

work, but it certainly is a major step forward.

Let me also point out several other items that are in this bill that I think are very significant. The bill also includes funds for the D.C. Safe Kids Coalition; the District's Green Door Program, which provides opportunities for people with severe and persistent mental illnesses; a program that has been called to my attention by Senator DOMENICI, Teach for America, D.C.; as well as the District's Failure Free Reading Program. There is also significant money in this bill for the Children's Hospital in the District of Columbia.

So it is a forward looking bill. It is a bill for children of the District of Columbia. I urge my colleagues to support the bill.

I yield back the remainder of my time.

Mr. DURBIN. Mr. President, less than a month ago, I stood before my colleagues to address an extremely important public health concern, one that is essentially a life or death issue here in the District of Columbia.

AIDS rates in our Nation's capital are the highest in the country. Nationwide, more than one third of AIDS cases are related to drug use, and substance use by a parent has led to over half of the AIDS cases among children. Statistics are more dramatic among women, where 3 out of 4 women diagnosed with AIDS became infected through their own use or a partner's use of contaminated needles.

Exhaustive scientific review has found needle exchange programs to be an effective way to slow the spread of HIV and AIDS. The American Medical Association, the American Nurses Association, the American Association of Pediatrics, and the American Public Health Association endorse these programs. Yet in spite of the overwhelming support from public health experts, we here in Congress have prevented the District of Columbia from using its own local funds to finance these lifesaving programs since 1999. These programs currently operate in many of our home States and communities, often with the help of State and local tax receipts. Almost 95 percent of these programs refer clients to substance abuse treatment programs.

I was pleased that the District of Columbia appropriations bill passed by the Senate on November 7 eliminated this unnecessary prohibition and acknowledged the strong support these programs enjoy among both law enforcement officials and the public health community.

The conference report we are considering today does not include this crucial step forward. Instead, it maintains the irresponsible status quo, which prevents the District from using its own locally generated revenue to finance needle exchange programs. This conference report ignores Surgeon General David Satcher, who stated that "there is conclusive scientific evidence that

syringe exchange programs, as part of a comprehensive HIV prevention strategy, are an effective public health intervention that reduces transmission of HIV and does not encourage the illegal use of drugs." This conference report disregards the Institute of Medicine, which identified access to sterile syringes as one of four unrealized opportunities in HIV prevention.

I have chosen to vote against this conference report because I am not willing to disregard countless medical experts who have acknowledged time and time again that needle exchange programs are an effective tool to halt the spread of HIV and AIDS, including the American Medical Association, the American Nurses Association, the American Association of Pediatrics, the American Public Health Association. I am not willing to ignore the tragic effect that this restriction has on children who contract HIV because one of their parents used contaminated needles. It is my sincere hope that next year we can stop politicizing this issue and recognize that the District of Columbia, just like all of our home States and districts, deserves to have all possible resources at its disposal to combat this devastating public health crisis.

The ACTING PRESIDENT pro tempore. All time has expired. The question is on agreeing to the conference report.

The yeas and nays have been ordered. The clerk will call the roll.

The senior assistant bill clerk called the roll.

Mr. NICKLES. I announce that the Senator from North Carolina (Mr. HELMS) is necessarily absent.

The PRESIDING OFFICER (Ms. STABENOW). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 79, nays 20, as follows:

[Rollcall Vote No. 356 Leg.]

YEAS—79

Akaka	DeWine	Mikulski
Allen	Dodd	Miller
Baucus	Domenici	Murkowski
Bayh	Dorgan	Murray
Bennett	Edwards	Nelson (FL)
Biden	Feinstein	Nelson (NE)
Bingaman	Frist	Reed
Bond	Graham	Reid
Boxer	Grassley	Roberts
Breaux	Hagel	Rockefeller
Burns	Harkin	Sarbanes
Byrd	Hatch	Schumer
Campbell	Hollings	Smith (OR)
Cantwell	Inouye	Snowe
Carnahan	Jeffords	Specter
Carper	Johnson	Stabenow
Chafee	Kennedy	Stevens
Cleland	Kerry	Thomas
Clinton	Kohl	Thompson
Cochran	Landrieu	Thurmond
Collins	Leahy	Torricelli
Conrad	Levin	Voinovich
Corzine	Lieberman	Warner
Craig	Lincoln	Wellstone
Crapo	Lugar	Wyden
Daschle	McCain	
Dayton	McConnell	

NAYS—20

Allard	Ensign	Gramm
Brownback	Enzi	Gregg
Bunning	Feingold	Hutchinson
Durbin	Fitzgerald	Hutchison

Inhofe
Kyl
Lott

Nickles
Santorum
Sessions

Shelby
Smith (NH)

NOT VOTING—1
Helms

The conference report was agreed to. Ms. LANDRIEU. Madam President, I move to reconsider the vote, and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from South Carolina.

UNANIMOUS CONSENT REQUEST— S. 1214

Mr. HOLLINGS. Madam President, this is a unanimous consent request to take up the Port Maritime and Rail Security Act.

I ask unanimous consent that the majority leader, following consultation with the Republican leader, may proceed to the consideration of Calendar No. 161, S. 1214, the Port Maritime and Rail Security Act, and when the measure is considered it be under the following limitations: That a managers' substitute amendment be in order; that the substitute amendment be considered and agreed to and the motion to reconsider be laid upon the table; that the bill as thus amended be considered as original text for the purpose of further amendment; with no points of order waived by this agreement; that all first-degree amendments must be transportation related; that the second-degree amendments must be relevant to the first-degree amendment to which it is offered; and that upon the disposition of all amendments, the bill be read a third time and the Senate vote on passage of the bill with this action occurring with no further intervening action or debate.

The PRESIDING OFFICER. Is there objection?

Mr. CRAIG. Madam President, I am sorry at this time that I have to object because of the exclusive unanimous consent limitation.

The PRESIDING OFFICER. Objection is heard.

MORNING BUSINESS

Mr. REID. Mr. President, I ask unanimous consent that the Senate now proceed to a period of morning business with Senator STEVENS having the opportunity to speak for up to 10 minutes.

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

PEARL HARBOR DAY

Mr. STEVENS. Madam President, I requested of the leadership an opportunity to speak briefly about Pearl Harbor Day.

The Senator from Hawaii would be in Pearl Harbor today, as he has been almost every time every year since he has come to the Congress.

I would have been in New Orleans at the opening of the new museum for World War II. I think it is appropriate that we ask the Senate, at the conclusion of the remarks of the Senator from Hawaii, to stand and observe a minute or two of silence in honor of those who gave their lives at Pearl Harbor.

Sixty years ago today, I was in bed with pneumonia and heard over the radio about the attack on Pearl Harbor. My friend from Hawaii was a young medical student and was immediately called into action to help give first aid.

As a young medical student, Senator INOUE gave first aid and assistance to a great many people.

Then he went through a period of time, which must have been very excruciating, when he saw other citizens of the United States of his racial background being taken to camps and various other places because of their Japanese heritage.

Subsequently, he joined the Army, proceeded to be trained, and went to war in Italy. As a matter of fact, he was in Italy on one side of the mountain, and our former colleague, Senator Dole, with the 10th Division was on the other side of the mountain. Senator INOUE's unit was the most highly decorated unit in World War II, totally made up of Japanese Hawaiians, the 442nd. The 442nd has a distinguished place in history. And the person who has one of the greatest places in history is my long-time friend, Senator INOUE, who is now a Congressional Medal of Honor winner. He had to wait many years before he got that award, having been passed over at the time because of his heritage.

I was privileged, as many others were, to be there when that wrong was righted and he was recognized for his distinguished service to our country for the events that led up to his being injured and, strangely enough, being in the same hospital with Bob Dole as they both came off the battlefield wounded.

But I have had a distinguished opportunity here to be a friend of this distinguished man.

I never had the privilege—I am getting a little personal—of living with my own brothers, but I have lived and traveled with DAN INOUE throughout the world now for 33 years. I know of no man that I would put in higher esteem than Senator DANIEL INOUE.

I ask the Senate to recognize him now, and then perhaps he would like to make some comments.

(Applause, Senators rising.)

The PRESIDING OFFICER. The distinguished Senator from Hawaii.

Mr. INOUE. Madam President, as always, my dear friend from Alaska is overly generous. I shall always cherish his friendship, and this moment will never be forgotten.

Madam President, 60 years ago our Nation was suddenly attacked by a force of planes. It devastated a part of

America. We lost about 2,400 of our gallant sons. It was a moment of great tragedy, great sadness, but it was also a moment of great glory because, almost instantly, our Nation got together. Our Nation was never that united. Even during the war of the Revolution we were not that united. In the Civil War we were divided.

But on this day, 60 years ago, America became one. And it was obvious that, notwithstanding the odds against us, we were going to be victorious. And we were.

Today, we are debating a matter that happened on September 11. And I know that, though we may have used some harsh rhetoric, we will stand united, as we always have, and we will come forth with a measure that will be American in nature, one of which all of us can be proud.

Today, there are two of my colleagues here who wish they could be at home, also. I wish I could be in Pearl Harbor at this moment. But two of my friends from Louisiana—Senator LANDRIEU and Senator BREAUX—wanted to be there to participate in the opening of the great museum commemorating the Pacific war. I know they join me, however, in saying that duty comes first.

And, TED, we appreciate the recognition you have given to December 7. I think this is a day of which all America can be proud.

Thank you very much.

(Applause, Senators rising.)

A PERIOD OF SILENCE IN RECOGNITION OF THE SACRIFICE OF THOSE WHO DIED AT PEARL HARBOR

Mr. STEVENS. Madam President, I now ask unanimous consent the Senate stand in silence for a period of 2 minutes in recognition of the sacrifice of those who died at Pearl Harbor.

There being no objection, the Senate observed a period of silence.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. Madam President, as we look upon our life in the Senate, it is, indeed, a privilege for those of us to serve with our distinguished colleague from Hawaii. I, too, am a member of the generation of World War II, having joined the Navy in January of 1945.

My modest service to country pales in comparison to that of our distinguished colleague from Hawaii, as it does in comparison to that of our colleague from Alaska, Senator STEVENS, Senator HOLLINGS, Senator THURMOND, Senator HELMS, and Senator COCHRAN. I think we in this Chamber are the last of the few of that generation.

I had hoped today and had scheduled to join the President of the United States aboard the U.S.S. *Enterprise* in Norfolk, VA, together with my junior colleague, Senator ALLEN. We, as our colleague from Hawaii, will be at our duty stations here in the Senate today.

But I never let this day pass without my own recollections of that period as a very young man at age 17, as I say, entering the Navy and what the mili-

tary did for me to enable me to achieve my goals in life. The GI bill was the greatest investment this Nation ever made in that generation, and I was a beneficiary of that.

Together with other colleagues, in my 23 years here in the Senate, on the Armed Services Committee, we, as a team, have tried to do our very best for the men and women of this generation who are proudly serving in uniforms of our country and who eventually either will select the military as a career or return to civilian life and avail themselves of the educational and other benefits they earned through their service.

Just 10 days ago, the chairman of the Committee of Armed Services, Senator LEVIN, and myself had the privilege of visiting our troops in Uzbekistan during the Thanksgiving period. We overflew Afghanistan, Pakistan, and Oman. I awakened this morning listening to people trying to compare the generation of World War II with those in uniform today. And Mr. Ambrose, the noted author, said he felt this generation, in every respect, equals the generation of World War II. I made that very same statement on the floor of the Senate right after September 11. Having seen them on this trip, I assure America that this generation now in uniform is every bit and perhaps even more courageous than those who served in World War II—more courageous because of the complexity of the enemies today and the unknown threats we face in comparison to the clarity of the enemy that faced us in the period of 1941 and for some 4 years thereafter.

So it is a privilege for me to serve with our dear friend from Hawaii. How dearly we respect him, and how gracious he is to all of us. Sometimes, in moments of tension around here, when you are seeking a little neutral ground for a little assistance, I go over to that desk and get the reassurance of my friend from Hawaii.

But, again, my career is very modest in comparison to that of Senator INOUE, Senator STEVENS, Senator THURMOND, Senator HOLLINGS, Senator HELMS, and Senator COCHRAN. I thank my colleague for our friendship.

I yield the floor.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Madam President, what is the regular order?

The PRESIDING OFFICER. The regular order would be the Defense appropriations bill.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from Louisiana.

Ms. LANDRIEU. Madam President, I ask unanimous consent to speak for 1 minute as in morning business just to acknowledge the remarks of Senator INOUE and Senator STEVENS.

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

Ms. LANDRIEU. Madam President, I want to say, on behalf of the senior Senator from Louisiana, Mr. BREAUX, and myself, how grateful we are for their remarks and the help our distinguished colleague from Hawaii, Senator INOUE, and our distinguished colleague from Alaska, Senator STEVENS, have provided to us. They have both been so instrumental in helping support the development of this museum in New Orleans, LA.

I say to both Senators who were going to have the opportunity to be there this morning, and to see their great work firsthand, this museum, this dedication, has exceeded all expectations.

We are a city and a town used to hosting thousands of visitors. This museum, the World War II Museum, and now the opening of Pacific Rim Theater have exceeded all expectations. Today as we speak, Stephen Ambrose and a long list of distinguished dignitaries are there. With the support of these two Senators and our entire Congress, we have had contributed \$5 million toward the development of this museum and the creation of the Institute of the American Spirit. It is not just our weapons, our tanks, our airplanes, and our assets, it is the American spirit that protects and leads this world for liberty and justice. These two Senators know that. They have contributed mightily. I thank them on behalf of Senator BREAUX and myself.

Mr. AKAKA. Mr. President, as the sun rises over Pearl Harbor this morning, solemn ceremonies at the U.S.S. Arizona Memorial and the National Memorial Cemetery of the Pacific will commemorate the 60th anniversary of the attack on Pearl Harbor. Prayers, reflections and tribute will be offered to honor the service and sacrifice of the men and women who fought and died in the defense of our country. For many of us in Hawaii, the events of December 7 are a graphic memory, a personal experience never to be forgotten.

As a student, I watched in the attack on Pearl Harbor at 8 a.m., Sunday, December 7, 1941, from the roof of my dormitory at the Kamehameha School for Boys on Kapalama Heights in Honolulu. We had just returned from breakfast at the dining hall, and were slowly preparing for Sunday services. In stunned silence, we saw the flash of bombs and thick black smoke rising above Pearl Harbor.

We saw the planes dive from the south, drop their torpedoes, and the resulting explosion on the battleship *Arizona*, which later tilted and sank at her mooring. The airstrip at Hickam was marked with potholes, bomb craters, and damaged aircraft. Smoke, both white and black, moved to blanket the area.

A spent anti-aircraft shell landed and exploded near our dormitory. A squad of zeros flew over us from Pearl Harbor to attack the Kaneohe Naval Air Station. By that time excited radio messages were reporting the bombing of Pearl Harbor.

It was a calamity that forever changed the course and life of our country and Hawaii. As America prepared for war, men and boys in Hawaii, as elsewhere in our Nation, rushed to enlist. Japanese American soldiers, fighting with the 442nd Infantry and 100th Battalion, became the most decorated units in the war, while at the same time our government interned and relocated their families and confiscated their homes.

The sacrifices made by ordinary men and women who rallied in defense of freedom, liberty, and the great promise of our democracy represents the greatest heroism and patriotism in service of our country. It also reminds us and future generations of Americans that patriotism is not a matter of race and religion, but personal courage and conviction.

As we realized on December 7, and as the events of September 11th painfully reminded us, the freedom and prosperity we enjoy carries a dear price. Our sacred duty is to ensure its preservation for future generations.

Throughout our Nation's history, we Americans have relied on the power of our ideals, our faith in God, and prayer to guide us through the challenges we faced, and we rely on that same power today as we seek peace and justice.

Today, I am honored to join my colleagues in prayer and remembrance for those courageous men and women who died in Pearl Harbor. I also join my colleagues in honoring my dear friend, the senior Senator from Hawaii [Mr. INOUE]. His duties and responsibilities in the Senate have kept him from today's observances in Hawaii. For over 50 years, Senator INOUE has served our Nation and our beloved State in the U.S. Army—awarded the Congressional Medal of Honor, the Territorial Legislature, the House, and Senate. I am proud to serve alongside him and privileged to call him friend.

I also want to thank the senior Senator from Alaska, Mr. STEVENS, who is also a decorated and distinguished veteran of the Second World War and a true American patriot, for his leadership in remembering those killed at Pearl Harbor and honoring the service of those men and women who served our Nation in the Second World War and those men and women who are defending freedom around the world today.

Mrs. HUTCHISON. Mr. President, I rise to discuss what an important day today is in the history of our country and also to mention a personal, special time for a Member of our Senate on Pearl Harbor Day. And that is Senator DAN INOUE.

DAN INOUE was 17 years old, living in Hawaii, on the day that Pearl Harbor was attacked. He was one of the first Americans to go forward to try to help with the casualties that occurred that day.

But DAN INOUE has said on several occasions that he looked up into the sky and he knew that the people who

were bombing his country were people who looked like him. And he said he knew that his world had changed forever from that day.

DAN INOUE, at the age of 18, was a freshman in premedical studies at the University of Hawaii but dropped out to enlist in 1943 in the U.S. Army.

DANNY INOUE was not just another enlistee in the U.S. Army. He was one of the great heroes of World War II. He spent two of the bloodiest weeks of the war in France rescuing a Texas battalion that had been surrounded by German forces. This was known as "the lost battalion" and is listed in the U.S. Army annals as one of the most significant military battles of the century.

He won the Bronze Star, but that was not the end. He went to Italy and became involved in the war in Italy and was trying to assault a heavily defended hill in the closing months of the war. Lieutenant INOUE was hit in his abdomen by a bullet which came out his back, barely missing his spine. He continued to lead the platoon and advanced alone against a machinegun nest which had his men pinned down. He tossed two hand grenades with devastating effect before his right arm was shattered by a German rifle grenade at close range.

Lieutenant INOUE, who threw his last grenade with his left hand, was attacked then by a submachinegun and was finally knocked down the hill by a bullet in the leg.

For this he received the Distinguished Service Cross which later, thank God, was upgraded to the Medal of Honor. So he is one of the very few Members who has served in the Senate who has received the distinguished Congressional Medal of Honor.

He has never missed an anniversary of Pearl Harbor.

He is missing it today because, once again, duty has called, and DANNY INOUE answered the call of his duty to pass the Defense appropriations bill for those in the field today.

I wanted to take a moment to pay tribute to this great patriot of our Nation, Senator DAN INOUE of Hawaii.

I thank the Chair. I yield the floor.

Mr. THURMOND. Mr. President, 60 years ago I was serving as a Circuit Judge for the State of South Carolina. It was an early Sunday afternoon when news reports began to stream in about the attack against the United States that took place at Pearl Harbor, HI. As I listened to news reports about the attack on our Pacific Fleet, I knew instantly, that the world we lived in was irreversibly changed.

All across this great Nation, Americans reacted to the unprovoked attack on the United States with anger, and I shared those sentiments. We became galvanized as a Nation. Americans from all corners of the country rose to the call of duty. Long lines extended from every military recruiting office as men and women prepared to take up the challenge to the security of the United States and the American way of

life. It was my privilege to join those who immediately volunteered to serve. I am proud of the service that I rendered as an Officer in the United States Army which included serving in the United States, Europe and the Pacific.

The attack on Pearl Harbor was the beginning of America's direct military participation in World War II. For nearly 4 additional years, the Allied Powers fought the forces of fascism and tyranny around the globe. With the passage of time, and understanding the great strength of our armed forces, it may be difficult to remember the challenge our military faced despite our resolve and resources. We faced formidable and determined foes, but ultimately they were no match for the courage and bravery of our Allied Forces.

On September 11 of this year, we again witnessed an attack on American soil. As Chairman Emeritus of the Senate Armed Services Committee, I am honored to be in a position to support our President and our brave men and women in uniform in the cause to rid the world of international terrorism. The terrorists who committed this act of cowardice thought they could destroy the American spirit, but as experience taught me 60 years ago, this will only make us stronger as a Nation. Furthermore, I see the same spirit of unity and determination that I saw then. They were wrong then, they were wrong now and we will prevail.

Today we honor the memory of those who fought for freedom in that great conflict 60 years ago. As a veteran, I have a special appreciation for the service and sacrifice of those men and women who fought so hard to protect and preserve American ideals and freedoms. We recognize that Americans are again in harm's way, fighting to protect our freedom and our way of life. My appreciation extends to all those who continue to answer the call of our Nation.

The PRESIDING OFFICER. The Senator from Texas.

Mr. GRAMM. Madam President, let me quickly join everyone else in congratulating our colleague from Hawaii who has always been very kind to me and to my wife and family. I appreciate it very much.

We have reached an impasse here. It is clear that we need something to sort of break the logjam. It seems to me the logical thing to do is to try to demonstrate the direction in which we are not going to go, so hopefully we can change direction and find bipartisan-ship in passing this bill.

Everybody knows we have to have a Defense appropriations bill. Often in trying to get on the right road, it is an important step to get off the wrong road. When you are going in the wrong direction, it is important to stop so that you might go in the right direction. In order to try to break this logjam, it is my purpose to make a point of order against the committee substitute.

Let me make a parliamentary inquiry. Are we on the Defense appropriations bill now and that substitute?

The PRESIDING OFFICER. The bill has not yet been laid down.

Mr. CARPER. Will the Senator yield?

Mr. GRAMM. I yield to the Democrat floor leader for the purpose of laying the bill down.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Madam President, what is the order before the Senate?

DEPARTMENT OF DEFENSE APPROPRIATIONS ACT, 2002—Resumed

The PRESIDING OFFICER. The clerk will report the pending business.

The assistant legislative clerk read as follows:

A bill (H.R. 3338) making appropriations for the Department of Defense for the fiscal year ending September 30, 2002, and for other purposes.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Madam President, I want to make sure the Senator from Texas maintains the floor. The Senator from Delaware wishes the floor.

Mr. CARPER. May I make a unanimous-consent request to address the Senate for 1 minute as in morning business.

Mr. REID. Madam President, that will be fine, if the Senator from Delaware addresses the Senate for up to 2 minutes, with the Senator from Texas having the floor as soon as he completes his statement as in morning business.

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

Mr. GRAMM. Was the request that he speak and then it come back to me, or I finish and then it goes to him?

Mr. REID. Let him do his 2 minutes.

The PRESIDING OFFICER. The Senator from Delaware.

HONORING SENATOR INOUE

Mr. CARPER. Madam President, Senator INOUE has been a good friend and mentor to this new Senator, as has a Senator I call "Mr. Secretary," the former Secretary of the Navy, Senator WARNER from Virginia, who also has been a good counselor and advisor to me. When these two Senators stood and entered the armed services six decades ago almost, they raised their arms and took an oath to defend our Constitution against all enemies, foreign and domestic. They participated in a war that brought us in the 20th century to become the great Nation we are today.

Sixty years ago today, Pearl Harbor was bombed. Two hundred fourteen years ago today, the Constitution which they took an oath to defend was first ratified by any State in the United States of America. Two hundred fourteen years ago today, in a place called the Golden Fleece Tavern in Dover, DE, about 30 delegates who had

been there for 3 days debating what steps to take decided that Delaware should be the first State to ratify our Constitution and provide the foundation which has enabled our Nation to survive World War I and World War II, the Korean war, the Vietnam war, the war against communism, to win the battle against the Great Depression.

We are fighting another war on terrorism around the world and here in this country and other places. That Constitution, which provides us with our three branches of Government—the legislative branch, of which we are one-half, the executive branch, and the judicial branch—the most enduring of any constitution in the world, which provides the foundation for the longest living democracy in the history of the world, was first ratified today 214 years ago.

Any country that can survive two world wars and a civil war and the Great Depression, vanquish the Communists, we can certainly handle the terrorists, and we can handle the issues that divide us here today. I am confident we will.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. Mr. President, I thank the Senator from Delaware for his thoughtful remarks and for his service to the Nation in the U.S. Navy, when I happened to have been Secretary of the Navy. He is very respected for that period when I was the boss.

DEPARTMENT OF DEFENSE APPROPRIATIONS ACT OF 2002—Continued

The PRESIDING OFFICER. The Senator from Texas.

Mr. GRAMM. Madam President, I raise a point of order against the pending committee substitute amendment. The pending committee substitute amendment violates section 302(f) of the Budget Act.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Madam President, pursuant to section 904 of the Congressional Budget Act of 1974, I move to waive the applicable sections of that act for purposes of the pending amendment, and I also ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

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

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

Mr. REID. Madam President, the motion to waive the point of order is before the Senate. I ask unanimous consent that the time for debating that