

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 motion to waive the point of order be divided 50/50; that is, Senator STEVENS and Senator BYRD each control 30 minutes. Additionally, I have a request for time from Senator BOXER, and I ask unanimous consent that she be given 5 minutes in addition to the 1 hour.

The PRESIDING OFFICER. Is there objection?

Mr. BYRD. Madam President, reserving the right to object.

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. BYRD. Did I understand there will be 1 hour equally divided on the debate?

Mr. REID. Yes, that is right.

Madam President, I state, through the Chair to the distinguished Senator from West Virginia, that I asked for 5 additional minutes for Senator BOXER. In fairness, we should give 5 additional minutes to the other side. So that would be an additional 10 minutes.

Mr. BYRD. Madam President, as the request is worded, time on quorum calls, et cetera, would not be counted because the word is "debate"; am I correct?

Mr. REID. The Senator is correct.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. BYRD. 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. BYRD. 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. BYRD. Madam President, my inquiry was made because I want to be sure we have 1 hour on the debate. It is going to take us a few minutes to get some chairs, and I do not want that time coming out of the debate. So there is no ulterior or devious motive behind my having asked that question.

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.

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 Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

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

Mrs. BOXER. Madam President, I thank Senator REID and my colleagues for giving me this 5 minutes in support of Senator BYRD's motion.

We are living through a very difficult time in our history. This particular campaign we are in is unlike any other