

and private sector employees for work-related travel. The time has come for us to recognize that the current prohibition on frequent flyer benefits is unfair to our Federal workforce as well as unnecessary for good government. In fact, by making these benefits available to government workers, we will help make Federal service more competitive with the private sector.

I am especially proud that this measure applies to military personnel, many of whom are deployed in hostile environments, far from home and family. This time of war brings home the fact that every soldier, sailor, pilot and marine who serves our country around the clock deserves the best treatment we can offer.

This provision originated in an amendment to the Defense Authorization bill offered in the Armed Services Committee in September by Senator WARNER and myself, and was further developed as S. 1498, a bill which I introduced in October with Senators THOMPSON, AKAKA, WARNER, and VOINOVICH, and which provided the basis for the final language of section 1116.

I ask unanimous consent that a section-by-section analysis of this provision be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

SECTION-BY-SECTION ANALYSIS
SECTION 1116—RETENTION OF TRAVEL
PROMOTIONAL ITEMS

Subsection (a)—Definition. The term “agency” has the meaning given under 5 U.S.C. § 5701.

Subsection (b)—Retention of Travel Promotional Items. This subsection provides that government personnel and others may make personal use of frequent flyer miles and other promotional items received from official travel. Official travel may be either at Government expense or accepted by the Government from a non-Federal source. This provision is comprehensive, covering travel by civilian, military, and foreign-service personnel, family members when on official travel (as when personnel are being relocated), and any other individuals (such as academic experts or fellows) who may travel at Government expense (or accepted by the Government from a non-federal source).

Subsection (c)—Limitation. This subsection (c) provides that only “agencies” (as defined in subsection (a)) are covered by the section. Paragraph (1) of subsection (c) states that only travel at the expense of such an agency (or accepted by the agency from a non-federal source) is covered by the section, and paragraph (2) states that travel by an officer, employee, or other Government official who is not in such an “agency” is not covered. Thus, Government personnel in one agency are covered even if they are traveling at the expense of another agency, but Government personnel are excluded if they are not in any agency, even if an agency is paying for the travel.

As noted above, subsection (a) applies the definition of “agency” in 5 U.S.C. § 5701, and that definition is further established by 5 U.S.C. §§ 101–105, which define certain terms used in 5 U.S.C. § 5701. The section thus covers all executive and military departments and most other executive-branch agencies. In the legislative branch, the section covers the

General Accounting Office, the Library of Congress, the Government Printing Office, and other legislative-branch agencies. All offices and agencies in the judicial branch are covered.

Governmental entities outside of the definition of “agency” in 5 U.S.C. § 5701 are not considered to be covered by the existing ban on personal use of frequent flyer miles in section 6008 of the Federal Acquisition Streamlining Act, and have established their own rules and policies on this subject—some allow their employees to use frequent flyer miles and some do not. This section would not affect any of these entities. These entities include the U.S. Postal Service, government-controlled corporations, and the House and Senate.

Subsection (d)—Regulatory Authority. This subsection provides that an agency with authority to regulate official travel may issue regulations necessary to carry out subsection (a) with respect to promotional items granted in connection with such travel. So, for example, for travel by members of the foreign service, the Secretary of State may issue such regulations; for travel by members of the uniformed services, the secretaries of the respective services may issue such regulations; and for travel by most other civilian employees, the Administrator of GSA may issue such regulations.

Subsection (e)—Repeal of Superseded Law. This subsection repeals section 6008 of the Federal Acquisition Streamlining Act, which now requires that awards under a frequent traveler program or other promotional items accrued through official travel be used only for official travel.

Subsection (f)—Applicability. This subsection provides that the section shall apply to promotional items received before, on, and after the date of enactment.

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

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

AGRICULTURE, CONSERVATION,
AND RURAL ENHANCEMENT ACT
OF 2001—Continued

AMENDMENT NO. 2598

Mr. HARKIN. Madam President, what is the business before the Senate at this time?

The PRESIDING OFFICER. The business before the Senate is the McCain amendment to the substitute.

Mr. HARKIN. The McCain amendment to the substitute is the pending business.

The PRESIDING OFFICER. The McCain amendment to the underlying bill.

Mr. HARKIN. We would like to debate it. I ask if anyone knows where Senator MCCAIN is; we would like to debate the amendment. He is not here, so we cannot debate the amendment.

What I would like to do—I wonder if I can work with the ranking member to see if we can make some progress on this bill tonight. I would like to ask consent to withdraw the McCain

amendment, with the understanding that tomorrow morning when we come in, the McCain amendment will be put in order on the substitute after we debate the Wellstone amendment and lay it aside tomorrow. We will not dispose of it until we come back next week.

I am saying that we take the McCain amendment off tonight so we can deal with other things, with the understanding or with the agreement, with the consent that tomorrow morning the first thing we will turn to is the Wellstone amendment, as I understand; when the debate is finished on the Wellstone amendment, Senator MCCAIN be recognized to offer his amendment on the substitute, and it can be debated.

The PRESIDING OFFICER. Is there objection?

Mr. LUGAR. Reserving the right to object. I just wish to respond to my colleague.

The PRESIDING OFFICER. The Senator from Indiana.

Mr. LUGAR. Madam President, I think he is outlining a reasonable course of activity. As I understand the Senator's proposal, Senator WELLSTONE would debate his amendment; others would debate the amendment. As we know, a rollcall vote will not be in order, given the unanimous consent agreement, until Tuesday. Therefore, after that debate, this will be laid aside, and then Senator MCCAIN will be recognized so we can proceed then, as the Senator from Iowa has suggested, to amend the—whichever—the underlying amendment at that point; is that what the Senator said? In any event, whatever appears to be in order so he is able then to complete the debate on his amendment.

Mr. HARKIN. Maybe I should inquire of the President, what is the order right now?

The PRESIDING OFFICER. The McCain amendment.

Mr. HARKIN. Further inquiry, Madam President. Is there a consent agreement now in order which lines up some other amendments?

The PRESIDING OFFICER. No, there is not.

Mr. HARKIN. There is not. May I further inquire, where is the Smith amendment and the Torricelli second-degree amendment thereto in the order of things right now?

The PRESIDING OFFICER. Those are pending to the substitute.

Mr. HARKIN. If they are pending to the substitute, then the Wellstone amendment will be to the substitute, and so we will have to lay aside the Smith and Torricelli amendments tomorrow morning in order to go to Wellstone.

The PRESIDING OFFICER. That is correct, as well as laying aside the McCain amendment.

Mr. HARKIN. Well, then, let's see if we both have the same understanding of this. What we would do tomorrow morning is lay aside the pending Smith amendment and the Torricelli second-degree amendment thereto. We would

then proceed to debate on the Wellstone amendment. When debate is finished on the Wellstone amendment, we would then go to the McCain amendment as an amendment to the substitute, at which time after the McCain amendment is debated, we would then return to the Smith amendment with the Torricelli second-degree amendment thereto?

The PRESIDING OFFICER. Provided that the McCain amendment has been withdrawn, the Senator is correct, and assuming that the Wellstone amendment is offered and subsequently the McCain amendment is offered.

Mr. LUGAR. I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. JEFFORDS). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. HARKIN. Mr. President, I ask unanimous consent the order for the quorum call be dispensed with.

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

Mr. HARKIN. Mr. President, I ask unanimous consent that the McCain amendment No. 2598 be withdrawn, and that when the Senate resumes consideration of the farm bill on Friday, the pending Smith and Torricelli amendments be laid aside and Senator Wellstone be recognized to offer an amendment regarding EQIP grants; that following debate in relation to the Wellstone amendment the amendment be laid aside, and Senator MCCAIN or his designee be recognized to offer his amendment regarding catfish, and that following the reporting of the clerk, the McCain amendment be laid aside; further, that the pending amendments may be set aside with the concurrence of both managers for the purpose of offering additional amendments.

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

Mr. HARKIN. Mr. President, basically the situation is this. We are open for business again. We could take amendments right now, but I can see that there are not many people around right now.

I want to point out again that we are on the farm bill. It is Thursday, December 13. It looks as if we will have another week and a day here. Probably next Friday we will adjourn.

We have to get this farm bill done. As chairman of the Agriculture Committee, I believe I have been more than lenient and willing to let other bills come up—the Education bill next Monday, tonight the Defense bill—but now it is the hour when we have to focus on the farm bill, and we have to get it done. So I intend to object to going to anything else. We will remain on this farm bill.

Obviously, conference reports are privileged, but for my part there will not be anything else to come before the Senate until we finish the farm bill. It will take unanimous consent to get off the farm bill and I, frankly, am serving notice right now that I am not giving

consent for anything that keeps us from finishing the farm bill. If people want to vote against it and defeat it, that's their business. But at least let's get to a vote and let people know whether or not we are going to pass this farm bill or whether the will of the Senate is we do not want this farm bill. But we ought to have at least a vote this year.

Farm groups all over America have been writing and calling, asking us when we are going to get this farm bill done. We have done our job in committee. I point out again and again, every single title of this farm bill was passed unanimously out of the committee except one, the commodity title, and that at least had some bipartisan support.

I was fully aware that we would have an amendment on the floor by Senators Cochran and Roberts that was going to try to change the focus of the farm bill on the commodity title and some other titles. We have been wanting to see the Cochran-Roberts amendment. We have been hearing about it, but they will not bring it up. Where are they? They are not here. They were not here today, they were not here yesterday, and I daresay they will not be here tonight. Will they be here tomorrow? There is some sort of Cochran-Roberts amendment, but they will not offer it.

It is an unusual way to make legislation unless—unless it is the desire and the plan to stop this bill from going through this year. Maybe that is the plan.

We ought to have a finite list of amendments. We ought to know what amendments may be offered. I don't know what amendments are out there. I will ask tonight, and I will ask tomorrow, may we have a finite list of amendments? Is that possible?

Would we be able to finish and go to third reading by Tuesday night? Would that be possible? Could we do that? Or by Wednesday? Could we be finished by Wednesday noon? How about Wednesday night? How many amendments do we need to consider? We can't seem to get anything agreed to on this.

With all due respect to my friend and my ranking member, Senator LUGAR, I just hope we can reach some kind of finite list of amendments and get them listed.

I will be asking unanimous consent for that tomorrow. I will not tonight. But tomorrow I will ask unanimous consent whether by a certain time tomorrow we may have a finite list of amendments. If that is not acceptable, I will ask for such a list by Monday. I will see whether we can ever get to a point where we can have a finite list of amendments. If not, then it will be apparent that some do not want this bill to pass this year, for whatever reason.

Again, I am not saying this is necessarily so. But I am saying that is what it appears to be. We have to move ahead on the bill. Yet here we sit. We could have amendments tonight. It is not unusual to be in session Thursday night.

Senator LUGAR and I are on the floor. We are willing to work. We are willing to stay here and listen to debate and have amendments and vote. However, no one else is here, except the occupant of the chair, of course.

We just cannot seem to get the cooperation to get this farm bill moving. I hope tomorrow morning we will have some debate. I want to put on notice all offices who are watching on television right now that we will have amendments tomorrow. There will not be any votes tomorrow. That has already been agreed to. But we will have amendments tomorrow, and amendments will be debated. Then they will be set aside. We have tried to stack votes for them on Tuesday. There won't be any votes on Monday either.

We will have debate tomorrow. We will stack the votes on Tuesday. But there will be debate on amendments tomorrow.

I say to anyone who has amendments to offer that they should offer them tomorrow because, again, members ought to know we are going to vote on cloture again on Tuesday morning. If cloture happens, and they have not offered their amendments, they may be out of order.

Again, if we don't get cloture on Tuesday, we will vote again on cloture on Wednesday. If we don't get cloture on Wednesday, we will vote again on it on Thursday. We will just see whether or not there are those in this body who want to absolutely stymie and stall and keep us from voting on a farm bill this year.

I believe I have acted in good faith. We brought the bill out of committee. We brought it to the floor. It can be amended. I love debate. I thought we had some good amendments offered. We have had some good debates so far. I am just hoping we can bring this debate to a conclusion at some point early next week and get this bill out of the Senate.

Again, I look around to see if there is anybody to offer any amendments. It is pretty quiet in here. Evidently, it looks as if we are not going to get any amendments here tonight.

I yield the floor.

The PRESIDING OFFICER. The Senator from Indiana.

Mr. LUGAR. Mr. President, I will not add to the frustration and discomfort of my chairman except to empathize with him, having stood in a similar situation 5 or 6 years ago when we last proceeded with the farm bill. I found it was seemingly an endless task. It does finally come to conclusion. That will be good news for the chairman.

I will work with him to try to identify the amendments so we can have appropriate debate and votes. Both the chairman and I realize we are near the end of the session, and conference reports on important bills are likely to intrude. The chairman recognizes that. He stated correctly this is the pending business. It ought to be our pending business, aside from the privileged motions on appropriations bills that the

leaders have designated for debate on Monday and early Tuesday.

I believe there probably is a finite set of amendments. I suggested earlier during the day that we will compile a list of 44 at that time. I think some of those perhaps disappeared in the course of the day. Hopefully others do not emerge.

But I think there are some basic issues involving payment limits, for example, that are still out there. Perhaps some are not parochial interests but interests of particular Senators in their States, such as, for example, the distinguished Senator from Oregon, Mr. SMITH, with a legitimate basin problem not requiring much time, although the Senate may or may not agree with his point of view.

Even if these are simple amendments, perhaps they will not be offered in the event they are already accepted. Perhaps the chairman and I will be able, with staff, to work together to see which amendments can be accepted.

We have been engrossed in very heated debate on sugar and on dairy—things that claimed our attention at the time so that we have not really sifted through those things that are perhaps acceptable.

But in the course at least of the next couple of days of debate, I think the situation will become more clear. The chairman knows I have a number of problems with the commodities title. I have already expressed those in the form of one amendment and others.

The chairman is also correct that we did reach remarkable accord on at least eight titles, perhaps nine. My memory fails as to how many are in our bill. But those are good titles to this piece of legislation. It doesn't mean that others may not at least insert lines in them, and they may do so, but at the same time they are in fairly solid shape.

The commodity situation is one that is bound to be of controversy because it has money attached to it. Nevertheless, we will have to reach decisions. I pledge to work with the chairman to do that. I will offer at least I hope comfort this evening and the belief that the chairman's day tomorrow will be a better one.

I yield the floor.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. REID. 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. REID. Mr. President, I ask unanimous consent that the Senate proceed to a period of morning business with Senators allowed to speak therein for a period not to exceed 5 minutes.

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

WELCOME TO THE ARIZONA DIAMONDBACKS

Mr. McCAIN. Madam President, I recognize the presence today of our world champion Arizona Diamondbacks who are visiting with the President later this morning.

We in Arizona are especially proud of them, as I know are all baseball fans across America who hate the Yankees as well. So I express, on behalf of myself, my colleague Senator KYL, and the people of the State of Arizona, how pleased and proud we are of the Diamondbacks and the fact that the President will be greeting them later on; he has a very deep connection and affection for professional baseball.

We are especially proud to have our Diamondbacks with us this morning to see our Capitol and know that all Americans, in a very difficult time in American history, were uplifted by the incredible series that was played by both teams; it diverted our attention and made us appreciate the greatness and strength of America.

Mr. HARKIN. Will the Senator yield? I want to compliment him and the Arizona Diamondbacks. What a great series, one of the best World Series I have ever watched, being a baseball nut like I am. I think what the Diamondbacks showed is not to ever count anyone out and never give up. I think the thing that came through with that team was people did not think they would be up for it and counted them out in the beginning. This team never gave up, and I think, as the Senator from Arizona said, at this time in our national life we needed to be reminded to never give up.

Mr. McCAIN. I thank my friend from Iowa. It is also important to mention my friend from Missouri whose team also played a wonderful series early on with the Diamondbacks, and I think helped them prepare for the World Series.

Mr. BOND. Madam President, a couple of months ago I never thought I would say I am glad to see Curt Schilling again. We saw far too much of him as a Cardinal fan.

We congratulate the Diamondbacks on an outstanding year, a great victory and, as I think they used to say in Brooklyn, wait until next year we look forward to renewing the contest.

The Diamondbacks were magnificent and, yes, I guess I am even glad to see Curt Schilling.

Mr. McCAIN. I thank my colleagues for their indulgence, and I appreciate them taking a moment to congratulate this wonderful group of Americans.

HONORING SERGEANT DAN PETITHORY

Mr. KERRY. It is my extraordinary privilege to share a few words with you today about Sgt. Dan Petithory. I am

touched that his family asked me to do so, touched as a veteran who shares with Dan the bond of service in war, touched as a public official who has the privilege of expressing gratitude on behalf of everyone in our State and country whose lives are better for Dan's service, and touched as a citizen and father whose gratitude for Dan's contribution and sacrifice can never be adequately described.

No one in all of time has ever been able to soften the blow of a young person dying. I know all too well, as does Senator KENNEDY, how the suddenness of death can rob us of those we love and change life forever for those left to live it. But somehow through the tears, God helps us find our way.

In the natural order of things, parents are not supposed to bury their children. The pain of doing so is unfathomable and today America's heart and the hearts of all decent, civilized people ache uncontrollably for Louis and Barbara, for Michael and Nicole, and for all the members of their family.

But we are comforted above all by knowing this was not a loss in vain. This was not a waste. This was not a death that cannot be explained, difficult as the circumstances were. Sgt. Daniel Petithory died for all of us. He died believing in his country, his values, his brothers in his unit. He died in the extraordinary act of making it possible for others to live by the values he loved so deeply, so much more even than he loved his own life.

And we will never forget: Dan was a warrior on our behalf. Twice he went to war so we can live our lives in security and freedom. When the terrorists brought the frontlines here to America, Sergeant Petithory took the battle back to them in Afghanistan, just as he had taken it to Saddam Hussein in the Gulf War a decade ago. That time, he came home safely to America, to a New England community built on the values for which he'd fought so courageously, home to Cheshire and the love of his family which all the days of his youth had flown the American flag from their front porch. Now he is returned to us, resting under that flag to which he has added an indelible new strand of duty and honor. He gave his life to defend the values and security of our Nation and in doing so he joined the special legion of patriots who define the United States of America.

For his ultimate sacrifice in the performance of duty, Sgt. Petithory is to be awarded the Silver Star and the Purple Heart, badges of distinction from a grateful Nation. Following his courageous example, the duty is now left to us to spare no sacrifice to finish the mission for which Dan earned our eternal respect, gratitude, and awe.

I didn't know Dan personally. Nor did many who mourn him in Massachusetts and across the country. But now we know him as the neighbor next door; we know him as the kid who always wanted to be a soldier since he