office, Federal officials said:

Frequently, they have had accepted the level of services the contract provided without questioning whether they could be provided more efficiently and more frequently and at lower cost.

What could be more important for this Senate to stand up for? What could be more important than to make these contracts involving billions of dollars be let in a way that is efficient and open?

The current plan to select contractors for reconstruction work in Iraq without competitive bidding creates the potential for more of the same, more of the same where noncompetitive contracting work is conducted by the Federal Government and we have a repeat of the overpriced contracts and less acceptable services that come about when contracting is not competitive.

Given the enormous sums of taxpayer money that will be involved, there ought to be competitive bidding across the board. Certainly there ought to be competitive bidding unless someone shows a compelling national security reason to do otherwise. I am of the view that if Federal agencies are not going to use full and open competition, at a minimum they ought to have the burden of demonstrating why competition is not the proper way to avoid the contracts.

Senator COLLINS and I wanted, tonight, with the very helpful counsel of Senator CLINTON of New York, who also worked in this area, to offer an amendment to require the Federal agencies to make public the documents used to justify their decision to waive the normal requirements for open and fully competitive bidding. Think about that proposition. Heaven forbid we actually make public the documents that describe why we are not having competitive bidding. That strikes me as a very modest step when you are talking about billions of dollars' worth of taxpayer money.

But because there was an objection tonight, now we are not going to have the refusal to go forward with competi-

tive bidding even made public. It seems to me the way to make sure the taxpayers get the best value for their money and we have companies that compete for this work is to make sure that the standards for exempting contracts from competition are strict and rigorous and are designed to protect the needs of taxpayers and the national security.

Our amendment would have required agencies to make the justification and approval documents it used, if you were to have a contract exempt, public. And it would ensure we have full and vigorous competition and would have required other Federal agencies to make their justifications public before they entered into any contracts to rebuild Iraq.

I don't think the Senate wants to sit by and see these kinds of articles in our newspapers day after day: USAID Defends Secret Bids to Rebuild Iraq, Contracts to Rebuild Iraq Go To Chosen Few.

Unless we have the Wyden-Collins bipartisan amendment to open up this process, to promote competition, to have full disclosure, we are going to have articles like this in our newspapers day after day after day. It is going to contribute to the cynicism and frustration that taxpayers have in this country with respect to how their money will be used. It will be a long year. We are going to see these articles again and again.

I intend to come back to the Senate and stay at this. I wanted to make sure we would have a bipartisan amendment on this effort and worked very closely with the bipartisan leadership throughout the day. I thought we were there. I thought we had this amendment in a fashion acceptable to both sides. It is very regrettable it has not been accepted. I will continue to work with my colleagues. The taxpayers of this country ought to be angry about this kind of process used to let contracts.

Certainly, if there is a national security reason or some sort of contract that requires an expedited arrangement, that needs to be treated in a way that protects our national security. That is not what is going on here. What we are seeing is businesses in Missouri, Oregon, Maine, and across the country not being part of the privileged circle. A lot of businesses are going to be angry about this because they are not part of that hand-picked elite that will have a chance to get the contracts. What is going on now is bad for business, it is bad for competition, it is bad for taxpayers, and I think it is bad for national security. I don't think we will get the most for our money if we continue to have the contracts, as the papers say, go to a chosen few.

The Senate made a mistake. It is particularly unfortunate because two Senators worked for the last 48 hours in a bipartisan way to try to prevent the things we have seen in the last few days from happening again and again. It will happen again and again. That is

why I intend to come back to the Senate. It is unfortunate there was an objection tonight to our bipartisan legislation.

I look forward to seeing the Senate in the days ahead stand up again on a bipartisan basis for a process that is open, a process that promotes competition, that is good for taxpayers, good for business, and good for our country.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

MORNING BUSINESS

Mr. FRIST. Mr. President, I ask unanimous consent that the Senate proceed to a period for morning business.

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

DANIEL PATRICK MOYNIHAN

Mr. WARNER. I join all who had the privilege to serve with our late colleague, Senator Patrick Moynihan. Of the 24 years I have been here, 22 were spent with him. While my heart has sadness, it is filled with joy for the recollections of a wonderful friendship and working relationship we had in the Senate.

We shared a deep and profound love for the U.S. Navy. He served from 1944 to 1947 and was a commissioned officer. I served from 1946 to 1947 as an enlisted man. Whenever we would meet, he would shout out, "Attention on deck," and require me to salute him as an enlisted man properly salutes an officer. Then he would turn around and salute me, as I was once Secretary of the Navy, and he was consequently, at that point in time, outranked.

That was the type of individual he was. He filled this Chamber with spirit, with joy, with erudition, and he spoke with eloquence. We shall miss our dear friend.

I recall specifically serving with him on the Committee on Environment and Public Works, of which he was chairman for a while. He had a great vision for the Nation's Capital. Some of the edifices we enjoy today would not have been had it not been for this great statesman. The landmarks would not be there had it not been for him. I am talking about the completion of the Federal Triangle. The capstone, of course, is the magnificent building today bearing the name of our President Ronald Reagan.

He was a driving force behind the completion of that series of Government buildings started in the 1930s, under the vision of Herbert Hoover and Andrew Mellon. They were great