

I used to think that if he loved us, he would never leave us. But now I know that he is leaving us because he loves us.

We must remember the sons who have never seen the faces of their fathers, and mothers who are separated from their children. We must remember the families whose loved ones will not be coming back, who paid the ultimate price so that others can live free.

Our own freedom was not won without cost but bought and paid for by the sacrifices of generations that have gone before. We must honor these heroic dead for their courage and their commitment to the dream that is freedom.

On this same trip with Senator HUTCHISON, visiting our Texas military bases, I had the chance to meet with several of the former prisoners of war who had just returned to their homes. It was especially meaningful to me, because my dad was a POW in World War II. On a bombing mission over Mannheim, Germany, he was shot down and captured and spent 4 months in a prison camp before General Patton and his Army came along and liberated him and others. Knowing the impact of my dad's experience, I have sensed a glimmer of the pain, the anxiety, and ultimately the joy of the families of these former POWs.

I know, in time, as both the former captives and their loved ones learn the names of the rescuers, they will want to express their gratitude in person and continue to be thankful to a nation that recognizes the value of each and every human life.

It strikes me that the Iraqi people's experience was much the same. No doubt the captivity of their nation was longer, more brutal, and more terrible than what our soldiers experienced. The pain of the Iraqi people was immeasurable. But now, at long last, their country has returned to them.

In 1944, Winston Churchill spoke in the Royal Albert Hall to the British troops and reminded them that they served a cause greater than themselves. He said:

We are joined together in this union of action which has been forced upon us by our common hatred of tyranny. Shedding our blood side by side, struggling for the same ideals, until the triumph of the great causes which we serve shall be made manifest. . . . Then, indeed, there will be a day of thanksgiving, one in which all the world will share.

There is a lot of work to be done in Iraq. But the difference our forces have made in such a short time is undeniable. Just a few short months ago, the idea that the Iraqi people could live free was a concept that some found hard to treat seriously. Now the dream of a free Iraq is in sight. The day of thanksgiving is not here yet, but it is coming. And thanks to the sacrifices of American families and America's warriors, it is coming soon.

We as a grateful nation continue to wish our men and women in uniform godspeed, and we hope and pray for their swift return to the loving arms of their families.

Mr. President, I yield the floor and 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. 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.

UNANIMOUS CONSENT AGREEMENT—JUDICIAL NOMINATIONS

Mr. FRIST. Mr. President, I ask unanimous consent that the vote on the pending Prado nomination occur at 2:15 today with the remaining time until then equally divided between the chairman and the ranking member. I further ask consent that following the vote, the President immediately be notified of the Senate's action. I also ask consent that on Monday, May 5, at a time determined by the majority leader after consultation with the Democratic leader, the Senate proceed to executive session for the consideration of Calendar No. 34, the nomination of Deborah Cook to be a U.S. district judge for the Sixth Circuit; provided further there be 4 hours for debate equally divided between the chairman and ranking member or their designees. Further, I ask that following the use or yielding of that time the Senate proceed to a vote on the confirmation of the nomination, again with no intervening action.

The PRESIDING OFFICER. Is there objection?

The Senator from Nevada.

Mr. REID. I ask that the consent be modified so we have a vote on Prado at 2:15 today.

Mr. FRIST. I believe that was the way it was requested.

Mr. REID. I am sorry. I missed that. I was visiting with someone else.

The PRESIDING OFFICER. Is there objection to the unanimous consent request?

Without objection, it is so ordered.

Mr. REID. Mr. President, it is my understanding that the distinguished majority leader wishes to have a vote on Cook at 4:45 on Monday. Is that true?

Mr. FRIST. That is correct. The first vote on Monday will be 4:45, and that would be on the Cook nomination.

Mr. REID. I ask consent that that be part of what we are doing today. I ask consent that the vote occur at 4:45 and there be a period prior to that of 4 hours for debate on the Cook nomination.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. REID. And that 1 hour of that time be reserved for Senator KENNEDY.

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

Mr. FRIST. Mr. President, I thank all of the Senators who have been involved in leadership on the Democratic side and the Republican side in work-

ing on this agreement. I particularly thank Senator MCCONNELL for his perseverance and counsel over the course of the past several days. Both sides have worked in good faith to come to this conclusion.

I now would ask for a further clarification with respect to the nomination of John Roberts. That nomination will be reported a week from today. We have been assured by the other side of the aisle that there would be no filibuster on the nomination of John Roberts; also, that the Senate would vote up or down on his confirmation. I know Members will want to speak on that nomination and we will be prepared to provide time on Thursday for that debate.

I, therefore, expect that prior to completing our business next week we will vote on the nomination. I yield to my colleague with regard to this understanding.

Mr. REID. The statement of the Senator is absolutely correct. There will be no filibuster. I would only ask, as the Senator has already indicated, that there be ample time—it may take as much as 6 hours of debate—prior to a vote on that. The Senator said it would be on Thursday. It may have to spill over until Friday. We may not be able to do all 6 hours on Thursday.

I was just saying—I know the Senator was preoccupied—we may take as much as 6 hours, 3 hours on our side; the other side may not need as much time, and so we may not be able to complete all that on Thursday. That is strictly up to the leader, but we have already indicated we would need up to that much time.

Mr. FRIST. Mr. President, I want to make sure there is adequate time for debate. I would like to try to have the vote by the end of next week, if at all possible.

Mr. REID. Mr. President, Senator MCCONNELL and I worked as much as we could to get this to a point where we are today. I do not like to acknowledge this often, but we were unable to do that. It was only because of the intervention of the two leaders that we were able to arrive at this point. We need not go into all the details of what went into this agreement, but I want to publicly acknowledge the good work of the Democratic leader and the majority leader in allowing us to get to this point. This has been done very quickly on the Senate floor, but to arrive at this point has taken literally hours of time.

This is a significant breakthrough. I think, with all the difficulty we have been having with judicial nominations, that this is a significant advancement. It is typical of what has to be done when dealing with legislation. A lot of people have to give up what they felt was something they could not give up.

I also would say that Senator HATCH and Senator LEAHY have been involved. I think they have helped the advancement of the Senate by their agreeing to things to which a little while ago they

would not have agreed. I wish to publicly commend the two leaders, and the chairman of the committee and the ranking member of the Judiciary Committee, Senators HATCH and LEAHY, for some excellent work. This is not anything that will ever be written in the history books but in my mind I have some knowledge of what is good for the Senate and I am convinced that what we have done today is some of the best work we have done all year.

Mr. FRIST. Mr. President, I thank my colleague for his comments and agree wholeheartedly in terms of the efforts that have been made in good faith on both sides of the aisle. It has been difficult in terms of negotiations but everybody has been involved at the leadership level, as well as working with the respective leaders of the committee. We have come to a satisfactory conclusion. By the end of next week we will have accomplished the goals we all have, and that is to keep the process working—it is not always pretty—in a way that will deliver what the American people deserve.

We will have more to say later today, but we will expect to have two votes on Monday, the first at 4:45 and then a vote later, which we will set up the time agreement probably an hour or so after that vote, with consideration to Miguel Estrada. Again, we will make specific announcements but we will have two votes on Monday. I point out the first one is at 4:45, which we have tried to announce a few days ago to make sure people are back for that particular vote.

The PRESIDING OFFICER. The Senator from Oregon.

Mr. WYDEN. Mr. President, I ask unanimous consent the distinguished Senator from New York, Mrs. CLINTON, and I control the next half hour as if in morning business.

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

SUNSHINE IN IRAQI RECONSTRUCTION CONTRACTING ACT

Mr. WYDEN. Mr. President, we rise today to discuss the call of a bipartisan coalition for some badly needed sunshine in the process of awarding Iraqi reconstruction contracts. I particularly commend several of my colleagues for joining me in the bipartisan legislation, the Sunshine in Iraqi Reconstruction Contracting Act introduced April 10.

First, Senator CLINTON and I are especially grateful to the chair of the Governmental Affairs Committee, Senator COLLINS of Maine. Not only is she an excellent chair of the committee that will take up this legislation, she is also an expert on procurement law, a real authority on the very issue we have addressed in our legislation. We are very proud to have her as our lead bipartisan coalition builder on this legislation because her leadership qualities on the committee and special proficiency on this topic give me great

confidence this bill is the right move for America, the right move for the Senate, particularly the right move for our taxpayers, and we are very grateful for Senator COLLINS' support and participation in this effort.

Our legislation has a simple aim. It says if a Federal agency awards an Iraqi reconstruction contract without the benefit of open and competitive bidding, that agency must publicly justify their decision to do so. I will tell the Senate and my colleagues the events and news reports of the 21 days since our bill's introduction have only strengthened our bipartisan conviction that Iraqi reconstruction contracts must be awarded in the sunshine and not behind a smokescreen.

There are two primary reasons we believe it is so important American taxpayers deserve additional details about this closed and secretive process. First, there is a huge amount of money on the line, a projected \$100 billion in taxpayer funds. Second, the General Accounting Office has already reported sole-source or limited-source contracts almost always are not the best buy for the taxpayer.

In my view, the need for explanation increases a hundredfold if Federal agencies are going to employ a process that may expose taxpayers to additional cost. When we introduced this legislation, we were concerned that the U.S. Agency on International Development had already awarded four of eight major Iraqi contracts through a closed bid or no-bid process. Even at that time, sole-source and limited-source contracts already seemed to be the rule and not the exception for rebuilding Iraq. USAID announced it would limit competition to companies they felt had the technical ability and accounting ability to handle these matters.

But since our legislation was introduced, not only have a number of Federal agencies continued to award no-bid or closed-bid contracts, but once the bids have been solicited, they even started to ignore or circumvent their own publicly stated criteria for limiting the pool of applicants. More than ever, our bipartisan coalition believes if the Federal Government chooses not to use free market competition to get the most reasonable price from the most qualified contractor, then at a minimum they should tell the American people why that is necessary. Sunshine is the best disinfectant and the news reports of recent days simply beg for a clearing of the air.

On April 11, the day after we introduced our bill, one firm secured a \$2 million Iraq school contract through an invitation-only process. On April 18, USAID awarded the biggest contract yet through an invitation-only bid process. A \$680 million contract to rebuild Iraq's infrastructure was awarded to Bechtel. On April 19, a \$50 million policing contract was awarded through a closed bidding process. On the same day, the Washington Post reported that a renewable \$7.9 billion contract

for personnel services in Iraqi reconstruction was awarded February 25, nearly a month before the war began, with a single company invited to bid for the job. According to the press reports, that invitation came a full 55 days before the start of the hostilities.

As each of the contracts was awarded, Federal agencies justified the no-bid or closed-bid process only by saying that they simply had to move quickly. That is basically one of the only arguments the agencies have left. Originally, USAID said the only companies with security clearances could be invited to apply. But that argument fell apart just a couple of days ago. USAID's own inspector general revealed that USAID waived the security clearance requirement when one bid was awarded. It turned out that the winner of a \$4 million ports contract, in fact, did not have the security clearance that was supposedly essential when the limited bid process started. In effect, USAID eliminated the very criteria it used to limit bidders on the project. USAID suddenly said the outbreak of war in Iraq simply made the security clearance process unnecessary.

The only reason the United States would be awarding contracting to rebuild Iraq would be if the United States went to war. So if the requirement for security clearance was needed before the war broke out, it is hard to see what would have changed once the war started. As a Member of the Senate Intelligence Committee, I thought the argument was a bit shaky at the outset. I was not certain why you would need all of the security clearances to fix the sewer system. Weeks ago, it was clear that most of the Iraqi work would be subcontracted out to companies who did not meet the security requirements in the first place. But the report from the inspector general this week has significantly increased my concern. It turned the agency's argument about security clearances from suspect to essentially ludicrous.

This incident makes the case better than any other that agencies should have to clearly and publicly state how they are choosing companies for these invitation-only bids. Perhaps if they know they have to face the public on these issues they will have better explanations or a more open process.

We want to be clear, in the presence of actual security concerns, our legislation assures the protection of classified information. But at the same time, it does give the Congress oversight over the billions in taxpayer money that Americans are being asked to commit in Iraq and that is desperately needed. Historically, open and competitive bidding by Federal agencies has been the tool to get the best value for the taxpayers of our Nation.

Again, independent reports from the General Accounting Office show that in the past, the sole-source or limited-source contracts have not been before the buy. According to the General Accounting Office, military leaders have