

against a list the FBI has, the Customs Service has, and 21 different agencies of law enforcement, to evaluate which of these passengers, if any, should not be allowed into our country, which of them are on the suspect list, and which are on the list of known or suspected terrorists.

We have the majority of the airline carriers and the majority of the names of passengers being given to our law enforcement authorities in the form of an advance electronic passenger list. It is called the Advance Passenger Information System. It is a voluntary, not mandatory, system covering 85 percent of the international air passengers that are not already pre-cleared by Customs. It works fine except we have a number of carriers from countries that do not participate.

Let me list a few: Saudi Arabia, Egypt, Jordan, and Pakistan, just to name a few.

One would ask whether we should be getting advanced passenger information from these countries. The answer is yes. In fact, the Senate said yes last week. The Senate was prepared to adopt this amendment last week as part of the counter-terrorism bill, which is where it should have been. In conference it was knocked out. It went to conference with the U.S. House. Some were worried more about committee jurisdiction than they were about security. So they knocked it out.

The result was, when the President signed that counter-terrorism bill, it did not have this provision that makes mandatory the Advanced Passenger Information System.

What does that mean? It means that today about 219,000 international air passengers arrived in the United States—today, Tuesday. About 34,000 are pre-cleared by U.S. Customs agents stationed abroad who run an APIS-type check as part of the clearing process, 156,000 are pre-screened through APIS while they are in flight, leaving approximately 29,000 whose names are not provided to the Customs Service until they arrive because their carriers do not participate in the Advanced Passenger Information System. Why? Because the Congress last week decided not to include that requirement in a conference report.

The President wants this requirement. The Customs Service wants the requirement. All the Federal law enforcement authorities want the requirement. We get it on 85 percent of international air passengers. And the ones we don't get it from are Pakistan, Kuwait, Saudi Arabia, Egypt, and Jordan, just to name a few.

I ask the question: Does it promote this country's security to require those air carriers to provide the same information that virtually every other air carrier in the world provides to us? The answer is clearly yes.

We are less secure today than we should be because the Congress

knocked out my provision in that conference committee. That provision was not in the counter-terrorism bill when the President signed it, despite the fact that the Senate supported it. The Senate said yes. But it was knocked out in conference.

I intend to offer this to any vehicle I have the opportunity to offer it to. I know that it doesn't necessarily belong on an appropriations bill. But it belongs in law in this country. It belongs there now. It should be there now. It should be providing security for this country now with respect to the 29,000 people who entered this country today whose names were not provided under the Advanced Passenger Information List. It makes no sense to me to be in this situation.

Some would say, well, this really inconveniences and mandates the air carriers to do this. No, it does not. Most of the air carriers do it voluntarily, and they have a good relationship with our country. But some air carriers decided that they will not do it. The Customs Commissioner and others indicate that we ought to make it mandatory. I agree with that.

Since September 11, things have changed. It is not profiling. It is not profiling in any way to ask for an advanced list of passengers who are going to visit our country as guests in our country. But we are trying to profile those who are terrorists and suspected terrorists. Let's admit to that.

One of the goals that we have in all of our efforts with respect to increasing security at our borders is to determine who the people are who associate with terrorists and known terrorists or suspected terrorists, and try to keep them out of our country. Unfair? I don't think so, not in the circumstance where thousands of Americans have been killed—cold-blooded murder by terrorists who decided to use an airplane as a weapon of destruction; not at a time when terrorists sent anthrax-laced letters around this country through the mail system and people die.

I ask that we include this amendment in this appropriations bill. I hope those who are talking about their committee jurisdiction will understand that this isn't about jurisdiction. It is about security. This isn't about trying to protect your little area. It is about common sense to try to protect this country's borders. The Advanced Passenger Information System works. It has worked for a long while. It provides this country names that are important to secure our borders, except that it doesn't do it in all instances. In the instances where it fails, it is critically important to give this country critically important information in order to give this country some assurance and some comfort.

I understand that we will probably deal with this amendment tomorrow. I wanted to offer it this evening.

Mr. HARKIN. Madam President, I believe this amendment which I am pledged to cosponsor should become law. It is very reasonable for the United States to require that airlines provide information about their international travelers coming to the United States so customs can be able to check if any of the passengers are of special concern.

We are going to considerable lengths to improve the safety of our aviation system and to improve our ability to better protect our borders. Requiring that international airlines provide some basic information about their passengers and their cargo is very reasonable.

I understand some airlines are concerned about the small costs involved. Some airlines might have other reasons to not comply. But with 85 percent compliance with the voluntary requirements, clearly the burden is well within reason. There is no question, given the realities of our world, this should be required information for any international flight coming to the United States.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

MORNING BUSINESS

Mr. REID. Madam President, I ask unanimous consent that there now be a period of morning business, with Senators allowed to speak therein for a period not to exceed 5 minutes each.

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

TERRORISM

Mr. SPECTER. Madam President, the terrorist attacks carried out by Osama bin Laden and al-Qaida on September 11 require a reevaluation of our national policy on what the government should be doing on its primary responsibilities: the security of the people.

The United States was stunned by that diabolical attack. It was thought impossible to make the country, with special emphasis on the Congress, more "fighting mad"; but that was done with the anthrax attacks. As a nation, we are determined to respond thoughtfully and forcefully to win the war against terrorism. This floor statement briefly reviews some of the responses by the U.S. to terrorism for the past two decades to learn from our mistakes of the past and to guide us on what to do in the future.

The United States has been slow to assert extraterritorial jurisdiction to