

Members of the leadership here. I understand as well it is not easy for TRENT LOTT and DON NICKLES, the leadership on the other side.

My hope is when we come back here in January we get about the business of grappling with the underlying questions. We spent a lot of time on Iraq and the other questions. The American people want to know why we cannot spend a few days talking about the issues they worry most about. When they get up in the morning and they go to bed at night, they worry and they sit around talking about how they will lick these issues. They would like to know we would spend at least as much time on those questions as some of the other issues.

Mr. BURNS. Mr. President, I rise today to support the hard work of the conferees on the election reform conference report. I did not hesitate to vote against S. 565 because it unfairly disadvantaged rural States and did not fix the most grievous flaws with the current system. I am pleased to report that significant improvements have been made from the original bill, and I support this attempt to give greater integrity to the electoral process.

We can now ensure that the ballots from our servicemen and women overseas are properly handled. Their ballots cannot be refused based on early submission, and each will bear a postmark in order to avoid recent election debacles from occurring again.

All States will receive a minimum grant award, with the potential to apply for additional funds, an improvement over the Senate-passed version, which would have disadvantaged rural States with a solely competitive grant program. Most importantly, this report identifies remedies for election fraud. States may purge any individuals who do not vote in two consecutive Federal elections and are unresponsive to follow-up by State officials. We must clean up our voter rolls, and this provision gives States the vehicle to do so, should they choose to use it. This is by no means a perfect report, but I am sufficiently convinced that we have taken great strides to better our voting process.

ORDER OF PROCEDURE

Mr. DODD. I ask unanimous consent tomorrow's cloture vote be vitiated and that the Senate proceed to the consideration of S. Res. 304 immediately upon the disposition of H.R. 5010, the Defense appropriations bill. I further ask unanimous consent that tomorrow's order with respect to the election reform conference report, H.R. 3295, commence at 11:40 a.m. and tomorrow's order with respect to the Defense appropriations conference report commence at 2:15 p.m., with all other provisions of the above-mentioned orders remaining in effect.

I am told this is cleared by the minority as well.

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

Mr. DODD. I yield back all the remaining time on the conference report.

The PRESIDING OFFICER. Without objection, the time is yielded back.

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

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

ONE-YEAR ANNIVERSARY OF SENATE ANTHRAX ATTACK

Mr. DASCHLE. Mr. President, one year ago today, a letter containing about two grams of anthrax was opened in my office. My staff, Senator FEINGOLD's staff, and the law enforcement and medical personnel who responded to the incident were suddenly thrown into a world of frightening uncertainty.

Twenty-eight people tested positive for exposure to multiple lethal doses of anthrax, and about 45 others were presumed to be significantly exposed.

They endured 100 to 120 days of antibiotics and the fear and anxiety that accompany the largest bioterrorist attack on U.S. soil. All the while, they continued to come to work and do their jobs—jobs that included trying to protect the rest of America from a similar fate.

Of course, the effects of this attacks were felt well beyond my office. Hundreds of others from the immediate area were placed on preventive antibiotics. House and Senate office buildings were closed for several days, and the Hart building was closed for 3 months.

Every member and employee of the Senate was affected, and I must say it was an inspiration to see how well our community pulled together to ensure that the Senate continued to address the business of the country.

In retrospect, we were very lucky. We knew exactly when and where people had been exposed, which gave us an advantage that others did not have—the opportunity to provide those who were exposed with immediate preventive care. And while there were some terrifying times, no one in the Senate community died as a result of their exposure to anthrax.

Sadly, others were not so lucky. Robert Stevens and Ernesto Blanco had no idea they had been exposed to anthrax when they fell ill. October 5 is the anniversary that Ernesto Blanco remembers; October 5 is the day his co-worker, Robert Stevens, died.

Next week America's postal workers will mark two more tragic anniversaries: October 21 is the day Thomas L. Morris, Jr. died of inhalation anthrax, and his colleague Joseph P. Curseen, Jr. succumbed the following day.

Because it was not yet understood that the deadly bacteria could escape

through envelopes, Mary Morris, Celeste Curseen, and their families and friends have endured a terribly painful year.

Thomas Morris, Joseph Curseen, and all of America's postal workers continued to work even when they knew they could risk for exposure to anthrax or other biological or chemical agents. Postal workers accept those and other risks every day, and for their courage and dedication, they deserve a nation's gratitude.

Those who knew and loved Kathy Nguyen and Ottillie Lundgren have their own anniversaries approaching: October 31 and November 17. Exactly how these women were exposed remains a sad mystery.

Still others, including Ernesto Blanco, LeRoy Richmond, and Naomi Wallace, survived the disease. But many of them are suffering from debilitating often painful long-term health effects. They have no anniversary to mark the end of their ordeal, for it is ongoing.

All of these people, like the first responders and Senate employees exposed to anthrax, were innocent victims.

My staff and I feel a special kinship with the families of those who died and with those who continue to struggle with their health. On their behalf, and on behalf of the entire Senate, I extend our deepest sympathy to those to who lost friends and loved ones and our very best wishes for a full recovery to those who survived the disease.

What else shall we offer these families? They need more than our sympathy. They—and all Americans—need our absolute resolve to ensure that our country does everything it reasonably can to prevent and address the bioterrorist threat, so that others do not suffer what they have suffered. As tragic as the anthrax attacks of last fall were, they could have been much worse, and we must prepare ourselves for and defend against the possibility of far greater threats.

We must be vigilant in our effort to identify and neutralize terrorist cells. We must develop better ways to detect chemical and biological agents in the air, water, and food supplies. We must develop better vaccines. We must develop better treatments for those who are exposed to deadly viruses, bacteria, and agents. And we must develop better coordination between the various public health, intelligence and other government entities responsible for addressing the bioterrorist threat.

The victims and their families also need and deserve to know that the perpetrator or perpetrators of these terrible crimes will be brought to justice. We are all frustrated by the fact that the person or persons responsible are still out there, capable of striking again. This is a complex case, and I know the FBI has focused many resources on it. I am hopeful they will soon be in a position to bring the case to a successful close.

One year ago today, an anthrax-laden letter was opened in my office.

Let us mark this anniversary—and all the sad anniversaries since September 11—with a renewed sense of community, a renewed determination to protect each other, and a renewed resolve to preserve America's strength and spirit.

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

The PRESIDING OFFICER (Mr. JEFFORDS). Without objection, it is so ordered.

AMENDING THE FISA LAW

Mr. KYL. Mr. President, I would like to speak in morning business for as long as I might consume to discuss some legislation Senator SCHUMER and I have introduced and to discuss my intention to seek to have that legislation added to the conference of the intelligence authorization bill which, hopefully, will come before this body for our deliberation and acceptance by the end of this week—again, hopefully.

This legislation not only will reauthorize the intelligence community activities that are funded by the Congress, but also, perhaps, will include an agreement on an outside commission that will later be established to look into the events prior to September 11.

So there are some important elements to this bill. One of the items I would like to add to it also deals with the subject of terrorism, the Schumer-Kyl bill—that I will describe in just a moment—which is a very small provision in the so-called FISA law that would be appropriately added in this conference as an additional way we can help win the war on terror.

Let me begin by discussing just a little bit what this legislation is and why it is necessary, and then I will discuss a little bit further how we would like to have it considered.

The bill number is S. 2568, called the Schumer-Kyl bill. It would add three words to the FISA legislation under which we are now able to gather information that is useful in conducting our war on terror.

The Foreign Intelligence Surveillance Act, or FISA, is a law which provides a special way of gathering this evidence against terrorists, and its origins are back in the 1970s. But it deals with a different situation today in terrorism than it did back then.

Let me just go back in time. The idea was if you were working for a foreign government, we ought to have a little better ability to investigate you than through the probable cause requirements of the 4th amendment that we would ordinarily apply in a title III court situation. So the FISA law was established to say if you have evidence someone is working for a foreign gov-

ernment or an international terrorist organization, then you can involve the FISA Court, the special court, to ask that court for a warrant to do a wiretap or to search a home or to search a computer, or whatever the case might be.

Back in the 1970s, when this was first started, it was a fairly straightforward proposition. If you thought, for example, you might be dealing with a foreign spy, somebody working for the then-Soviet Union, you could go to the FISA Court and get a warrant for the information you were seeking, and it was a little easier to obtain than through a regular court.

Secondly, the information was all classified, secret; it did not have to be shared with anyone else, and these judges were cleared to receive that information. So we were able to keep these kinds of investigations classified, and obviously that was a key element to be able to prosecute these counterterrorism types of cases. But back then the classical FISA target would be either a Soviet agent or perhaps one of the sort of hierarchical terrorist organizations such as the Bader-Meinhof gang in West Germany or the Red Army faction or a group of that sort. Today, as you know, the situation is very different.

We have in the world today amorphous terrorist groups that have spread throughout the entire world that are very loosely affiliated, sometimes not affiliated at all. It is not even clear frequently whether individual people are directly connected to the terrorist group or actually members of the terrorist group. And when we speak of "members of," I am not even sure anybody can define a member of a terrorist organization. You do not pay dues and have a card that identifies you as a member of al-Qaida or Hamas or Hezbollah or the Islamic Jihad or any of these other organizations.

Now, it is true within the group there, you would have to be accepted as someone they could trust, but I do not necessarily think they look at the people with whom they work as members of the organization.

So we wrote a statute back in the 1970s for a different type of enemy than the enemy we face today. What we are finding is sometimes it is very difficult to connect up a particular terrorist either with a foreign country or with a particular terrorist organization. We know there are state sponsors of terrorism, and I suppose if we had evidence somebody here in the United States was planning to commit an act of terror, and they were employed by the Government of, let's say, Iran, we could probably get a FISA warrant because we could connect them pretty easily to a foreign country that has been known to conduct state terrorism. But it is a lot more difficult when you have somebody such as Zacarias Moussaoui, for example, the alleged 20th hijacker. His is an actual case in point used by many to demonstrate the

fact that our law enforcement agencies did not act quickly enough in order to obtain a FISA warrant against him. The reason they did not is precisely because of the difficulty of connecting him to a foreign country or a particular international terrorist organization, which is what the FISA statute requires.

Now, bear in mind one of the rationales for being able to accelerate and short circuit the procedures here with a FISA warrant, as opposed to a regular title III type warrant, is you are dealing with a foreign country. You are not dealing with an American citizen. You are dealing with a threat from without or an international terrorist organization. So that is the theory.

But in the case of someone such as Zacarias Moussaoui, even though he was a foreign person—not a United States citizen—we could not connect him with Algeria or France or any of the other countries of the world. We thought his activities looked very suspicious and that they could be terrorist-type planning, but not connected to a particular country. Nor was it possible to connect him to al-Qaida. We did not have information connecting him to al-Qaida. We had some information that in an around-about way connected him to terrorists in a particular place but not an international terrorist organization.

So here you had a situation where he was talking to some terrorists, he looked to be interested in engaging in activity that could result in terrorism here in the United States, but the two requirements to get a warrant—either that he was involved in state-sponsored terror with a particular country or a particular international terror organization—could not be proved. And as a result, either legitimately or not legitimately, the FBI did not authorize a warrant to search his computer, notwithstanding the fact there were some in our law enforcement community who wished to do that. And, of course, his computer was not searched until after September 11.

What the Schumer-Kyl bill does is to correct this one little deficiency in the statute to bring it up to date, literally from the time it was created back in the cold war days, to today's environment in which you have amorphous terrorist groups floating around with individuals freely associating amongst them, or perhaps even not at all with them but engaged in terror.

What it does is to correct this problem with the statute by adding just three words—"or foreign person"—to the targets of the warrant. So an individual would be the subject of a warrant if you could show you had probable cause to believe the individual was engaged in or planning to engage in an act of terrorism and either was doing so on behalf of another country, an international terrorist organization, or the person himself is a foreign person.

So you have the connection of two things. You have a potential act of terror and a foreign person. And that is