

I am aware that there are a number of cases where those who are considered as potential contractors or suppliers are limited in one way or another.

Attention has been given to these in other activities but not in this report.

I am sure that there is no inconsistency between the findings and the recommendations of the Small Business Committee and this report.

You see, this report purports to cover only a relatively small percentage of Federal Government procurement. The total amount of Federal Government procurement that is covered by this report is only in the neighborhood of 16 percent of the total Federal Government procurement.

And it may be less than that actually. This is an approximate figure.

Senator SPARKMAN. I don't have the figures in mind now with reference to the percentage of our procurement that is done on a competitive bid basis as against that that is done on either a negotiated basis or a limited bid basis where just a few suppliers are invited to come in and participate. But I do know that it has been a continuing fight with us to try to get the procurement agencies of the Government to use open competitive bidding, and I rather feel that it may be the best cure for these identical bids.

Thank you, Mr. Chairman.

Chairman PATMAN. May I add one thing to what Senator Sparkman said.

Suppose you have identical bids from a half dozen companies, of which one was a real big one and the other one smaller and so forth. Suppose you had the policy of giving it to the smallest company making the identical bid, wouldn't that have a tendency to break this up, Judge Loevinger?

Mr. LOEVINGER. The wisdom of this policy is subject to debate, certainly, but this is a suggestion that has been made, and it seems to me that there is much to recommend it, this may very well be an appropriate suggestion.

Again, it depends somewhat on the fields, the character of commodity you are talking about, but I think there is much to commend such a suggestion.

Chairman PATMAN. I think it would break them up overnight, Judge; I hope you try it.

Senator PELL, did you have anything?

Senator PELL. No.

Chairman PATMAN. Senator Javits?

Senator JAVITS. Judge Loevinger, I came back because I had done what I could do at the Appropriations Committee and I wanted to take a little issue with you, if I may, with respect to the contribution that could be made by a revision of the antitrust laws to our economic situation.

I cannot agree there is no place in an improved economy for a revised concept of the antitrust laws and so I would like your judgment upon these two points: One, we have run into a situation which would indicate that if you really are going to compete with state trading on the part of Communists, you unquestionably have to find some