

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.

For four decades now he has served in this Senate and provided a powerful voice for the protection and the promotion of workers' rights, for the protection of our environment, and for his stronger social safety net for America's disadvantaged people.

For four decades he has provided a strong, eloquent voice for the poor, the oppressed, the downtrodden, the dispossessed.

For these and a host of other reasons, history will be good to Senator KENNEDY. He has endured great tragedy in his own life; yet he has dedicated himself toward improving the lives of others.

I consider myself to be privileged to serve with Senator KENNEDY and to have him as my friend. I wish for him many more years of service.

"How far away is the temple of fame?"

Said a youth at the dawn of the day.

He toiled and strove for a deathless name;  
The hours went by and the evening came,  
Leaving him old and feeble and lame,  
To plod on his cheerless way.

"How far away is the temple of good?"

Said another youth at the dawn of the day.

He toiled in the spirit of brotherhood,  
To help and succor as best he could  
The poor and unfortunate multitude,  
In its hard and cheerless way.

He was careless alike of praise or blame,

But after his work was done,

An angel of glory from heaven came

To write on high his immortal name,

And to proclaim the truth that the temple  
of fame

And the temple of good are one.

For this is the lesson that history

Has taught since the world began;

That those whose memories never die,

But shine like stars in the human sky,

And brighter glow as the years go by,

Are the men who live for man.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. DODD. Mr. President, before the distinguished leader leaves the Chamber, I know at the appropriate time the Senator from Massachusetts will want to respond to the wonderful comments of our colleague from West Virginia.

I know the Senator from Massachusetts has received a lot of well-deserved recognition over the last number of days, having achieved the milestone of his 70th birthday. He will not receive any more gracious, more thoughtful a gift than the one he has just received from his friend from West Virginia, the person with whom he has served over these 40 years and with whom he has been a partner on so many of the issues about which the Senator from West Virginia has talked.

When the annals of the latter part of the 20th century are written, there will be those in coming generations—as I have been privileged to do most recently with my colleague from Kentucky to fill out the portals in the reception room—going back in our history and identifying those who served with unique distinction this wonderful body over the plus-200 years of its existence.

I cannot say with any certainty what future generations will do, but I am

quite certain that when they are debating and discussing what names, what profiles ought to inhabit those eternal spots on the reception room wall the name of the Senator from West Virginia and the name of the Senator from Massachusetts will be on those lists.

My commendations to both Senators for their wonderful friendship which has been an example of people who had some differences when they began their careers. In fact, at times they disagreed on issues and many more times they worked together. This country is a richer and better place because of their service.

I will have more remarks tomorrow about the service of our wonderful friend from Massachusetts. I commend the Senator for his comments.

Mr. BYRD. Mr. President, I thank the distinguished Senator.

The PRESIDING OFFICER. The Senator from Kentucky.

Mr. MCCONNELL. Mr. President, let me add to the comments of my friend from Connecticut. It is interesting that the Senator from Connecticut mentioned the portraits outside the Senate and those who have been selected to have their likenesses there because of their great contributions to the Senate.

I remember actually introducing the Senator from West Virginia at an event in my State in which I made that very point: That in the future, when they are determining which great Senators of the current period to add, the Senator from West Virginia will certainly be among them. In my view, he is the greatest orator in the Senate today and certainly in my 18 years here, I have had a chance to listen to them all.

The Senator from West Virginia is without peer in this body. To listen to his skills applied to our friend and colleague from Massachusetts is a treat on a Monday afternoon, and I thank him for his contribution.

Mr. BYRD. Mr. President, if I may regain the floor.

The PRESIDING OFFICER (Mr. CARPER). The Senator from West Virginia.

Mr. BYRD. I thank both of my colleagues for their thoughtful remarks.

May I say to my friend from Connecticut, the Senator from Massachusetts, Mr. KENNEDY, and I had our differences in the early days of our careers. I came to find in TED KENNEDY one of the strongest supporters when I became the Democratic leader of the Senate in 1977. He was always one who stood alongside me and my work as the leader. I could count on his support. We did not always vote alike, but he was very supportive, and I treasured that support.

As time went on, TED KENNEDY, with whom I did not see eye to eye in the early days, became one of my most loyal and dedicated friends in the Senate. I am not saying we socialized together. I do not socialize with very many people, if any, outside my own family, but as a friend he proved himself to me one of the staunchest.

I remember that on my 80th birthday—Senator KENNEDY just celebrated his 70th—I was in West Virginia. I was dining on that birthday at the Governor's mansion with a Republican Governor whom I had served in the State legislature in 1947. This was his second time to be Governor. He was the youngest Governor of the State in the early 1950s, and then he was the oldest Governor of the State up until a little under 2 years ago. He was having me over at the mansion for lunch on that day with him. I received a call from my chief of staff, Barbara Videnieks, saying: Senator, guess who is here. Senator KENNEDY is in your office.

I was in West Virginia, and he was in my office. She said: You know what. He has 80 red roses.

He brought 80 red roses to my office on that day. I thought that was a unique moment in my life, unique perhaps in most lives, to have a friend come by and bring 80 roses. It is unique to become 80 years old, for one thing, but he was in my office with 80 roses.

Not only that but a couple of years ago, on my 63rd wedding anniversary, I was at the Greenbrier in West Virginia with my wife Erma, and 63 red roses arrived to my room at the Greenbrier. TED KENNEDY sent the roses. That is a very remarkable display of friendship in anybody's life. Not many people live to be married 63 years, but to live to be married 63 years and then have a friend send 63 red roses is worthy of comment.

So that is the way it was—as Walter Cronkite used to say—on my birthday, and then again on my wife's and my wedding anniversary. So I am grateful for the friendship of TED KENNEDY.

This earthly span of ours, even though the psalmist promised us 70 years, is quite short after all.

The gay will laugh when thou art gone, the solemn brood of care plod on, and each one as before will chase his favorite phantom.

I believe those words are in William Cullen Bryant's "Thanatopsis."

That is about the way it is. So I take immense pleasure today in coming to this Chamber and congratulating TED KENNEDY on his birthday and expressing my very best wishes to him and his lovely wife and to her father who contacts me almost every time I make a speech. Judge Reggie calls my office and says he has been listening to my speeches. I believe he must have heard these remarks today.

Let me thank again my friend CHRIS DODD and my friend MITCH MCCONNELL—one Democrat and one Republican—for their friendship as well. I shall always treasure it. Senator DODD is my seatmate, and very often he stops by my door and bids me good afternoon and offers some well chosen words and comfort and cheer. I prize him as a treasured friend. He is the chairman of the Rules Committee on which I serve with MITCH MCCONNELL, and I am all the richer for it.

I also thank Senator MCCONNELL. He had me down in Kentucky. I say down because it is south of West Virginia on

the map. He had me visit Kentucky a couple of years ago, a major university there, and had me speak to a fine group of young people. He treated me royally while I was there.

I thank both Senator McCONNELL and Senator DODD for their service to the Senate and to their country, and I thank them for their friendship.

I yield the floor.

Mr. DODD. 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.

#### EQUAL PROTECTION OF VOTING RIGHTS ACT OF 2001—Continued

Mr. DODD. Mr. President, I will make a couple of unanimous consent requests to modify amendments. This has been discussed with the minority.

##### AMENDMENT NO. 2919, AS MODIFIED

I ask unanimous consent amendment No. 2919, previously agreed to by the Senate, be amended with the changes now at the desk.

Mr. McCONNELL. I am confused.

Mr. DODD. The Hollings-McCain amendment.

Mr. McCONNELL. Fine.

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

The amendment will be so modified.

The modification is as follows:

On page 2, line 11, after "with" insert "the Architectural and Transportation Barriers Compliance Board and".

##### AMENDMENT NO. 2922, AS MODIFIED

Mr. DODD. Second, I ask consent that my amendment, which is at the desk now, No. 2922, be modified with changes at the desk to conform with the amendment, the line numbers in the compromise.

Mr. McCONNELL. Reserving the right to object, the Senator from Connecticut has changed the amendment he offered?

Mr. DODD. I am modifying my own amendment. The line numbers are wrong.

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

The amendment will be so modified.

The amendment (No. 2922), as modified, 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 17, 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. 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 the order for the quorum call be dispensed with.

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

Mr. DODD. Mr. President, what is the pending amendment?

The PRESIDING OFFICER. Amendment No. 2922, as modified, is the pending amendment.

Mr. DODD. Mr. President, I finished explaining what the amendment is. It is technical in nature. I urge its adoption.

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

The amendment (No. 2922), as modified, was agreed to.

Mr. DODD. Mr. President, 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.

Mr. DODD. Mr. President, I know Senator McCain wanted to be heard on other subject matters. I am going to put in a quorum call. There are five or six amendments, maybe none, maybe one, maybe all, that we can come back and adopt, but I will report back very quickly to the Chamber the results of those discussions. In the meantime, if Members come over and would like to speak in morning business or on another subject matter, the floor will be theirs.

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. 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.

#### RECESS SUBJECT TO THE CALL OF THE CHAIR

Mr. DODD. Mr. President, I ask unanimous consent that the Senate stand in recess subject to the call of the Chair.

There being no objection, the Senate, at 4:13 p.m., recessed subject to the call of the Chair and reassembled at 5:19 p.m. when called to order by the Presiding Officer (Ms. STABENOW).

The PRESIDING OFFICER (Ms. STABENOW). The Senator from Connecticut.

#### EQUAL PROTECTION OF VOTING RIGHTS ACT OF 2001—Continued

Mr. DODD. Madam President, I am pleased to tell the Chair and those who may be following the proceedings, we have come to an agreement on six amendments this afternoon. Rather than explain each amendment, which would take some time—the authors of the amendments will certainly know what we are talking about—I ask unanimous consent that the RECORD remain open so that those who want to be heard on the amendments—some have cosponsors—can add remarks this evening.

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

Mr. DODD. I thank in advance my staff, the staff of Senator McConnell, and the staffs of the respective authors of these amendments and others for their cooperation this afternoon. We have handled over 20 amendments. It means that while tomorrow we still have some to deal with, we now have a manageable number, and it is looking better and better for getting this bill finished tomorrow afternoon or early evening. That is our hope.

I ask unanimous consent that the pending amendment be laid aside.

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

AMENDMENT NO. 2913; AMENDMENT NO. 2866, AS MODIFIED; AMENDMENT NO. 2900, AS MODIFIED; AMENDMENT NO. 2865; AMENDMENT NO. 2894, AS MODIFIED; AND AMENDMENT NO. 2926

Mr. DODD. Madam President, I ask unanimous consent that the following amendments be considered and agreed to en bloc: amendment No. 2913 offered by Senators HARKIN and MCCAIN; amendment No. 2866, as modified, offered by Senator LUGAR; amendment No. 2900, as modified, offered by Senator ENSIGN; amendment No. 2865 offered by Senator GRASSLEY; amendment No. 2894, as modified, as offered by Senators HOLLINGS, REID, and KOHL; amendment No. 2926 offered by Senator LIEBERMAN.

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

The amendments (Nos. 2913 and 2894) were agreed to.

(The text of amendment No. 2894, as modified, will be printed in tomorrow's RECORD.)

The amendments (Nos. 2866, as modified; 2900, as modified; 2865; and 2926) were agreed to, as follows:

##### AMENDMENT NO. 2866, AS MODIFIED

(Purpose: To ensure that Election Reform Incentive Grant Program funds may be used by States and localities to fund hotlines for voters to report possible voting fraud and voting rights abuses)

On page 38, strike lines 9 through 12, and insert the following:

submitted under section 212(c)(1)(B) of such section;

(6) to establish toll-free telephone hotlines that voters may use to report possible voting fraud and voting rights violation and general election information; or

(7) to meet the requirements under section 101, 102, or 103.