rulemaking proceeding to amend Federal motor vehicle safety standard No. 208 under section 571.208 of title 49, Code of Federal Regulations, relating to occupant crash protection, in order to—

(1) require a lap and shoulder belt assembly for each rear designated seating position in a passenger motor vehicle with a gross vehicle weight rating of 10,000 pounds or less, except that if the Secretary determines that installation of a lap and shoulder belt assembly is not practicable for a particular designated seating position in a particular type of passenger motor vehicle, the Secretary may exclude the designated seating position from the requirement; and

(2) apply that requirement to passenger motor vehicles in phases in accordance with subsection (b).

(b) IMPLEMENTATION SCHEDULE.—The requirement prescribed under subsection (a)(1) shall be implemented in phases on a production year basis beginning with the production year that begins not later than 12 months after the end of the year in which the regulations are prescribed under subsection (a). The final rule shall apply to all passenger motor vehicles with a gross vehicle weight rating of 10,000 pounds or less that are manufactured in the third production year of the implementation phase-in under the schedule.

(c) REPORT ON DETERMINATION TO EXCLUDE.—

(1) REQUIREMENT.—If the Secretary determines under subsection (a)(1) that installation of a lap and shoulder belt assembly is not practicable for a particular designated seating position in a particular type of motor vehicle, the Secretary shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the U.S. House of Representatives Committee on Energy and Commerce a report specifying the reasons for the determination.

(2) DEADLINE.—The report under paragraph (1) shall be submitted, if at all, not later than 30 days after the date on which the Secretary issues a final rule under subsection (a).

SEC. 5. TWO-YEAR EXTENSION OF CHILD PASSENGER PROTECTION EDUCATION GRANTS PROGRAM.

Section 2003(b)(7) of the Transportation Equity Act for the 21st Century (23 U.S.C. 405 note; 112 Stat. 328) is amended by striking ''and 2001.'' and inserting ''through 2003.''

SEC. 6. GRANTS FOR IMPROVING CHILD PASSENGER SAFETY PROGRAMS.

(a) IN GENERAL.—Chapter 4 of title 23, United States Code, is amended by adding at the end the following new section:

''§ 412. Grant program for improving child passenger safety programs

''(a) STANDARDS AND REQUIREMENTS REGARDING CHILD RESTRAINT LAWS.—Not later than October 1, 2002, the Secretary shall establish appropriate criteria applicable to child restraint laws for purposes of eligibility for grants under this section. The criteria shall be consistent with the provisions of Anton's Law.

''(b) REQUIREMENT TO MAKE GRANTS.—

''(1) IN GENERAL.—The Secretary shall make a grant to each State and Indian tribe that, as determined by the Secretary, has a child restraint law in effect on September 30, 2004.

''(2) LIMITATION ON NUMBER OF GRANTS.—Not more than one grant may be made to a State or Indian tribe under this section.

''(3) COMMENCEMENT.—The requirement in paragraph (1) shall commence on October 1, 2004.

''(c) GRANT AMOUNT.—The amount of the grant to a State or Indian tribe under this section shall be the amount equal to five times the amount provided to the State or Indian tribe, as the case may be, under section 2003(b)(7) of the Transportation Equity Act for the 21st Century (23 U.S.C. 405 note) in fiscal year 2003.

''(d) USE OF GRANT AMOUNTS.—

''(1) IN GENERAL.—A State or Indian tribe shall use any amount received by the State or Indian tribe, as the case may be, under this section to carry out child passenger protection programs for children under the age of 16 years, including programs for purposes as follows:

''(A) To educate the public concerning the proper use and installation of child restraints, including booster seats.

''(B) To train and retain child passenger safety professionals, police officers, fire and emergency medical personnel, and educators concerning all aspects of the use of child restraints.

''(C) To provide child restraint systems, including booster seats and the hardware needed for their proper installation, to families that cannot otherwise afford such systems.

''(D) To support enforcement of the child restraint law concerned.

''(2) LIMITATION ON FEDERAL SHARE.—The Federal share of the cost of a program under paragraph (1) that is carried out using amounts from a grant under this section may not exceed 80 percent of the cost of the program.

''(e) ADMINISTRATIVE EXPENSES.—The amount of administrative expenses under this section in any fiscal year may not exceed the amount equal to five percent of the amount available for making grants under this section in the fiscal year.

''(f) APPLICABILITY OF CHAPTER 1.—The provisions of section 402(d) of this title shall apply to funds authorized to be appropriated to make grants under this section as if such funds were highway safety funds authorized to be appropriated to carry out section 402 of this title.

''(g) DEFINITIONS.—In this section:

''(1) CHILD RESTRAINT LAW.—The term 'child restraint law' means a law that—

''(A) satisfies standards established by the Secretary under Anton's Law for the proper restraint of children who are over the age of 3 years or who weigh at least 40 pounds;

''(B) prescribes a penalty for operating a passenger motor vehicle in which any occupant of the vehicle who is under the age of 16 years is not properly restrained in an appropriate restraint system (including seat belts, booster seats used in combination with seat belts, or other child restraints); and

''(C) meets any criteria established by the Secretary under subsection (a) for purposes of this section.

''(2) PASSENGER MOTOR VEHICLE.—The term 'passenger motor vehicle' has the meaning given that term in section 405(f)(5) of this title.

''(3) STATE.—The term 'State' has the meaning given in section 101 of this title and includes any Territory or possession of the United States.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of that chapter is amended by inserting after the item relating to section 411 the following new item:

''412. Grant program for improving child passenger safety programs.''.

SEC. 7. DEFINITIONS.

In this Act:

(1) CHILD RESTRAINT.—The term ''child restraint'' means any product designed to provide restraint to a child (including booster seats and other products used with a lap and shoulder belt assembly) that meets applicable Federal motor vehicle safety standards prescribed by the National Highway Traffic Safety Administration.

(2) PRODUCTION YEAR.—The term ''production year'' means the 12-month period between September 1 of a year and August 31 of the following year.

(3) PASSENGER MOTOR VEHICLE.—The term ''passenger motor vehicle'' has the meaning given that term in section 405(f)(5) of title 23, United States Code.

SEC. 8. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to the Secretary of Transportation such sums as may be necessary to carry out this Act, including the making of grants under section 412 of title 23, United States Code, as added by section 6.

Mr. REID. Madam President, I ask unanimous consent that the substitute amendment be agreed to, the bill, as amended, be read three times and passed, the motion to reconsider be laid upon the table, and any statements relating to the bill be printed in the RECORD.

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

The committee amendment in the nature of a substitute was agreed to.

The bill (S. 980), as amended, was read the third time and passed.

Mr. REID. Madam 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.

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

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

The Senator from Maine.

(The remarks of Ms. COLLINS and Mr. REED are printed in today's RECORD under ''Morning Business.'')

The PRESIDING OFFICER (Mr. NELSON of Nebraska). In my capacity as the Senator from Nebraska, I suggest the absence of a quorum.

The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

EQUAL PROTECTION OF VOTING RIGHTS ACT OF 2001

The PRESIDING OFFICER. Under the previous order, the Senate will now resume consideration of S. 565, which the clerk will report.

The assistant legislative clerk read as follows:

A bill (S. 565) to establish the Commission on Voting Rights and Procedures to study and make recommendations regarding election technology, voting, and election administration, to establish a grant program under which the Office of Justice Programs and the Civil Rights Division of the Department of Justice shall provide assistance to States and localities in improving election technology and the administration of Federal elections, to require States to meet uniform and nondiscriminatory election technology and administration requirements for the 2004 Federal Elections, and for other purposes.

Pending:

Clinton amendment No. 2906, to establish a residual ballot performance benchmark.

Dayton amendment No. 2898, to establish a pilot program for free postage for absentee ballots cast in elections for Federal office.

Dodd (for Harkin) amendment No. 2912, to provide funds for protection and advocacy

systems of each State to ensure full participation in the electoral process for individuals with disabilities.

Dodd (for Harkin/McCain) amendment No. 2913, to express the sense of the Congress that curbside voting should be only an alternative of last resort when providing accommodations for disabled voters.

Dodd (for Schumer) modified amendment No. 2914,to permit the use of a signature or personal mark for the purpose of verifying the identity of voters who register by mail.

Dodd (for Kennedy) amendment No. 2916, to clarify the application of the safe harbor provisions.

The PRESIDING OFFICER. The Senator from Maine.

AMENDMENT NO. 2915

Ms. COLLINS. Mr. President, I ask unanimous consent the pending second-degree amendment be temporarily laid aside, and I call up amendment No. 2915.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Maine [Ms. COLLINS], for herself, Mr. JEFFORDS, Mr. BURNS, Mr. LEAHY, Mr. ROBERTS, Mr. BROWNBACK, Mrs. LINCOLN, Mr. NELSON of Nebraska, Mr. NICKLES, Mr. DORGAN, Mr. JOHNSON and Mr. ENZI, proposes an amendment numbered 2915.

Ms. COLLINS. I ask unanimous consent the reading of the amendment be dispensed with.

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

The amendment is as follows:

(Purpose: To provide an initial payment to States filing a State plan and submitting applications for the grant programs under title II)

On page 28, strike lines 12 through 16, and insert the following:

(a) PAYMENTS .—

(1) IN GENERAL.—Subject to paragraph (2), the Attorney General shall pay to each State having an application approved under section 203 the cost of the activities described in that application.

(2) INITIAL PAYMENT AMOUNT.—The Attorney General shall pay to each State that submits an application under section 203 an amount equal to 0.5 percent of the amount appropriated under section 209 for the fiscal year during which such application is submitted to be used by such State for the activities authorized under section 205.

(b) RETROACTIVE PAYMENTS.—

On page 38, strike lines 15 through 19, and insert the following:

(1) IN GENERAL.—Subject to paragraph (2), the Attorney General shall pay to each State or locality having an application approved under section 213 the Federal share of the costs of the activities described in that application.

(2) INITIAL PAYMENT AMOUNT.—The Attorney General shall pay to each State that submits an application under section 212 an amount equal to 0.5 percent of the amount appropriated under section 218 for the fiscal year in which such application is submitted to be used by such State for the activities authorized under section 214.

(3) RETROACTIVE PAYMENTS.—The Attorney

On page 45, strike lines 4 through 7, and insert the following:

(a) PAYMENTS.—

(1) IN GENERAL.—Subject to paragraph (2), the Attorney General shall pay to each State or locality having an application approved under section 223 the Federal share of the costs of the activities described in that application.

(2) INITIAL PAYMENT AMOUNT.—The Attorney General shall pay to each State that submits an application under section 222 an amount equal to 0.5 percent of the amount appropriated under section 228 for the fiscal year in which such application is submitted to be used by such State for the activities authorized under section 224.

Ms. COLLINS. Mr. President, I rise today to offer an amendment to the bipartisan election reform legislation. I am pleased to be joined by Senators JEFFORDS, BURNS, LEAHY, ROBERTS, BROWNBACK, LINCOLN, Presiding Officer BEN NELSON, and Senators NICKLES, DORGAN, JOHNSON, and ENZI in offering this commonsense addition to the Voting Rights Act.

First, let me commend Senators Dodd, McConnell, Bond, and Schumer for working together to find common ground on what could have very easily turned out to be an issue that foundered on partisan politics. They refused to allow partisan politics to stand in the way of the fundamental and much-needed safeguards included in this election reform bill. I applaud their efforts, and I believe the amendment I am putting forward is consistent with their efforts and will pose a modest improvement to their legislation.

This legislation makes substantial improvements that will help improve the voting system in every single State in America, and I am proud to be a cosponsor of it. The bill asks States to make major strides toward assurance that all people who are eligible to vote are allowed to vote, that voting locations are accessible to our citizens who are disabled, that a person is notified if his or her vote is incorrectly cast and given the opportunity to correct the error, and that each person's vote is counted.

These voting safeguards are fundamental. They deserve Federal support. And since all States will be required to implement these new voting standards, no State should be denied Federal financial assistance in complying with these new requirements.

The election reform bill authorizes $3.5 billion in grants to States and localities to help cover the costs associated with meeting the new standards. While the grant amounts are generous, there is a flaw. There is no guarantee in the bill that each State will receive a meaningful portion of the total allocation, even though each and every State must meet the same voting system requirements. Indeed, for a smaller State such as Nebraska or Maine, it may well be more burdensome to meet those voting requirements because those States may well have fewer resources to do so.

For that matter, there is no guarantee that Congress will appropriate all or even a substantial portion of the authorized funds. Election officials in my home State of Maine, including our secretary of state, are concerned that the nature of the grant program would make it difficult for Maine to compete for funds with larger States, as well as potentially thousands of local governments. Maine currently has its hands full addressing a structural budget shortfall of approximately $160 million. Its financial difficulties would be exacerbated if it did not receive a meaningful portion of the grant funds included in this bill but nevertheless were required to comply with the statutory requirements for improving voting systems, preparing the statewide voting lists, and making voting places accessible to our disabled citizens—all very worthy but costly goals.

Formula grant programs guarantee States a certain share of appropriated funds, but the grant program created by this bill does not. Rather, the legislation creates three different project grant programs to which States and local governments can apply for assistance. The grant programs are somewhat unusual in that once an application is approved, the Attorney General is required to award the applicant funds covering the ''cost of the activities described in that application.'' In other words, the legislation authorizes a specific sum of money to cover an unknown and perhaps unknowable amount of costs. Thus, no State is guaranteed the funds necessary to make progress toward this bill's voting system requirements.

Again, let me emphasize that I think the voting requirements set forth in this compromise legislation are reasonable, are fundamental, are worthwhile. But I am concerned that some States may not receive any Federal funds to assist them in meeting these worthwhile new standards, and that does not strike me as fair. Conceivably, moreover, the funds could run out before a State has a chance to even complete and submit its application.

My amendment addresses these concerns in a straightforward way. It would guarantee each State that submits the required application a fair portion of the funds that are eventually appropriated for election reform. My amendment would guarantee each State one-half of 1 percent of the total grant funds. These State minimums would only account for about 25 percent of the total appropriated grant funds, thus leaving 75 percent of the funds to be allocated through the application process originally set forth by this legislation. It would, however, remedy the problem of a State, particularly a small State, receiving no funds whatsoever. If we are going to mandate these requirements, we should ensure that each and every State receives some Federal assistance to comply with them.

My amendment is both fair and consistent with similar grant programs created by Congress. For example, the National Flood Insurance Program administered by FEMA provides each State with a base funding amount of one-half of 1 percent of appropriated

funds. The remaining 75 percent of the Flood Mitigation Assistance funds is allocated by FEMA on the basis of applications. I could give many other examples of Federal grant programs that include minimum State allocations so that every State can be helped in achieving the Federal goals set forth by the programs.

The Equal Protection of Voting Rights Act makes changes that will improve the integrity of our State voting systems. All States will be partners in this effort, which is why no State should be denied a share of Federal funds. The amendment I offer ensures that just and fair result. It will help each and every State meet the goals and the requirements of this important reform legislation.

I urge my colleagues to support this amendment.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. DODD. Mr. President, first, I thank my colleague from Maine for offering this amendment. We talked about it. I think I offered the amendment on behalf of my colleague from Maine when the Senate was not voting, but we were in session and considering amendments at that time.

I think this is a good amendment. It is one that we probably should have written into the bill initially. It is not unprecedented for us to try to do this. Coming from a small State myself, I know what can happen in this area.

I want to ask, if I could, my colleague only one question. She is talking here about States and not localities. There are thousands of localities, obviously, in the 50 States, and we want to keep this focused on the States themselves.

So my question is: The language of this amendment, the one-half of 1 percent, would apply to the respective States because there may be applications coming from localities for grants, and to that extent you would have to accommodate that in terms of the total amount for that State?

Ms. COLLINS. Mr. President, if I may respond to my colleague, his interpretation is correct. The minimum amount applies just to the State.

Mr. DODD. Mr. President, I thank my colleague for that clarification. Again, I think this is one way of getting the resources out.

I point out, one of the issues raised is whether or not there will be an adequate amount in the authorization to meet all of the demands not only of grants but also the minimum requirements in the bill. I inform my colleagues that number is not selected out of thin air. We went and asked the Congressional Budget Office and others to give us an analysis of what would be needed if every single State in the country wanted to completely change their voting systems, what would be the ballpark figure if that would occur—not that anyone would believe that is going to be the case. Many people are very satisfied with the election equipment they have and feel no need to change it at all.

But the number we have incorporated in the bill works on the maximum extent; that is, all jurisdictions in every single State wanting to replace every voting system. If that were to occur, we would reach the number that is in the authorization of this bill. So we are more than satisfied that the number we have identified as an authorizing figure would accommodate virtually every jurisdiction in the country should they so desire to exchange their present equipment. Nothing in this bill mandates that to occur at all, as we have repeated over and over.

Again, we believe very strongly that States ought to be allowed to decide what works best for them. Many jurisdictions have come up with unique means of casting ballots, modernizing their systems completely. We know about the States of Oregon and Washington, for instance, with mail-in voting. We took into consideration a week or so ago what Senator CANTWELL, Senator WYDEN, Senator MURRAY, and Senator SMITH were all interested in: making sure that we do nothing in this bill that in any way impinges upon those two States being able to continue their present voting system. Of course, we never intended to eliminate absentee mail-in voting systems, and the language is as clear as it could be here that would not be the case.

So, again, I state for the Record I think what the Senator from Maine has offered is a very sound proposal. It would ensure that no State would receive any less than $17.5 million. There may be an occasion, actually, when a State might not need that amount of money. And we are not encouraging them necessarily to apply for $17.5 million unless they actually need it. But certainly it would guarantee, at the very least, they would get that amount with respect to expenditures under the incentive grants.

So I commend the Senator from Maine for her proposal.

I see the arrival in the Chamber of my colleague from Kentucky. I will listen to his comments on this amendment. We might even be able to accept this amendment today.

I prefer to clear up as many amendments as we could, to move them through the process so we can limit, to the maximum extent possible, the number of rollcall votes we would ask our colleagues to cast tomorrow.

So with that, I thank my colleague from Maine for her proposal.

The PRESIDING OFFICER. The Senator from Kentucky.

Mr. MCCONNELL. Mr. President, I commend the Senator from Maine. I think it is an excellent amendment that ensures that smaller States are able to obtain grant funds to improve their voting systems.

This amendment secures truly minimal amounts for each and every State, obligating only 25 percent of the overall amount authorized. So every State, it seems to me, wins under this amendment.

I commend the Senator from Maine for her suggestion. It certainly is, as far as I know, agreeable on this side of the aisle.

I say to the Senator from Connecticut, I support the amendment and hope maybe we can accept it.

Mr. DODD. Yes. I urge we accept the amendment as well.

The PRESIDING OFFICER. If there is no further debate, the question is on agreeing to amendment No. 2915.

The amendment (No. 2915) was agreed to.

Mr. DODD. I move to reconsider the vote.

Mr. MCCONNELL. 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 Maine.

Ms. COLLINS. Mr. President, I thank the Senator from Connecticut and the Senator from Kentucky for agreeing to the amendment and working so closely with us in its drafting. I very much appreciate their support as well as the tremendous work they have done on the underlying bill. I thank them both.

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

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

AMENDMENT NO. 2922

Mr. DODD. Mr. President, I send an amendment to the desk.

The PRESIDING OFFICER. Without objection, the pending amendment is set aside.

The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Connecticut [Mr. DODD] proposes an amendment numbered 2922.

Mr. DODD. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

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

The amendment is as follows:

(Purpose: To clarify that the criminal penalties retain the current specific intent standard contained in the underlying statutes)

On page 68, strike lines 5 through 13, and insert the following:

(a) CONSPIRACY TO DEPRIVE VOTERS OF A FAIR ELECTION.—Any individual who knowingly and willfully gives false information in registering or voting in violation of section 11(c) of the National Voting Rights Act of 1965 (42 U.S.C. 1973i(c)), or conspires with another to violate such section, shall be fined or imprisoned, or both, in accordance with such section.

(b) FALSE INFORMATION IN REGISTERING AND VOTING.—Any individual who knowingly commits fraud or knowingly makes a false

statement with respect to the naturalization, citizenry, or alien registry of such individual in violation of section 1015 of title 18, United States Code, shall be fined or imprisoned, or both, in accordance with such section.

Mr. DODD. This is the amendment we raised earlier. I thought it was going to be accepted. This is the one that references the criminal statutes in the bill specifically and repeats the words ''knowing'' and ''willful.'' I talked about this earlier as a way of reemphasizing the point that there is a standard used on existing criminal statutes that is applicable here, to which we had agreed. It should be accepted.

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

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

Mr. DODD. Mr. President, pending the arrival of one of our colleagues who wants to look at the amendment, let me address the status of play as to where we are, coming back from the Presidents Day recess.

It is my privilege once again to be managing the pending matter before the Senate, the Equal Protection Voting Rights Act, as amended by the bipartisan compromise substitute. Let me advise colleagues and others where we stand.

Last Thursday, the Senate entered into a unanimous consent agreement governing the remaining amendments to this measure. That agreement provides for a finite list of first-degree amendments which can be offered to this bill; relevant second-degree amendments are in order. Upon the disposition of the ordered amendments, the Senate would proceed to third reading of the bill and final passage. That was done, my colleagues may recall, to expedite matters for Members who wanted to get back for the Presidents Day break to their respective States. Rather than carry votes on into Friday and Saturday to finish the bill, we agreed to that unanimous consent request that the distinguished majority leader and the Republican leader worked out.

We adopted an amendment by Senator GREGG of New Hampshire that was incorporated as part of the bill and then agreed to this unanimous consent request to have a finite list of amendments and then go to third reading of the bill to complete the matter.

My hope is we can complete consideration of this bill by tomorrow afternoon or tomorrow evening. It may go into Wednesday, depending upon the schedule. My hope is we can get it done soon.

Let me tell my colleagues where we stand with the number of amendments. Having said we will get through by tomorrow, when I tell them how many amendments have been introduced, they may wonder what I could possibly be thinking of to suggest we might get through by then. There are 105 amendments. This is one of the dangers of asking for a finite list. All of a sudden you get a finite list.

One hundred five amendments are in order under the unanimous consent agreement. I don't expect all of these to be offered. In fact, many are duplicative amendments or issues we had already resolved with previews amendments that were adopted or rejected in the debate a week and a half ago. It is my hope we can complete action by tomorrow evening or, at the very latest, on Wednesday.

There will be no rollcall votes today, as the distinguished majority leader indicated. I expect tomorrow to be a busy day if we are unable to resolve some of these outstanding amendments.

There are six amendments pending at this time. In the week of our departure, we disposed of 15 amendments in 1 day. Nine amendments were adopted; four amendments were debated, subject to rollcall votes—all rejected—and two amendments were offered and withdrawn. All in all, that is not a bad work effort for a day and a half.

The majority and minority Rules Committee staff worked over the weekend to try to clear those amendments for which we have language, and there are about 40 amendments—about half the 105 I mentioned—that are unknown. They are called relevant amendments. That could be any subject matter, other than being relevant to elections. So to the extent those relevant amendments may have some text to them, I urge the authors to let us know as soon as possible what those relevant amendments are. Some we may actually be able to clear today; others, we may not. I suspect many of them may just be placeholders, so that the 105 number is substantially less. And when we get down to the number that actually require some votes, we may be talking about 10 or 12. My hope is that there are far fewer than that.

If there are authors of relevant amendments who want them to be considered, they should let us know today. I hope we can also clear the six pending amendments. These are amendments that we could hopefully adopt or modify in some way, if they require such for acceptance to both sides. That would leave tomorrow with only those matters that require some debate.

That is where we stand. Again, I thank the majority leader and minority leader, my colleague from Kentucky, and others for getting us to this point.

I ask unanimous consent that a lead editorial of the New York Times be printed in the RECORD.

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

[From the New York Times, Feb. 25, 2002]

ELECTORAL REPAIR WORK

In the next few days, senators will have a chance to greatly strengthen America's democracy. Beyond approving the House version of the campaign finance reform bill and sending it directly to the White House, the Senate should hasten to pass the election reform legislation it is scheduled to consider. Overwhelming support for these twin moves would send a strong signal that cleansing democracy is not a partisan issue, and would counter public cynicism about Washington's priorities.

The Senate's election reform bill is a fitting federal response to the public's widespread outrage at the breakdown of the electoral machinery in the 2000 presidential election. The closeness of the vote in Florida and elsewhere revealed an array of deficiencies in how local officials administer elections. While many were stunned by this, minority voters and those with disabilities were not. They have long been marginalized by arbitrary rules, less reliable equipment and voting booths that are inaccessible.

The legislation would establish mandatory federal standards for voting procedures and technologies that state and local election officials would have to meet when administering national elections. All voting systems would have to conform to a set error rate, be accessible to people with disabilities and allow voters a chance to correct ballots improperly marked. States would have to establish a computerized voter registration list and offer people whose registration is questioned at the polls a provisional ballot pending a clarification of their status. The bill makes available $3.5 billion in grants over five years for states to meet these federal mandates.

The franchise is the primary right by which all other rights are protected, as Thomas Paine wisely said. A ballot cast for president anywhere in Florida ought to be recorded and counted as rigorously as one cast in Alaska, not to mention in an adjacent county. Democracy is diminished when millions of ballots are discarded due to faulty technology or a lack of clear voting guidelines.

Senators should not lose sight to these guiding principles in any last-minute wrangling over amendments. If is refreshing that a number of Republican senators, including John McCain and Mitch McConnell, have joined with Democrats to support the notion that to protect the franchise, the federal government must encroach on the states' traditional prerogative of running elections.

There is cause to be hopeful that states will start receiving federal assistance this year to upgrade their voting systems. The Senate's election reform bill is preferable to one passed by the House last December, which does not impose strong enough national standards, but their differences can be bridged at a House-Senate conference. House Speaker Dennis Hastert has indicated his willingness to seek supplemental funds for election reform, and President Bush's budget includes $400 million in each of the next three years. That won't be enough, but it is a clear indication that the White House is counting on reform legislation. So too are the American people.

Mr. DODD. This lead editorial captured what we are trying to do. I note that the editorial writers specifically commended the Senator from Kentucky and point out the Senator from Kentucky and the Senator from Arizona are together on this bill and talked about the bipartisanship of this proposal.

Many thought we could never actually come to the floor of the Senate with a proposal on election reform that would enjoy the cosponsorship of Democrats and Republicans, particularly when you consider what a partisan division there was in the country a year ago at this time coming off the November 2000 general election. So it is no small achievement.

I know a lot of attention is being paid to campaign finance reform and the upcoming energy bill and other matters. Memories do fade, and certainly they have with regard to the emotions that ran so deeply and so passionately a year or so ago on one of the closest elections, if not the closest, in American history.

Certainly there was the revelation that our system was in desperate need of repair. We are responding to that call a year later. But it took that long to sit down and work out differences and bring a product to the floor of the Senate. We could have come up here earlier with a partisan bill. I could have laid down a proposal that was just a Democratic proposal. In fact, I had one, with every single member of the Democratic side having cosponsored the bill, without a single Republican. My friends on the Republican side could have had their bill, and we would have been able to have a screaming match about partisan politics, and nothing would have happened. So it took a real effort to try to meld these ideas together to bring us to this point.

We are not without controversy in this bill, and there will be some controversy in the remaining hours. We still have to go to conference with the House of Representatives and their proposal and then present it to the President for his signature. It is my hope that we can do that fairly quickly.

This bill has $400 million in it for immediate authorization. The President, to his credit, put $1.2 billion in his budget for the next 2 or 3 years for election reform. If we can get this bill done and signed by the President, there is a supplemental appropriations bill coming up quickly, and we can actually make moneys available to the States right away for them to modernize their election systems so they will be in place to work by the November elections of this year. That will be a singular achievement, in my view, if we are able to do that.

I am hopeful that for the remainder of today, and tomorrow, we will be able to resolve these differences. I urge my colleagues to understand that I embrace some of their ideas. But we are interested in putting together a bipartisan bill. If I were writing it myself, it would look different than this bill looks. I know, without asking my friend from Kentucky to comment, if he could write the bill, it would look very different than it does today as well. But that is not how matters get resolved in a democracy and in an institution such as the Senate. You have to listen to the views of each Senator and try to accommodate them so you can put together a proposal that satisfies all of our needs and improves the American election system, regardless of party. That is what we have tried to do with this proposal.

So I am very hopeful that that will be done in the next 24 hours and that we can then sit down with the other body and resolve the differences. Maybe this will not attract the same degree of attention as campaign finance reform, but this will establish permanent election commissions in this country—the idea of the Senator from Kentucky—which will deal with the issue of fraud in the country. We will say to millions of Americans who have never been able to vote in private or independently, for the first time they will be able to do so, setting minimal standards for provisional voting and statewide registration. My hope is that in the next few days we can resolve that. This will not attract the attention that some other matters do, but it will be one of the singular achievements of the 107th Congress.

My colleague from Arizona is on his way to the floor and will speak on an unrelated matter. When he does, I will be glad to yield to him. Let me make some points on this pending amendment so Members understand what I am suggesting here.

I pointed out that in the compromise bill, the substitute, we wanted to keep the same criminal intent standard provisions that are in existing law when it comes to the fraud provisions. That language specifically refers to ''knowing and willful'' as the standard. What we have done is referenced those provisions very explicitly in the bill. This amendment is purely a technical amendment in that it clarifies the standard for criminal penalties in the same manner it was done in earlier legislation. It is accomplished under the cross-reference statute that we cite in the bill.

Our stated intent under this compromise was to ensure that with regard to any false statements made under this bill, the provisions of titles 18 and 42 of the U.S. Code would apply. The standard for review under title 18 is a ''knowing'' standard. This amendment merely adds that word to ensure that the intent is clear. Similarly, with regard to potential allegations of conspiracy, the compromise references of title 42 provide for criminal penalties and the standard for review under that act is ''knowingly and willfully.'' So this amendment merely adds the current legal standard of review to the existing provisions in 401 and 402 of this bill.

This is not a substantive amendment but merely restates what we have stated in the bill. That is the reason I proposed it this afternoon—to make that technical clarification.

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

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

HAPPY BIRTHDAY SENATOR EDWARD KENNEDY

Mr. BYRD. Mr. President, on February 22, 1962, the youngest of Joseph and Rose Kennedy's nine children, EDWARD, was standing in front of the Berlin Wall listening to a speech by his brother, Attorney General Robert Kennedy. It was EDWARD KENNEDY's birthday. He was turning 30 years of age. Later that year, he ran for the Senate. On November 6, 1962, he was elected to that very historic Senate seat—a seat that had been held not only by his brother, but also by John Quincy Adams, by Charles Sumner, by Henry Cabot Lodge, and by the great Daniel Webster.

Now, I relate that story not only to bring notice to this milestone year in the career of Senator TED KENNEDY, but also to bring notice that February 22, 2002, was a very special day in the life of the senior—perhaps I should now say the ''very'' senior—Senator from Massachusetts. This year marks 40 years since EDWARD KENNEDY won the election to begin his distinguished career as a United States Senator, while last Friday marked the 70th anniversary of his birth. Oh, to be 70 again. It makes me pause, to be 70 again. I still cannot believe this young, 28-year-old fellow who was running around West Virginia campaigning for his brother during the crucial 1960 West Virginia primary is now 70 years old.

The Psalmist says:

> The days of our years are threescore years and ten; and if by reason of strength they be fourscore years, yet is their strength labour and sorrow; for it is soon cut off, and we fly away.

Seventy years.

Yes, there he was, 28 years old, chubby cheeks, black hair, running around West Virginia campaigning for his brother. But he is 70 years old, and I want to wish him the happiest of birthdays.

I also wish to congratulate him for his very remarkable service in the Senate. Forty years in the Senate means that Senator KENNEDY is third in seniority in the Senate. It means he has spent more than half of his life in the Senate. He is the fifth longest serving Senator in U.S. history. He has seen a Senate career marked by quality as well as length of service. Millions of Americans are healthier today because of his efforts for health reform. Many more Americans are better off because of his efforts to increase the minimum wage.

TED KENNEDY has dedicated his life to public service. He is a man of remarkable compassion and tenacity. He loves his country, and he has labored mightily on behalf of his fellow citizens.