could draw some conclusions about those companies that are rotating the low bid, and perhaps avoid stepping into a trap.

Incidentally, the bill I introduced and which the House has passed, and which is still pending before the Senate Committee on Government Operations, would require you to report all of the bids wherever two or more of the bids are identical.

This bill incidentally was not drafted just off the cuff, but it was drafted after careful consultation with a large number of experts who spent many years on identical bid rigging matters, both the economics and the law on the subject.

So, I hope that in your future reports you will report all of the bidders. It seems to me you could do that in table 2.

Another thing, Judge Loevinger: Of of the 737 Federal cases of identical bidding reports that you reviewed, 118 were excluded on the ground they required "special treatment."

That is a pretty high percentage. Most of these, I gather, came from the Agriculture Department.

Would you comment on this, and are you and the Justice Department convinced that these identical bids submitted to Agriculture for purchases for the school lunch program are not the result of collusion? Have you investigated this situation thoroughly, Judge?

Mr. LOEVINGER. I suppose a candid answer is "No," we have not investigated the situation thoroughly, and we do not mean to suggest, either, that the cases excluded are not the result of collusion or that the cases included are the result of collusion.

We have had to adopt certain fairly arbitrary criteria for getting the report up, and the criteria do not involve completeness of each case, of the kind that we give an antitrust case, nor a judgment as to whether or not there has been a law violation.

I think it must be clearly understood that these are cases reported on the basis of fairly arbitrary criteria and that additional analysis and investigation must be made in order to reach a judgment as to the significance of the cases.

Chairman PATMAN. Judge, your summary table on page 16 shows that you received 1,259 reports of identical bids and that your report covers less than half of these. You included in the report 599 and threw out 660.

One of the reasons you threw some out of that 123, according to the table, was that they "required separate treatment." Could you give us some information about the nature of the problem in the case of these 123?

Then you threw out 186 because you say the data are incomplete. Are you doing anything about checking missing data, particularly from the Federal agencies?

Mr. LOEVINGER. Perhaps Mr. Markus can answer that.

Chairman PATMAN. All right, Mr. Markus.

Mr. MARKUS. As to the incomplete reports, we have underway a canvass and a recanvass of the agencies that did not complete the reports in accordance with the instructions.

Chairman PATMAN. I see.

Mr. MARKUS. Eventually, these reports will be included in subsequent analyses that will be made in future reports.

Chairman PATMAN. Fine; that is all right.