

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

friends. They wanted to complete that magnificent series of buildings, but the Depression came along and the construction stopped. Pat Moynihan stepped up and finished.

Many do not know that in Union Station, which today is a mecca for transportation, a transportation hub—we have rail, the bus, and we have the subway. Pat Moynihan was the one who saved that magnificent structure for all to enjoy for years to come.

I suppose the capstone was the Judiciary Building. I remember full well how he came before the committee and expressed the importance for the third branch of Government to have its administrative offices and other parts of that branch of the Government encased in a building befitting the dignity that should be accorded our third branch of Government. That building marks his genius.

In improving transportation, he was key in TEA-21, the landmark legislation that provided so much return to the States for their transportation needs, again, as chairman of Environment and Public Works.

He had a strong commitment to addressing poverty in rural America and was a strong supporter of the Appalachian Regional Commission which touched the States of West Virginia, Virginia, and others.

We are grateful to him. He understood the people as few did. I say goodbye to this dear friend. I salute him. I will always have joy in my heart for having served with this man who, in my humble judgment, had the wit, the wisdom, and the vision of a Winston Churchill.

Mr. SARBANES. Mr. President, when Pat Moynihan retired from the Senate in 2000, following four terms of devoted and distinguished service to the citizens of New York and indeed of the Nation, he left a great void; now, with his death, he leaves a greater void still. To paraphrase Thomas Jefferson, speaking of Benjamin Franklin when in 1784 he took Franklin's place as the Ambassador of the new American Republic in Paris, others may succeed him in the many different roles he played in our national life, but no one will ever replace him.

No simple category was ever capacious enough to accommodate Daniel Patrick Moynihan. With justification he has been called an intellectual, a scholar, an academic, an author, an editor, a politician, a diplomat, and a statesman. He has been known variously as a scholarly politician and a political-minded scholar; certainly as Nicholas Lemann has observed, "he was more of a politician, by far, than most intellectuals." He was a fierce partisan of cities and the urban landscape, but he was equally devoted to the urban and rural spaces of his State of New York. Born in Tulsa, he was a quintessential New Yorker. He was also a proud citizen of this capital city, where he and Liz, his wife and partner in every endeavor for nearly 50 years,

chose to live at the very center. He was at home in academic communities wherever he found them. He was equally expert in domestic and foreign policy.

Pat Moynihan grew up poor, and never, ever forgot the grinding, corrosive effects of poverty; many years removed from poverty himself, he characterized tough bankruptcy reform legislation as "a boot across the throat" of the poor. As a child he earned money by shining shoes; later he worked as a longshoreman. He served in the U.S. Navy. He went to college courtesy of the G.I. bill, earning his B.A. from Tufts University and his M.A. from Tufts' Fletcher School of Law and Diplomacy. Some years later he earned his Ph.D. in international relations at Syracuse University, but only after spending a year as a Fulbright Scholar at the London School of Economics and working for a time in the office of the Governor of New York.

From the time he left Syracuse for Washington in 1961 until he ran successfully for the Senate in New York in 1976, Pat Moynihan held a challenging succession of positions in public service and in the academic world. Although over the years Pat represented New York in the Senate his colleagues became accustomed to that versatility, in retrospect it appears astonishing. He joined the Labor Department in 1961, eventually becoming the Assistant Secretary for Policy Planning, but left in 1965 to become director of the Joint Center for Urban Studies and a professor in the Graduate School of Education at Harvard. Four years later he returned to public life as an assistant to the President for urban affairs, only to return the following year to Harvard, only to be called upon to serve as the U.S. Ambassador to India and then to the United Nations. In those 15 years he served in four different administrations and held six different positions. In every one of them he served with distinction and his accomplishments—many of them considered controversial at the time—are remembered respectfully today. They will not soon be forgotten.

New York's voters first sent Pat Moynihan to represent them in the Senate in 1976, and returned him every 6 years for three additional terms; he declined to run again in 2000, after 24 years of service. It was as though, in coming to the Senate, he had come home. He set his sights quickly on the Finance Committee, with its vital jurisdiction over Social Security, Medicare, and other social programs. In his third term he rose to the chairmanship, the first New Yorker to chair that committee in nearly 150 years. In that capacity he worked to enact legislation that proved to be the foundation for a period of economic growth that raised millions of Americans above the poverty level.

As a member of the Committee on the Environment and Public Works he worked hard, often with spectacular

success, to promote awareness and assure the preservation of many of the buildings, once seemingly destined for demolition, that today we consider our priceless national heritage. For this the National Trust for Historic Preservation in 1999 honored him with the Louise DuPont Crowninshield Award, its highest honor, noting, "The award is made only when there is indisputable evidence of superlative lifetime achievement and commitment in the preservation and interpretation of the country's historic architectural heritage." Everyone who walks along Pennsylvania Avenue in this city or through New York's Pennsylvania Station is forever indebted to Pat Moynihan. He procured the necessary funding to save Louis Sullivan's Guarantee Building, in Buffalo, and promptly moved his district office into it. In his brief chairmanship of the committee he shepherded through to enactment groundbreaking legislation, the Intermodal Surface Transportation Efficiency Act of 1991, ISTEA, which recast our thinking about surface transportation.

Pat Moynihan's formal academic training was in foreign policy. Here he will be remembered for his effective ambassadorship to India, his forceful and principled representation of United States interests in the U.N. Security Council and his early conviction, little shared at the time he expressed it, that behind the facade of Soviet military might and empire lay a system in danger of collapse. He proved to be correct. He should also be remembered for his role as one of the "Four Horsemen" in the Congress, whose work often went unremarked. These four Members, whose families had come to this country from Ireland, worked tirelessly together in support of efforts to bring peace to Northern Ireland, and especially to steer United States policy in that direction. That Northern Ireland is no longer torn apart by violence is in some significant measure due to their efforts.

Once we have catalogued all Pat Moynihan's many accomplishments, however, there remains the man himself. In everything he did he remained a teacher, with an amazing capacity to instruct and to inspire. He believed, with Thomas Jefferson, that "Design activity and political thought are indivisible"—an elliptical idea to many of us, until we find ourselves in the presence of the architectural monuments he helped to preserve. He brought to every undertaking an extraordinary historical perspective, and an astute appreciation of what he called, in his commencement address at Harvard just a year ago, "our basic constitutional design." In his turn of phrase and in his thought, he was unabashedly himself—deeply self-respecting, just as he was respectful of other people and other cultures. For all these reasons he remains a vivid part of our national life.

It is difficult to know just how to honor our former colleague, Senator Daniel Patrick Moynihan, for his lifetime of service and his legacy. In the

end, our best tribute will lie not in the words of remembrance we speak but rather his tangible achievements and his legacy. The best tribute we can pay is not the words we speak but rather in our rededication to the principles for which he fought.

Mr. COCHRAN. Mr. President, the Senate was enriched enormously by the services of the late Senator from New York, Daniel Patrick Moynihan.

He was appreciated and respected for his intelligence, his sense of humor, his seriousness of purpose, and the warmth and steadfastness of his friendship.

His death last week saddened this Senator very much. His funeral services at St. Patrick's Church here in Washington last Monday attracted a large crowd of friends, former colleagues, and staff members as well as his attractive family. This manifestation of friendship reminded me why Pat Moynihan was such a successful public official. He liked people, and they liked him.

He took his job as U.S. Senator from New York very seriously. He worked hard for funding for the New York Botanical Gardens. He was also an active and effective member of the Board of Regents of the Smithsonian Institution where it was my good fortune and pleasure to serve with him.

He transformed the City of Washington, D.C. through his determined efforts to enhance the beauty and protect the architectural integrity of Pennsylvania Avenue.

His scholarly articles and books on the subject of the cultural and social history of our nation were informative and influential. The correctness of his assessment of the importance of the family unit in our society changed our attitudes about the role of federal government policies.

His influence was also felt on tax policies as a member of the Senate Finance Committee.

I convey to all the members of Pat Moynihan's family my sincerest condolences.

A NEW WAVE OF FALLEN HEROES

Mrs. FEINSTEIN. Mr. President, I rise today to pay my respects to four more Californians who have died in combat in Iraq, as well as to nine other Americans who were stationed in California and have made the ultimate sacrifice in our efforts to liberate the Iraqi people. Most of these men have left family in California.

So far, of the 44 Americans who have died, 10 were from California, while another 9 were stationed there. This accounts for around 45 percent of all those killed in action.

But first, I would like to take a moment to remind my colleagues about the two servicemen killed and another wounded late last week in Geresk, Afghanistan, when they were ambushed by Taliban forces while on a reconnaissance patrol.

As America focuses almost exclusively on the conflict in Iraq, we must

not forget the bravery and sacrifice of men such as SGT Orlando Morales, SSG Jacob Frazier, and others in America's larger, global war on terror.

Of the four Californians I would like to recognize today, two of them, members of the 1st Tank Battalion of 29 Palms, were killed when their tank plunged off a bridge near Nasiriyah, during a heavy sandstorm. Both of them were still legal residents.

LCpl Patrick T. O'Day: One of these was 20-year-old Patrick O'Day, who was born in Scotland and came to the United States when he was just 3. He learned to read around the same time and quickly impressed his family and surprised his kindergarten teacher.

He was captain of the wrestling team at Santa Rosa Middle School and a 2001 graduate of Santa Rosa High School, where he met his future wife Shauna. They were married in October of last year, and they are expecting their first child in September.

His younger brother, Thomas, said that Patrick was "always someone that could make anyone in the room laugh. When he came into a room, everyone knew he was there. He could change the atmosphere very quickly. . . . He was just so much fun to be around."

PVT Francisco A. Martinez Flores: Francisco Martinez Flores was also in the tank that plunged in the Euphrates River. He was born in Guadalajara, Mexico, and settled in Duarte, CA, when only a little boy.

He attended Maxwell Elementary School and graduated from Duarte High School in 2000, where he was a popular and outgoing football player with a passion for fixing up old cars.

He had expressed a desire to be "a great soldier" ever since he was a young boy. "[The Marines] returned to me a true man," said his mother, Martha, who had gone back to Mexico to bury her father when her son was deployed to the gulf. She never had the opportunity to say goodbye.

Francisco Martinez Flores was to become a U.S. citizen in 2 weeks. But the 21-year-old marine was killed before he could take an oath of allegiance to the country he died fighting for.

LCpl Jesus Suarez del Solar: Just 20, Cpl Suarez had already served in Afghanistan, and was ready to returning to combat, this time in Iraq. This past December, he had married his longtime girlfriend Sayne. They had a baby boy, Erik.

"I'm very proud of Jesus," said his father, Fernando. "I want Americans to know that immigrants that came to the United States, we did not come to take their jobs. We came here to give them our blood, so they can have freedom and they can have a world free of terrorism. That's why my son died."

Known as something of a charmer and even a bit of a flirt, he graduated in 2001 from Valley High School, in Escondido, a town about 30 miles north of San Diego. His principal, Janice Boedeker, said that "Jesus wanted to

become a marine from the time I met him, as a junior in high school. He was just a wonderful kid with maturity beyond his years."

"He was so excited about being a part of the infantry and the Marine Corps," Boedeker said. "I always ask kids about their goals what they want to do. There was never a question with him. I remember he wrote in big, capital letters: MARINES."

One of his teachers, Tom Gabriella, remembered how Jesus "felt he could build a solid life around the Marine Corps. . . . Once, he gave a presentation to a class. He always had a big smile on his face."

GySgt Joseph Menusa: Born in the Philippines, Joseph Menusa came to the United States when he was 10 and grew up in San Jose. A veteran of the first gulf war, he was killed in battle on Thursday, March 27. He was a graduate of Silver Creek High, Class of '89.

He was working his way up the ranks and was in the process of gaining his U.S. citizenship when he received his deployment orders to the gulf.

On the eve of his deployment, Sgt Menusa told his wife Stacy why he had to go. "He said he was in charge of these young kids and he was the only one who had ever seen combat. He needed to be their guide."

Capt Tuan Pham, who was born in Vietnam and worked with Sgt Menusa as a Marine recruitment officer in San Francisco, had this to say about his friend: "We are both naturalized Americans and believe in the ideals of what this country represents. He paid the ultimate price for something we all believe in—freedom."

Of those Americans stationed in California, most were from the 1st Marine Expeditionary Force based at Camp Pendleton, in San Diego County. While from all across the country, these men were so much a part of the local community, where the mood is somber, yellow ribbons are everywhere, and the flags at half mast.

I would also like to commend the local newspaper, the San Diego Union Tribune, for doing an impressive job of providing much of the information on those stationed at Camp Pendleton.

2Lt Therrel S. Childers, Harrison County, MS: While most youngsters pick a new career more often than they outgrow their sneakers, Lt Therrel Childers, the son of a Navy Seabee, first decided he wanted to be a marine when only 5 years old.

He joined the Marines a month after he graduated from high school; they sent him to college and promoted him. 25 years after he first glimpsed his future, Second Lieutenant Childers was fatally injured on a battlefield in Iraq.

"We're proud of him," his mother said from her Powell, WY, home. "He died doing what he believed in." He approached his life with a unique intensity that made him successful both in his career and in the classroom.

His professors at The Citadel, in Charleston, SC, saw the dedication