

H. RES. 391

*Resolved*, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 1(b) of rule XXIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 2578) to amend the Immigration and Nationality Act to extend the visa waiver pilot program, and to provide for the collection of data with respect to the number of non-immigrants who remain in the United States after the expiration of the period of stay authorized by the Attorney General. The first reading of the bill shall be dispensed with. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chairman and ranking minority member of the Committee on the Judiciary. After general debate the bill shall be considered for amendment under the five-minute rule. The bill shall be considered as read. No amendment to the bill shall be in order unless printed in the portion of the Congressional Record designated for that purpose in clause 6 of rule XXIII. The chairman of the Committee of the Whole may: (1) postpone until a time during further consideration in the Committee of the Whole a request for a recorded vote on any amendment; and (2) reduce to five minutes the minimum time for electronic voting on any postponed question that follows another electronic vote without intervening business, provided that the minimum time for electronic voting on the first in any series of questions shall be 15 minutes. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

SEC. 2. After passage of H.R. 2578, it shall be in order to consider in the House S. 1178. It shall be in order to move that the House strike all after the enacting clause of the Senate bill and insert in lieu thereof the provisions of H.R. 2578 as passed by the House.

The SPEAKER pro tempore. The gentlewoman from North Carolina (Mrs. MYRICK) is recognized for 1 hour.

Mrs. MYRICK. Mr. Speaker, for purposes of debate only, I yield the customary 30 minutes to the gentleman from Ohio (Mr. HALL), pending which I yield myself such time as I may consume. During consideration of this resolution, all time is yielded for the purpose of debate only.

Mr. Speaker, yesterday the Committee on Rules met and granted a modified open rule to H.R. 2587, which provides for 1 hour of general debate, equally divided and controlled by the chairman and the ranking minority member of the Committee on the Judiciary.

The rule also provides that no amendment to the bill will be in order unless it has been preprinted in the CONGRESSIONAL RECORD.

The rule allows the Chairman of the Committee of the Whole to postpone votes during consideration of the bill and to reduce voting time to 5 minutes on the postponed question if a vote follows a 15-minute vote.

The rule provides for one motion to recommit, with or without instructions.

Finally, the rule provides that after passage of the House bill, it will be in order to insert the House-passed language into the Senate bill number.

Since 1986, the visa waiver pilot program has allowed tourists from our closest allies to enter the United States for up to 90 days without a visa. In order to participate in the program, a tourist must first purchase a round trip ticket, must not pose a safety threat to United States citizens, and must abide by all of the waiver program's rules and regulations.

H.R. 2578 would extend the visa waiver pilot program through September 30, 1999, and will require the Attorney General to collect data on non-immigrant aliens who unlawfully remain in the United States.

Mr. Speaker, the visa waiver pilot program enjoys broad, bipartisan support. In fact, the program has been so successful that under today's open rule we will consider amendments to extend the program to countries such as Greece, Portugal, and South Korea.

I urge all of my colleagues to support this open rule.

Mr. Speaker, I reserve the balance of my time.

Mr. HALL of Ohio. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I want to thank my colleague, the gentlewoman from North Carolina (Mrs. MYRICK) for yielding me the time. This rule will allow a debate on H.R. 2578, which is a bill to extend the visa waiver pilot program. As my colleague has described, this rule provides 1 hour of general debate, to be equally divided and controlled by the chairman and ranking minority member of the Committee on the Judiciary. Under this rule, amendments will be allowed under the 5-minute rule, which is the normal amending process in the House, provided that amendments have been previously printed in the CONGRESSIONAL RECORD.

The bill extends for 2 years the visa waiver pilot program started in 1988 and said to expire April 30, 1998. Under the program, tourists and business travelers from some countries can come to the United States for up to 90 days without a visa.

□ 1430

The program is intended primarily to assist the U.S. terrorism industry. The bill is fairly easy to understand. The Committee on the Judiciary approved it by voice vote. I would urge a vote on the rule.

Mr. Speaker, I have no requests for time, and I yield back the balance of my time.

Mrs. MYRICK. Mr. Speaker, I yield 1 minute to the gentleman from California (Mr. CUNNINGHAM).

Mr. CUNNINGHAM. Mr. Speaker, I thank both sides of the aisle for bringing the legislation forward. I know that in the case of Greece, Greece has been our ally for a long time. I recently went with the Chairman on my first

trip ever in 7 years to Greece. I know the problems associated with an ally of ours, just the fact of trying to get a visa. Since my wife is Portuguese, of course I support that as well.

I would like to thank the gentlewoman from North Carolina (Mrs. MYRICK) and the Members on the other side of the aisle for the legislation. It is good legislation and a long time overdue.

Mrs. MYRICK. Mr. Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

The SPEAKER pro tempore (Mr. CHAMBLISS). Pursuant to House Resolution 391 and rule XXIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the consideration of the bill, H.R. 2578.

□ 1432

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 2578) to amend the Immigration and Nationality Act to extend the visa waiver pilot program, and to provide for the collection of data with respect to the number of nonimmigrants who remain in the United States after the expiration of the period of stay authorized by the Attorney General, with Mr. SUNUNU in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. Pursuant to the rule, the bill is considered as having been read the first time.

Under the rule, the gentleman from Texas (Mr. SMITH) and the gentleman from North Carolina (Mr. WATT) each will control 30 minutes.

The Chair recognizes the gentleman from Texas (Mr. SMITH).

Mr. SMITH of Texas. Mr. Chairman, I yield myself such time as I may consume. Let me first explain the bill; then I want to very quickly yield to the gentleman from Illinois (Mr. HYDE), chairman of the Committee on the Judiciary.

Mr. Chairman, H.R. 2578 extends the visa waiver pilot program. The visa waiver program allows business visitors and tourists to enter the United States without obtaining a visa. Currently, 26 nations have qualified as visa waiver countries.

Normally, a consular officer conducts a face-to-face interview with a visa applicant to check for fraudulent documents and to weed out individuals who do not plan to leave the United States before their visas expire.

Since the visa waiver program removes the ordinary visa requirement, there is very legitimate concern that those intending to violate our immigration laws, and perhaps more serious

crimes inside the United States, could very well abuse it.

The security of the program currently rests on two standards. First, to become eligible, a nation must have a visa refusal rate of less than 2 percent. Second, to remain in the program, a nation must have a visa overstay rate of less than 2 percent. The INS has been unable to calculate specific visa overstay rates for close to 5 years, so there is no reliable way to determine if a country should, in fact, remain in the program.

The only reasonable course of action is to extend the visa waiver program for 2 years, as the administration recommends, so that the administration can implement reforms that will allow it to determine those visa overstay rates.

To encourage these efforts, this legislation includes a provision requiring the INS to collect data regarding visa overstays and to report such data to Congress.

Pending this review, the Attorney General, as well as the State Department, has strongly endorsed an extension of this program, with no amendments to change the standards for entry.

I urge all of my colleagues to support this bill and oppose any amendments that would lower the standards and thus increase illegal immigration in the United States.

Mr. Chairman, I yield such time as he may consume to the gentleman from Illinois (Mr. HYDE), chairman of the Committee on the Judiciary.

(Mr. HYDE asked and was given permission to revise and extend his remarks.)

Mr. HYDE. Mr. Chairman, I want to thank the gentleman from Texas (Mr. SMITH), the chairman of the Subcommittee on Immigration and Claims, for being so kind as to yield to me and to the gentleman from North Carolina (Mr. WATT) for his deference, too, which I appreciate.

I am pleased to speak in support of this legislation which extends the visa waiver pilot program. Under this program, the United States allows short-term visitors for business or pleasure, with passports from 26 designated countries, to travel to the United States without first obtaining visas abroad. Visa waiver substantially facilitates international travel and greatly benefits the economy of the United States, with over 12 million visitor arrivals under the program in 1996.

Designation as a new visa waiver program country under current law necessitates, along with other requirements, low nonimmigrant visitor refusal rates for nationals of the particular country. That rate, calculated over the last 2 fiscal years, must average below 2 percent and must remain below 2.5 percent for each of those years. In other words, the general requirement of consular screening abroad can only be waived when the U.S. consular officers rarely deny visitor visas to a country's na-

tionals as demonstrated by objective criteria.

It is important to retain such criteria undiluted at this time as a safeguard against potential immigration law abuses. The legislation before us adheres to that principle. INS officers, Immigration and Naturalization Service officers, at ports of entry, of course, will continue to check everyone seeking admission, including visitors under the visa waiver program.

Visa waiver, properly limited, encourages leisure and business travel from low-fraud countries while permitting the State Department to concentrate consular resources where they are most needed. It is a good program. It advances U.S. interests. I urge my colleagues to support its extension.

Mr. SMITH of Texas. Mr. Chairman, I appreciate the remarks of my friend, the gentleman from Illinois.

Mr. Chairman, I reserve the balance of my time.

Mr. WATT of North Carolina. Mr. Chairman, I yield such time as he may consume to the gentleman from Massachusetts (Mr. DELAHUNT).

(Mr. DELAHUNT asked and was given permission to revise and extend his remarks.)

Mr. DELAHUNT. Mr. Chairman, I rise in support of this bipartisan amendment, which would broaden the visa waiver pilot program to make tourists from Portugal and Greece eligible to participate on equal terms with their European neighbors.

These two countries are presently the only members of the European Union who do not benefit from this program, and it is high time that Congress corrected that inequity.

There is only one fair justification for excluding these or any other countries from the waiver program: namely, where there is a high rate of abuse. Yet there is no evidence that visitors from Portugal are any likelier than others to overstay their welcome in the United States once their visas have expired. In fact, the evidence refutes any suggestion that there has been an increase in illegal immigration from Portugal in recent years.

Yet the continued exclusion of these countries from the pilot waiver program creates a hardship for the many visitors who wish to come to this country and enhance our local economies. It creates a hardship for the many families in this country with relatives in Portugal who seek to travel here to see them.

Many of those families are from southeastern Massachusetts, where the Portuguese-American community has made enormous contributions to our local heritage. These citizens and their family members overseas deserve to be treated fairly, and I urge my colleagues to vote for the amendment.

Mr. WATT of North Carolina. Mr. Chairman, I yield myself as much time as I may consume.

Mr. Chairman, I rise today in support of H.R. 2578, a bill to extend the visa waiver pilot program and to require the collection of data regarding the visa overstay rates of nonimmigrants who visit the United States.

The visa waiver pilot program was first authorized in 1986. The principles and goals of the program are sound: to

save government resources while promoting tourism to the United States.

The program was based on the presumption that when visa abuse is very low from a given country, it is better to shift resources away from U.S. consular posts in that country and toward consular posts where the risk of visa fraud is more likely.

I do not believe that any of us are interested in seeing the visa waiver pilot program expire. The impact on the State Department, which would have to redeploy key resources, would be enormous. The potential negative impact on U.S. travel and tourism would be immeasurable.

I understand that the chairman will offer an amendment to extend the program until the year 2000 to make it a true 2-year extension of this pilot program. I will support that amendment, but only because the bill, as currently drafted, includes provisions which will require the Attorney General to implement a program to measure visa overstay rates for all visitors to the United States.

Currently, a country is eligible to participate in the visa waiver program if it has a visa refusal rate lower than 2.5 percent for the preceding 2 years and if other criteria are met.

The other criteria include having machine-readable passports, reciprocity for American tourists, and a low risk of compromising the law enforcement interest of the United States.

In non-State Department jargon, the words visa refusal rates refer to the percentage of tourist visa applications that are denied in a given country. Visa applications are refused when U.S. consular officers, often using subjective factors, race or class-based profiles, decide whether someone is likely to overstay a visa or not.

A resident at the U.S. consulate in San Palo, Brazil highlights the irrationality of reliance on visa refusal rates for participation in the visa waiver program rather than objectively measured overstay rates, which this bill will allow us to gather information to implement.

In the instance in Brazil, the Brazilian consular officers were using criteria, a code on the application that illustrates the point that I am making. The code on the application was a code which says LP, which stood for "looks poor." These same consular officers were instructed to carefully review any visa application from persons living in regions of Brazil which were predominantly black or Asian.

The net effect of this careful review was that few Brazilians of African or Asian ancestry ever got visas to visit the United States. We only found out about this because one of the consular officers refused to follow this process. When he did, the State Department fired him. When the State Department fired him, he sued them. Finally, last week, a U.S. Federal District Judge ordered that he be reinstated in his job.

Because of the subjectivity of visa rates, visa refusal rates generally, I

firmly believe that we must move toward a policy where participation in the visa waiver pilot program is conditioned not on subjective factors, but on objective criteria. That objective criteria should be low visa overstay rates, not low visa refusal rates. Simply put, countries whose nationals enter the U.S. but then fail to leave should not be allowed to participate in a visa waiver pilot program.

Whether that country is Europe or Africa, the same criteria ought to be applicable. Likewise, countries whose nationals enter the U.S. and then leave as they have committed to do and are obligated to do should be given the presumptions the visa waiver program gives to them. Their visa overstays should be the criteria.

We must stop presuming, based on whatever subjective stereotypical or irrational criteria we are using, that one group or another is more or less likely to overstay their visa and stay in the United States. We should have some objective criteria.

Of the 26 countries currently authorized to participate in the visa waiver program, 21 are European countries. Part of that is because we are now using subjective criteria. Many have requested that we make our visa waiver pilot program a permanent program.

□ 1445

The Chairman's amendment will extend that by 2 years, rather than just into 1999 as the current draft of the bill will do.

I will support the Chairman's amendment, but I should be clear that so long as participation in the program is based on subjective rather than objective criteria and, therefore, potentially discriminatory criteria, I would oppose any efforts to make this Visa Waiver Program a permanent program.

On the other hand, Mr. Chairman, if we move to a point where participation is based on truly objective criteria, the amount of overstays in this country, I will be among the first to seek to make this program a permanent one.

Mr. Chairman, this bill moves us in that direction by significantly, under its provisions, directing the INS to gather information that will allow us to measure visa overstays and not just be a slave to visa denials. I, therefore, encourage my colleagues to support this bill.

Mr. Chairman, I reserve the balance of my time.

Mr. SMITH of Texas. Mr. Chairman, I yield myself such time as I may consume.

I would like to make the point that today we have a very rare alignment where we have the Justice Department, the State Department, the administration as a whole, as well as the full committee chairman of the committee of jurisdiction and the subcommittee chairman of the subcommittee of jurisdiction all in favor of this bill, but all opposed to any weakening amendments that would expand this program to in-

clude any other country; and the reason for this bipartisan alignment that would oppose any weakening amendments is simply because of our very, very serious concern that expanding the program would lead to a dramatic increase in illegal immigration to America.

Mr. Chairman, what I would like to do is to read into the RECORD the statement of administration policy that we just received yesterday. These are direct quotes. "The administration would oppose any changes to the current program criteria used to determine country participation in the Visa Waiver Program. The current program criteria are objective, non-country-specific, and help to maintain the security and law enforcement interests of the United States."

From Attorney General Janet Reno we have a letter that says, "I ask you to join me in supporting pending legislation that will extend the Visa Waiver Program for 2 years in its current form; that is, without amendments."

We have another letter from the Department of Justice saying that "The Department also endorses the recommendation that the qualification criteria for designating countries to participate in the Visa Waiver Program not be changed at this time."

And a letter from the State Department says, "As laid out in existing law, the criteria for participating in the program, which are objective and not country specific, have worked out extremely well. The established requirements have ensured that only low-fraud, low-risk countries have been designated as participants."

Mr. Chairman, I have to admit that at some times in the past the administration has, in fact, politicized the immigration policy. But today we see an administration willing to take a principled stand, willing to stand for and protect the integrity of the immigration process by supporting this extension without any weakening amendments to include any other countries.

Mr. Chairman, I think that we should compliment the administration for their stand and support their recommendation, as well as the recommendation of many of us who are concerned about increased illegal immigration in America, were we to bring any other countries into this Visa Waiver Program, until we have additional data.

Mr. Chairman, I reserve the balance of my time.

Mr. WATT of North Carolina. Mr. Chairman, I yield such time as she may consume to the gentlewoman from the Virgin Islands, Ms. CHRISTIAN-GREEN.

Ms. CHRISTIAN-GREEN. Mr. Chairman, I thank the gentleman from North Carolina (Mr. WATT), for yielding to me.

Mr. Chairman, today I rise to join my colleagues on the Travel and Tourism Caucus in strong support of H.R. 2578, which will extend the visa waiver pilot program, as well as provide for the col-

lection of data related to the overstay rates for visitors.

Mr. Chairman, the visa waiver pilot program deserves all of our support because it has served our country well. It is a carefully crafted program which was created in 1988 to allow for hassle-free travel between the country and countries offering similar privileges to U.S. citizens for periods of 90 days or less for business or pleasure, without having to obtain a visa.

At a hearing before the Subcommittee on Immigration and Claims of the Committee on the Judiciary, witnesses from the Clinton administration and the travel and tourism industry testified that the failure to extend the visa waiver pilot program would cause disruptions in State Department operations and hamper business travel and tourism in the United States. In addition, neither the State Department nor the INS reports a significant level of violations on the part of persons entering the United States under the current Visa Waiver Program.

Mr. Chairman, the visa waiver pilot program works and continues to deserve our support. More than 46 million international travelers visit the United States every year, providing a boost of \$84 billion in spending to our economy. Many of the small businesses in the districts of my colleagues, and mine, benefit directly from these visitors; and they will feel the effect of lost revenue and jobs if this program is not renewed.

In closing, I want to also mention that my staff and I for some time now have been exploring the possibility of extending a similar Visa Waiver Program to the neighboring eastern Caribbean islands of my district of the Virgin Islands. Allowing the residents of Antigua, St. Kitts, Dominica and the other Caribbean island nations to visit the Virgin Islands for short periods, to shop and for other commercial activity, would mean a tremendous boost to our fragile economy. This is similar to the Underwood amendment, which I also support.

Mr. Chairman, this is a good bill. I urge all of my colleagues, in a bipartisan spirit, to support the passage of H.R. 2578 and extend this program.

Mr. SMITH of Texas. Mr. Chairman, I yield myself such time as I may consume.

Let me go into a little bit more detail as to why so many of us, including the administration, feel that if we expand the program to include any other country, it will increase illegal immigration in our country.

While the United States, as we have seen in the past couple of years, has increased security along our land borders, we have found out that those who want to enter illegally are increasingly looking for other avenues, such as coming in through visa-waivered countries.

State Department visa officers who issue the visas are in fact our first line of defense against illegal immigration. Through face-to-face interviews with

the visa applicants, the consular officers can weed out individuals who do not plan to leave the United States when their visas expire. Just as Border Patrol agents defend our land borders every time a Border Patrol agent apprehends an illegal alien, so our consular officers defend our borders every time they deny a visa to an individual who would have stayed in the United States illegally and would have overstayed their visa.

Mr. Chairman, the INS, through their Border Patrol agents, last year apprehended 1.6 million illegal aliens. Consulate officers denied visas to 1.5 million foreign applicants, almost the exact same number apprehended in the United States by the Border Patrol agents. Without our visa screening, therefore, we would have at least 1.5 million more illegal aliens in the United States, and perhaps many times that number.

Mr. Chairman, a lot of people do not realize that 40 percent, or at least 40 percent of the number of illegal aliens in this country today did not cross the border illegally; they came in on a tourist visa or a business visa and then overstayed that visa. That is 40 percent of our illegal alien problem in America today. If we eliminate a visa screening process for additional countries, we are simply going to be asking for more illegal immigration.

I have to say also that one of the particular problems we have with admitting a country like Portugal is that the problem will be worse with that country than with any other visa-waivered countries. Today, there are 26,000 people in the United States who are here illegally and who came from Portugal. If we did not have a visa program for individuals coming from Portugal and if the visa program was eliminated and if Portugal became a visa-waivered country, think how many times that 26,000 illegal alien number from Portugal we would have in the country today.

So clearly it does not make any sense to give a country that already has so many people who have already come in illegally, to give any special consideration to not have to go through the visa process.

Finally, I have to say to many of my colleagues, and I know there are several who support expanding the program, that I am surprised by their stand; and it is not clear to me why any individual who has supported reducing illegal immigration in the past by their votes in Congress would support an expansion of this program when so clearly that expansion would mean an increase in illegal immigration.

Mr. Chairman, I reserve the balance of my time.

Mr. WATT of North Carolina. Mr. Chairman, would the chair advise us to how much time remains on each side?

The CHAIRMAN (Mr. SUNUNU). The gentleman from North Carolina has 19 minutes remaining; the gentleman from Texas has 20 minutes remaining.

Mr. WATT of North Carolina. Mr. Chairman, I yield 7 minutes to the gentleman from Guam (Mr. UNDERWOOD).

Mr. UNDERWOOD. Mr. Chairman, I thank the gentleman for yielding me this time.

I take the time today to express my strong support for H.R. 2578, which is of vital importance to many areas that rely on tourism, including my own home island of Guam where we get over 1.2 million tourists a year, many of them from Japan.

Today I want to speak about an amendment that I have printed in the RECORD which I will explain in the course of general debate now and withdraw later on. I want to take the time to explain exactly what I am trying to do.

Guam has a Guam-only Visa Waiver Program which is separate from this general Visa Waiver Program. In our Guam-only Visa Waiver Program, visitors are allowed to come from countries like Japan, Korea, and Taiwan for 15 days, and there are 14 other countries on that list.

One of the issues that always affects the people of Guam, which has a large number of Philippino Americans, is how to deal with family events; and what we have been proposing and what we have been working towards with a locally organized task force for the past 4 years is to set up a pilot project within the scope of this Guam-only Visa Waiver Program, to run a pilot project for 1 year, allowing 100 citizens of the Philippines to come in under a Visa Waiver Program per month and to determine subsequent to that whether such a program can be realistically enforced on a longer-term basis.

This has been done through a lot of discussions, and my own efforts in personally observing and discussing the process with officials in the U.S. embassy in Manila and trying to work through with local INS officials on Guam.

The program that I envision, the pilot project that is mentioned in the amendment, envisions a family-based program in which citizens would be allowed to come for special family events. The program that we are outlining here says that no program will be in effect until a memorandum of understanding is signed between the U.S. Attorney General and the Government of Guam to make sure that the pilot project is conducted in a fair, efficient and effective manner; and at the same time, it also posits that if we get a 20 percent failure rate on any month, that the pilot project immediately come to a halt. So that is the basic outline of the project that we have.

Some of the questions that have been raised pertain to whether this will be a conduit for illegal immigration. I want to assure the Members of this House that the Guam-only Visa Waiver Program is in force by INS not only as people come into Guam, but as people leave Guam and go to Honolulu.

I dare say I am probably the only Member of Congress who has to show a

passport to go from his home district to Washington, D.C. That is how stringent the process is. Maybe we ought to introduce legislation to exempt me from this burden, but it is accurate to say that the anomaly of the situation is such that there is a double-check.

So Guam-only visas are exactly that. They are only meant for Guam; they are meant for 15 days, it is not the 90 days that is in the general Visa Waiver Program.

□ 1500

We feel very strongly and we believe that if this program were family-based, based on sponsorship, based on a limited number, we would be able to obtain better data.

The visa refusal rate in the U.S. embassy in Manila is a general refusal rate. It does not track Guam visitors as a separate category. We think that this is a fair response to the problem. We think it is an honorable response, and we hope that we will be allowed to proceed with such a pilot project.

In recognition of the chairman's concerns about this, and the fact that perhaps it caught him a little unaware in the process of bringing up the general visa waiver program, I will not proceed with the amendment later on today, but I would like to ask the chairman if he would be willing to work with me over the next couple of weeks to see what we can do to make progress towards this pilot project.

Mr. SMITH of Texas. Mr. Chairman, will the gentleman yield?

Mr. UNDERWOOD. I yield to the gentleman from Texas.

Mr. SMITH of Texas. Mr. Chairman, I thank the gentleman for yielding.

Let me reassure the gentleman that I am happy to work with the gentleman on this idea. Let me say, listening to the gentleman's explanation, which is an education for all of us, we have not had time to study the amendment. He makes many valuable points. Certainly the gentleman is doing an excellent job of representing his constituents.

I certainly recognize the need to try to expedite that free exchange and flow of trade, free trade and tourism between the countries as planned, and we look forward to hearing more about that in our subcommittee deliberations.

Mr. UNDERWOOD. Mr. Chairman, I thank the gentleman for that statement. I look forward to trying to make sure this works out for the people of Guam, in full recognition of the general provisions of the visa waiver program, and as well as making sure that it meets the concerns of the people of Guam.

Mr. SMITH of Texas. Mr. Chairman, I yield 3 minutes to my friend, the gentleman from Florida (Mr. FOLEY).

Mr. FOLEY. Mr. Chairman, I thank the gentleman for yielding me the time. I thank the gentleman from Texas (Chairman SMITH) for bringing this very important bill to the floor.

Having heard the gentleman from Guam, we understand, certainly, his interests and obviously other countries'

interests in expanding the program, but we want to make certain as well that before we expand unlimitedly, that we provide the kind of safeguards that the gentleman from Texas (Chairman SMITH) has been asking for, to make certain that the programs do in fact work, that we do have a viable program, but that we do not unwittingly provide for a flood of illegal immigration, if you will.

I want to talk specifically about the bill the chairman has on the floor. It has been in existence 10 years. The visa waiver program has been an excellent tool for encouraging tourists to come to the United States. That has had a direct impact on virtually every region of our country. Whether you are on the West Coast of the United States, Florida, or Massachusetts, we have all benefited by the visa waiver program.

In fact, in 1996 alone 46 million international visitors came to the United States, and they spent more than \$90 billion; \$90 billion spent by 46 million international visitors. Those dollars translate into jobs in hotels, in airports, in train stations, in restaurants, in clothing stores, in nearly every sector of the American economy.

International tourists are so important that travel and tourism itself has become one of America's largest employers, directly employing 6.8 million Americans and generating a total travel-related payroll of \$121.6 billion. Travel and tourism in fact ranks as the first, second, or third largest employer in fully 32 States and the District of Columbia.

The visa waiver program extends to more than 20 countries right now, including Japan, Germany, and the United States, and tourists from these countries have generated considerable dollars for us. Some 5 million Japanese, for instance, visited America in 1996, and they spent more than \$10 billion while they were here.

Why do I keep underscoring numbers? Why do I keep talking about dollars? Because the jobs and the economy of the United States depend on a vibrant tourism industry. The visa waiver program has been part and parcel of that success.

As cochairman of the Congressional Travel and Tourism Caucus, along with my colleague, the gentleman from California (Mr. FARR), I strongly support the visa waiver program because of the benefits it provides to our economy through tourism. I strongly urge my colleagues, whose State economies all benefit from travel and tourism, to vote yes on the chairman's bill to keep this program alive.

Whether Members know it or not, and they should ask their local restaurant operator, ask their local hotelier, ask their local rental car agent, ask their local merchant, how many people come into their businesses on an annual basis that are from other countries? I think it will startle and surprise us, because not only is the Sunshine State of Florida a popular

destination, but almost every State now is enjoying the economy from tourism.

Mr. SMITH of Texas. Mr. Chairman, I reserve the balance of my time.

Mr. WATT of North Carolina. Mr. Chairman, I yield 5 minutes to the gentleman from Hawaii (Mr. ABERCROMBIE).

Mr. ABERCROMBIE. Mr. Chairman, I thank the gentleman for yielding me the time.

Mr. Chairman, I would like to commend the gentleman from Texas (Mr. LAMAR SMITH), the chairman of the Subcommittee on Immigration and Claims, for his work in developing this important legislation to extend the visa waiver pilot program. I would like to add parenthetically, Mr. Chairman, my particular thanks to the gentleman from Texas (Mr. SMITH) for his kindness, courtesies, and his consideration of the issues that I brought before him.

He has been accommodating in listening to concerns and suggestions those of us from Hawaii have expressed to him through hearings last year in which Hawaii Lieutenant Governor Mazie Hirono presented testimony for the State, as well as through discussions we have had in the Committee on the Judiciary's consideration of the bill, and in subsequent discussion.

I am engaging the gentleman from Texas (Chairman SMITH) today to further emphasize the importance not only of the changes the committee has recommended, but also of the need to expand the number of countries allowed to participate in the expedited entry procedures accorded visa waiver pilot program participants.

The committee has wisely recommended that the INS undertake compiling visa overstay rates for those countries of which we still require visas for entering the country, and I think the gentleman from Texas (Mr. SMITH) has made quite extensive remarks already on that subject.

I am certain that the Committee on the Judiciary will monitor closely expeditious implementation of the requirement. The INS has not been timely in completing an interagency report on reform issues which would have aided House consideration of this bill. I trust overstay statistics will be the basis for changes in the future by which countries will qualify for the waiver program based on how well foreign citizens comply with visa requirements, instead of the current system, under which qualification is based on the percentage of applications for visas which are rejected by the State Department.

Rejections are based on often subjective criteria, as was illustrated last week when a mediation panel found a U.S. consular official in the Sao Paulo, Brazil, visa office was unjustly dismissed from his position for having criticized the visa approval system as being vague and having inconsistent criteria used there, criteria such as labeling some non-immigrant applicants

as "looks poor," "talks poorly," or "looks rough." Moving away from such a seriously flawed system would be welcome.

Representing an area very heavily dependent on tourism, particularly on tourists from Asia, I and a number of others here in the Chamber have been working to bring South Korea into the visa waiver program. The Seoul embassy has the highest number of applications for non-immigration visa of any U.S. embassy. Approximately 600,000 visa applications were filed there last year, many of them for visitor visas.

This shows not only the importance of Korean travel to our country, but also the need to expedite the system for allowing Korean visitors into the United States for tourism, as well as for business and commercial purposes.

Mr. SMITH of Texas. Mr. Chairman, will the gentleman yield?

Mr. ABERCROMBIE. I yield to the gentleman from Texas.

Mr. SMITH of Texas. Mr. Chairman, I thank the gentleman from Hawaii, my friend, for his generous comments about me personally. They are appreciated. The only thing I can do is to reciprocate, and say that in my time in Congress I have met few individuals who have been as articulate and as persuasive in advocating their constituents' interests as has the gentleman from Hawaii (Mr. ABERCROMBIE).

Mr. Chairman, we have talked about this issue a number of times over the past months, probably because of the gentleman's persuasive powers and the merits of the case. I am hoping we can move forward in a substantive way in the near future as well. I particularly appreciate the comments of the gentleman from Hawaii. I understand the concerns that he and others have brought to the attention of the subcommittee.

I also want to acknowledge and thank the gentleman from Hawaii for his efforts in presenting the facts about Korea's eligibility for the visa waiver program. He has added greatly to our understanding of the program as it pertains to the Republic of Korea. He has moved us forward on the issue, and I believe that because of his work we are closer to a resolution that satisfies the requirements of all parties involved.

For a variety of reasons, we have not been able to get this bill yet through our subcommittee and to accommodate all of his interests. He has brought, however, not only reasoned but intense commitment to his constituents in the legislative process. I understand well the need to increase tourism, not only from Korea and Asia, but also from the rest of the world, to Hawaii as well.

I recognize the economy of Hawaii is very heavily dependent on tourism, particularly tourism and family visits from Asia, and that the State stands to benefit greatly if Korea was able to enter the visa waiver program. That is one of the reasons we have, on a bipartisan basis, mandated the compilation

of overstay statistics, so we can base participation in the program on sounder public policy than we are able to under the rejection rate criteria now required. It is necessary to remain under the flawed system until we can rationally deliberate and debate an alternative, which we expect to do.

The CHAIRMAN. The time of the gentleman from Hawaii (Mr. ABERCROMBIE) has expired.

Mr. SMITH of Texas. Mr. Chairman, I yield myself 1 minute.

Mr. Chairman, I want to also commend the gentleman from Hawaii (Mr. ABERCROMBIE) for his bringing this issue to our attention, and for his constructive proposals for reforming the program to allow South Korea entry into it.

This bill continues the program until October 1 of next year, and we will be reviewing the program as well as implementation of the system for compiling overstay statistics, and I hope we will be able to move forward at that time to decide whether countries like South Korea comply sufficiently with the aims and goals of the program.

Once again, I thank my friend, the gentleman from Hawaii (Mr. ABERCROMBIE) for his persistence in pursuing the interests of his constituents and the interests of Hawaii, and of course the interests of all of those who want to visit Hawaii as well.

Mr. Chairman, I reserve the balance of my time.

Mr. WATT of North Carolina. Mr. Chairman, I yield 30 seconds to the gentleman from Hawaii (Mr. ABERCROMBIE).

Mr. ABERCROMBIE. Mr. Chairman, I thank the gentleman for yielding me the time.

I am very grateful to the gentleman from Texas (Mr. SMITH) for his kind remarks, and I look forward to working with him and the administration in the future to address these matters, as well as the very legitimate concerns such as security that the chairman has raised.

Mr. WATT of North Carolina. Mr. Chairman, I yield 2 minutes to the gentleman from California (Mr. FARR).

Mr. FARR of California. Mr. Chairman, I thank the chairman for yielding time to me.

Mr. Chairman, visa waiver has nothing to do with credit cards, but it has a lot to do with small business. I stand in support of this, because as cochair of the Travel and Tourism Caucus, along with the gentleman from Florida (Mr. MARK FOLEY), we stand in bipartisan fashion to support the White House Conference on Travel and Tourism's recommendation to this House that we ought to expand the visa waiver program. I hope it is expanded.

Let me tell the Members why this is important to this country. Twenty-six countries now have the visa waiver program. This bill helps Main Street, U.S.A. Why? Because it brings people from other places, international visitors, to the United States. They spend \$90 billion when they are here, money

that is brought into this country to shop and visit places in America. They learn about our country. They learn about our culture. They visit this Capitol. They may be sitting upstairs right now.

We have over 46 million international visitors each year in the United States. They spend more in this country than all of the Americans spend when we go abroad, so our balance of trade in the tourism issue is in the \$26 billion surplus.

We are winning with this program. It is good for Main Street, America. It is good for the United States Congress, because it helps, I think, visiting this country and understanding what makes it work at the local government, State government, Federal government level, it really helps people appreciate what democracy is all about.

The visa waiver program is one small step for getting us on more user-friendly terms with countries that we as Americans just take for granted, because oftentimes they require no visa for us to visit them. We should not require a visa for them to visit us, particularly when the error rate is so low. I hope we will adopt the amendment that will allow other countries to come into the program.

Mr. SMITH of Texas. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I want to respond to several of the Dear Colleagues that have been passed around among Members. I am talking particularly about several of these Dear Colleagues. There have been three now which have said the exact same thing.

□ 1515

They have made the point that every country in the European Union is a visa waiver country except for two, Portugal and Greece. But I want to say to my colleagues that just because countries are a European country does not mean that they are going to automatically get certain special treatment. There should be nothing magic attached to the fact that a country is in the European Union or not.

The fact that there are two countries that are not in the visa waiver program that are in the European Union simply points and underlines the fact that we do have objective criteria that determine whether or not a country is going to be a visa waiver country or not. What it shows is that we have the same standards that apply to every single country in the world. The countries that meet the standards are admitted and become part of our visa waiver system. The countries that do not meet the standards are not admitted, and it does not matter whether they are in Europe or some other continent.

The fact of the matter is that saying that two countries deserve to be admitted to the visa waiver program just because they are European, and that is the implication of these three Dear

Colleagues, is implying that European countries are more qualified to be admitted than countries in South America or Asia or Africa. I hope that is not the intent of the drafters of what those Dear Colleagues meant. Nevertheless, that is the clear conclusion that any of us can draw when they say that the reason these two other countries, Portugal and Greece, should be admitted is because they are part of the European Union.

Again, there is nothing magic about being in the European Union. If any country in the world wants to become a visa waiver country, all they have to do is meet the very clearly delineated standards. We should not change the rules simply to guarantee an outcome that we might like to have. That would be a little like a teacher who wants to lower the passing grade from 50 to 40 just to be able to pass a particular student.

Mr. Chairman, we should not lower the standards for countries that want to become visa waiver countries, just like we should not lower the standards in our classrooms. It is not good for education and it is not good for our immigration process.

Mr. Chairman, I reserve the balance of my time.

Mr. WATT of North Carolina. Mr. Chairman, I yield 4 minutes to the gentleman from Rhode Island (Mr. KENNEDY).

Mr. KENNEDY of Rhode Island. Mr. Chairman, I thank the gentleman from North Carolina (Mr. WATT) for yielding me this time.

Mr. Chairman, I want to comment on what the gentleman from Texas (Mr. SMITH) just said about what our motives were for putting the two European countries, as if we were implicitly also condemning countries in Africa or Asia or South America by singularly referring to the European Union as like if every other country is part of it, then why should these two not be a part of it. That would be the same way as me saying that the gentleman's metaphor about the classroom meant that he does not think Greece and Portugal are up to grade. I would never question the gentleman's motivations to say that Greece and Portugal are not up to grade.

Mr. SMITH of Texas. Mr. Chairman, will the gentleman yield?

Mr. KENNEDY of Rhode Island. I yield to the gentleman from Texas.

Mr. SMITH of Texas. Mr. Chairman, I think the gentleman did understand the point of my metaphor there, but if the countries have not met the standard that currently exists, we are not asking for special treatment.

Mr. KENNEDY of Rhode Island. Mr. Chairman, reclaiming my time, I appreciate the fact that the gentleman from Texas (Mr. SMITH) talked about standards, because implicitly in this bill the gentleman is begging the question. The gentleman is changing the standards in this bill. That is what everyone is talking about. The gentleman

is moving from that "standard" that he says is an objective standard, but readily admits is a faulty standard. The gentleman from Texas (Mr. SMITH) readily admits it is a faulty standard.

That is why we have got this bill, because this bill is going to move from an overall refusal rate to an overstay rate. It is a much more realistic measure of what we should be determining, which countries make it into the visa waiver program versus which countries do not.

So, Mr. Chairman, the gentleman from Texas (Mr. SMITH) himself is admitting that, well, it needs to comply with the standard, but then he is also saying that standard is no good anymore. That is exactly our point.

The idea behind this, if I might say so, is Portugal and Greece are two of our closest allies, and the fact of the matter is if we want to look at indices, and the gentleman from Texas (Mr. SMITH) has cited a few indices over there but I would be happy to cite some on our side, the fact of the matter is that between 1992 and 1996, illegal immigration, so to speak, from Portugal was on the decrease.

I do not know where the gentleman got his statistics, but I beg to differ. Let us call a truce, because the INS is giving the gentleman a set of statistics and they are giving us another set. But let us look at the objective facts. So far as Portugal is concerned, Portugal's economy is growing by leaps and bounds. Their unemployment rate is 4 percent lower than that of the old European Union. So what may have given cause for the State Department to be worried initially that the Portuguese were going to come over here to live, to get a job, has been refuted by the fact that the economy is so strong.

In terms of Greece, the fact of the matter is that there are more Greek Americans going over to live in Greece than there are Greeks coming over to live here in the United States. So we have two irrefutable facts, they are commonsense facts, and we lay them on top of the fact that we enjoy a good relationship with these two countries, and it is a terrible thing for our diplomacy to have two of our closest allies be rejected from a program which every one of our other allies in Europe is a part of.

Mr. Chairman, if we want to talk about refusal rates and Portugal and Greece not coming up to par, the fact of the matter is they are just on the cusp. And I might add, let us not argue about whether they make the standard or not, because the gentleman from Texas (Mr. SMITH) just admitted the standard is faulty.

The standard is based upon a way of measuring this that is based upon the refusal rate and not the overstay rate. The gentleman in his bill admits that we need to tell the Attorney General and the State Department to move towards this new standard, because the gentleman inherently acknowledges that the current standard is faulty.

Mr. Chairman, I look forward to offering an amendment with my colleagues, the gentleman from California (Mr. POMBO), the gentleman from Massachusetts (Mr. FRANK), and the gentleman from New Jersey (Mr. PAPPAS) to add Portugal and Greece. I look forward to a fuller debate when we get that amendment before the full House.

Mr. SMITH of Texas. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I just want to point out to the gentleman from Rhode Island (Mr. KENNEDY) that this faulty data that he refers to is an interesting way to describe a requirement that he has in his own amendment. I am looking on page 2 of the gentleman's amendment where he says such refusal rate for nationals of that country during the previous full fiscal year was less than 3 percent. The gentleman is using the exact data that he criticizes.

But the point here is that at least we have the same requirements for every country. And the gentleman again talked about the two countries were the only countries not in the European Union. I am afraid the gentleman reinforces the point that I made a while ago, that we are giving special preference to countries because they are European countries, and it makes me concerned that we are discriminating against other countries that might not be European countries.

Mr. KENNEDY of Rhode Island. Mr. Chairman, will the gentleman yield?

Mr. SMITH of Texas. I yield to the gentleman from Rhode Island.

Mr. KENNEDY of Rhode Island. Mr. Chairman, the gentleman from North Carolina (Mr. WATT), my good friend and colleague, said he is not going to bite on that argument. The fact of the matter is that because I am for Greece and Portugal does not mean that I am against Africa, South America and Southeast Asia.

Mr. SMITH of Texas. Mr. Chairman, reclaiming my time, the reason that I will not budge from that argument is that the gentleman keeps using that phrase, that they deserve to get the visa waiver status because they are members of the European Union. If the gentleman will refrain from using that argument, I will refrain from pointing out that it might be discriminatory.

Mr. KENNEDY of Rhode Island. Mr. Chairman, if the gentleman will again yield, let us concede then that Greece and Portugal are two very close allies and let us take it from there.

Mr. SMITH of Texas. Mr. Chairman, again reclaiming my time, I agree with the gentleman that Portugal and Greece are close allies. We have many friends there. They are both great countries. Portugal is one of my favorite countries. It so happens I have two original oil paintings in my home of Portuguese sailing boats. I have a great affinity for both of those two countries. But that is not the issue here today.

The issue is whether we are going to lower our standards and expand the

program, knowing that such an expansion is going to increase illegal immigration in America.

Mr. Chairman, a couple of people here today have tried to make the point that this is a so-called arbitrary process whereby we decide what countries are in the visa waiver program or not. First of all, I will refer my colleagues to the statements by the Attorney General herself, as well as by the State Department, as well as by the administration, all saying that we do have objective criteria.

I am a little surprised about that arbitrary charge, because that is, quite frankly, an insult to the consular officials who are career professionals, who have a lot of technical training and many years of experience. They are the individuals who, as I said, are on the front lines of trying to determine, when someone applies for a visa, whether they are likely to overstay their visa in the United States and, therefore, contribute to the growing illegal immigration population in America.

Mr. Chairman, the point is that these consulate officers are not flipping a coin to determine who gets in, who does not get in. They have this list of criteria that includes such things as whether they have family members in their home country that would help them be assured that they are going to return home; what the economy is like; whether individuals might be fleeing the home country economy that has gone sour because there is a better economy in the United States, and so on.

These are objective standards that are consistently and fairly applied to every country in the world. And I think it is regrettable that many of our allies today are not visa waiver countries. There are a lot of other countries that are just a notch away from Portugal and Greece, countries and allies like Israel. And I wonder why we have not included them if we are going to expand the program just a tiny bit. But apparently we are interested just again in those two countries, and perhaps because they are members of that sacrosanct European Union.

Mr. Chairman, I will end on the point that I think we should extend the program. We can all agree on that. But we should not expand the program because if we do so, then we are going to eliminate that screening process when individuals apply for visas from Portugal or Greece and, therefore, we are going to be in a position where all one needs is a passport to come to the United States, and we are going to end up with a lot more people coming in illegally and overstaying their period of time.

I think it is an interesting argument that the individuals make who want to expand the program, accusing the program of now being arbitrary and yet they also favor an extension of the program to the 2-year length of program. If the program is so arbitrary, it seems



to me they would not support an extension of the program for 2 years, but in fact they do.

Lastly, I just want to make the point, and again we cannot say enough about how great those two countries are, but unfortunately what we need to do is to encourage those countries to take steps so that they have a lower visa refusal rate, rather than lowering the standards and making a special dispensation for certain countries. The answer to those countries becoming visa waiver countries is to frankly have a better record, and they have control over what they do to determine that.

Lastly, Mr. Chairman, in the case of Portugal, I mentioned a minute ago that they have at least 26,000 individuals from that country who are in this country illegally. Those are 26,000 people that have overstayed their visas. If Portugal did not even have a visa screening program, how many times in that 26,000 would we have illegal individuals who were from Portugal who would then come to America? There is no answering that.

But we do have a comparison to make. That is, if we look at all the visa countries that we have today, almost all of those countries just had 1 or 2 or 3 or 4,000 individuals illegally in the country today. Portugal, with this 26,000 with the visa screening process, if we lift that screening process and just allow individuals to come with a passport only, it is very clear that Portugal, if it became a visa waiver country, would have an exponentially larger number of illegal aliens in the country than any other visa waiver country. That is why the administration opposes any weakening amendments, and that is why I think my colleagues should as well.

Now, in the case of Greece, we ought to be able to decide very quickly who has got the better data, and I would be happy to share mine with the gentleman from Rhode Island (Mr. KENNEDY). Our data is that Greece is going in the exact wrong direction. Their record is getting worse. The number of individuals who were denied visas this year in 1997 is greater than the individuals who were denied visas in 1996.

I have data from the INS and from the State Department which I will be happy to share with the gentleman from Rhode Island (Mr. KENNEDY), but we have one country, that is Portugal, that is going to be susceptible to a huge increase of illegal aliens in this country, and another country, Greece, where the record is going in the wrong direction. The risk is increasing, not decreasing. The figures are getting worse, not better. And if the trend would continue, they would not even qualify in a year from now for the visa waiver program.

The gentleman from Rhode Island (Mr. KENNEDY) says he has other data. Perhaps in the next minute or two we could exchange data, but mine come from the State Department and the INS.

Mr. Chairman, I reserve the balance of my time.

Mr. WATT of North Carolina. Mr. Chairman, I yield myself the balance of my time.

Mr. Chairman, this is a good bill. It is good because we need a visa waiver pilot program. The idea of having a visa waiver program is a good idea.

□ 1530

It is good because we have in this bill the mechanism for making the Visa Waiver Program a substantially better program by gathering the information that we need on visa overstays, to set up a rational basis for which countries can participate in the Visa Waiver Pilot Program.

The gentleman from Rhode Island (Mr. KENNEDY) and the gentleman from California (Mr. POMBO) are going to try to make the bill better by extending the bill's coverage to some other countries that ought to be included under the existing Visa Waiver Program.

So what I am recommending to my colleagues is that we support the bill, support the manager's amendment that will make it a 2-year extension, and support the amendment that is going to be offered by the gentlemen from Rhode Island and California so that we make it a better bill.

Mr. Chairman, I yield back the balance of my time.

Mr. SMITH of Texas. Mr. Chairman, how much time remains on each side?

The CHAIRMAN pro tempore (Mr. SNOWBARGER). The gentleman from Texas (Mr. SMITH) has 6 minutes remaining, and the gentleman from North Carolina (Mr. WATT) has no time remaining.

Mr. SMITH of Texas. Mr. Chairman, I yield myself such time as I may consume.

Let me respond to another Dear Colleague. I mentioned the 3 Dear Colleagues that seem to say we ought to give preference to Portugal and Greece because they are in Europe. This is another Dear Colleague that says that the Visa Waiver Program "discriminates against Greece and Portugal."

Let me reiterate and say that the Visa Waiver Program does not discriminate against anyone, it applies the same standards to every country in the world. And again I say, as I mentioned a while ago, to reward a couple of countries that have not met the long-established criterion that is objectively applied is like saying to a student who failed the test, we are going to keep lowering the passing grade until we pass you. That is not good for education; it is not good for immigration policy.

In the case of Greece and Portugal, two great, wonderful countries, they simply do not qualify. The amendment is not to carve out any kind of a special exemption for those countries. As I mentioned a while ago, it is interesting to me that the special exemption starts right before a number of our other allies, perhaps like Israel is, if we were

going to expand the program, why not catch all the other allies? But the amendment is not to make any special exemption for any special country; it is for that country to take the steps itself.

Again, I double-checked my figures that were in discussion a few minutes ago and confirmed the fact that in the case of Greece, their record on visa refusals was, in fact, worse in 1997 and in 1996. So this amendment that we expect includes one country, Greece, which unfortunately has a record that is going in the exact wrong direction.

The likelihood of illegal immigration is increasing; it is not decreasing. And again, why admit a country that is going to increase illegal immigration?

I can understand why that might be in the interest of some of our friends in these other countries, but I would like for someone to explain for me why it is good for America to increase illegal immigration.

Mr. KENNEDY of Rhode Island. Mr. Chairman, will the gentleman yield?

Mr. SMITH of Texas. I yield to the gentleman from Rhode Island.

Mr. KENNEDY of Rhode Island. Mr. Chairman, I want to say with respect to Greece, my colleague said Greece's refusal rate is higher than Portugal; yet their overstay rate, according to his statistics, is lower. And the point is that it is arbitrary.

Mr. SMITH of Texas. Mr. Chairman, let me reclaim my time and ask the gentleman to point to some figures that I believe he has, and these are the refusal rates tabulated by the Department of State; and he will see in fiscal year 1996, which is what I am looking at, the Greece visa refusal rate was 2.48. In fiscal year 1997, it was 2.81.

Now, it seems to me that 2.8 is greater than 2.4, and if that is the case, then the visa refusal rates were worse in 1997 than 1996. And I would stand by my statement, the record is getting worse for Greece, not better.

Mr. KENNEDY of Rhode Island. If the gentleman would yield further, according to the INS, their overstay rates are getting lower. So that proves the point.

Mr. SMITH of Texas. Mr. Chairman, the overstay rate has not been current for 5 years. That is why we all agree that we need to extend the program for 2 years and get the correct data from the INS. When we have the right data, then we will be in a better position. But the data that we have is over 5 years old.

Mr. Chairman, how much time do I have remaining?

The CHAIRMAN pro tempore. The gentleman from Texas controls 2½ minutes.

Mr. SMITH of Texas. Mr. Chairman, I yield myself such time as I may consume.

Let me conclude by saying once again that today our colleagues are seeing a rare alignment of orbits here where we have the Department of Justice, the State Department, and the White House itself joining many of us



in Congress who are Republicans in saying that we need to extend the program, but we need to oppose any weakening amendments. The primary reason for opposing those weakening amendments is because of the danger of increasing illegal immigration in America.

As I pointed out, unfortunately and regrettably, the country that seems to have let a lot of people into the country illegally is Portugal, 26,000 today. And that is why the visa screening process is in place. If Portugal becomes a Visa Pilot Program and it has an exemption for obtaining visas, then we are going to be in a situation where it is even easier for individuals from that country to come into the United States and stay illegally. That 26,000 figure is simply going to explode; we will have more illegal aliens from Portugal than any other visa exemption country.

Second of all, in the case of Greece, then their record is going the wrong direction. We should not be going in a direction that is going to continue to undermine the integrity of the immigration system.

One more point about Portugal. We have there, in the State Department as well, one of the real concerns that we have and that they have is that if Portugal became a visa waiver country, we would see a dramatic increase in child smuggling. The reason for that is that Portugal has passports that do not have the photographs of children on them; and just because a document or a passport is machine readable does not require that they have the photographs of the children. And that is one reason the State Department has also opposed admission of Portugal as a visa waiver state.

Mr. Chairman, I simply conclude by saying that we should not change our standards to accommodate specific countries. We ought to remember that we have a very clear analogy here, and that is, if we were a teacher, we are not going to change the failure grade 50 to 40 just to accommodate a specific student. We should not lower our standards in immigration policy just to accommodate a specific country.

Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN pro tempore. All time for general debate has expired.

Pursuant to the rule, the bill is considered read for amendment under the 5-minute rule.

The text of H.R. 2578 is as follows:

H.R. 2578

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### **SECTION 1. 2-YEAR EXTENSION OF VISA WAIVER PILOT PROGRAM.**

Section 217(f) of the Immigration and Nationalization Act is amended by striking "1997." and inserting "1999."

#### **SEC. 2. DATA ON NONIMMIGRANT OVERSTAY RATES.**

(a) COLLECTION OF DATA.—Not later than the date that is 180 days after the date of the enactment of this Act, the Attorney General shall implement a program to collect data,

for each fiscal year, regarding the total number of aliens within each of the classes of nonimmigrant aliens described in section 101(a)(15) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)) whose authorized period of stay in the United States terminated during the previous fiscal year, but who remained in the United States notwithstanding such termination.

(b) ANNUAL REPORT.—Not later than June 30, 1999, and not later than June 30 of each year thereafter, the Attorney General shall submit an annual report to the Congress providing numerical estimates, for each country for the preceding fiscal year, of the number of aliens from the country who are described in subsection (a).

The CHAIRMAN pro tempore. No amendment to the bill is in order unless printed in the portion of the CONGRESSIONAL RECORD designated for that purpose.

The Chairman of the Committee of the Whole may postpone a request for a recorded vote on any amendment and may reduce to a minimum of 5 minutes the time for voting on any postponed question that immediately follows another vote, provided that the time for voting on the first question shall be a minimum of 15 minutes.

Are there any amendments to the bill?

AMENDMENT NO. 3 OFFERED BY MR. SMITH OF TEXAS

Mr. SMITH of Texas. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment No. 3 offered by Mr. SMITH of Texas:

Page 2, strike lines 1 through 5 and insert the following:

#### **SECTION 1. EXTENSION OF VISA WAIVER PILOT PROGRAM.**

Section 217(f) of the Immigration and Nationalization Act is amended by striking "1998." and inserting "2000."

MODIFICATION TO AMENDMENT NO. 3 OFFERED BY MR. SMITH OF TEXAS

Mr. SMITH of Texas. Mr. Chairman, I ask unanimous consent that the amendment be modified in the form at the desk.

The CHAIRMAN pro tempore. The Clerk will report the modification.

The Clerk read as follows:

Strike "naturalization" on line 2 and insert "nationality."

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. SMITH of Texas. Mr. Chairman, when the Committee on the Judiciary reported out H.R. 2578, the Visa Waiver Pilot Program was set to expire on September 30, 1997. The bill proposed to extend the program for 2 years until September 30, 1999; however, Congress acted in the Commerce, Justice, State appropriations bill for fiscal year 1998 to extend the program until April 30, 1998. Thus, in order that the House pass a full 2-year extension as originally planned, this amendment would extend the program until April 30, 2000.

So I urge my colleagues to support this amendment. I understand that there is no objection. I appreciate the support of my colleague, the gentleman from North Carolina (Mr. WATT).

Mr. WATT of North Carolina. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I rise in support of the amendment and encourage my colleagues to support it.

The CHAIRMAN pro tempore. The question is on the amendment offered by the gentleman from Texas (Mr. SMITH), as modified.

The amendment, as modified, was agreed to.

AMENDMENT NO. 2 OFFERED BY MR. POMBO

Mr. POMBO. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment No. 2 offered by Mr. POMBO: Page 2, after line 22, insert the following:

#### **SEC. 3. QUALIFICATIONS FOR DESIGNATION AS PILOT PROGRAM COUNTRY.**

Section 217(c)(2) of the Immigration and Nationality Act (8 U.S.C. 1187(c)(2)) is amended to read as follows:

"(2) QUALIFICATIONS.—Except as provided in subsection (g), a country may not be designated as a pilot program country unless the following requirements are met:

"(A) LOW NONIMMIGRANT VISA REFUSAL RATE.—Either—

"(i) the average number of refusals of nonimmigrant visitor visas for nationals of that country during—

"(I) the two previous full fiscal years was less than 2.0 percent of the total number of nonimmigrant visitor visas for nationals of that country which were granted or refused during those years; and

"(II) either of such two previous full fiscal years was less than 2.5 percent of the total number of nonimmigrant visitor visas for nationals of that country which were granted or refused during that year; or

"(ii) such refusal rate for nationals of that country during the previous full fiscal year was less than 3.0 percent.

"(B) MACHINE READABLE PASSPORT PROGRAM.—The government of the country certifies that it has or is in the process of developing a program to issue machine-readable passports to its citizens.

"(C) LAW ENFORCEMENT INTERESTS.—The Attorney General determines that the United States law enforcement interests would not be compromised by the designation of the country."

Amend the title so as to read: "A bill to amend the Immigration and Nationality Act to modify and extend the visa waiver pilot program, and to provide for the collection of data with respect to the number of nonimmigrants who remain in the United States after the expiration of the period of stay authorized by the Attorney General."

Mr. POMBO (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. POMBO. Mr. Chairman, just to explain this amendment, what it does is it takes the refusal rate from 2 percent to 3 percent. Under that change, there are 2 countries that would currently qualify to be included in the Visa Waiver Program, those two countries being Portugal and Greece.

The refusal rate, just to explain to my colleagues exactly what that is, is that if they go in and apply for a visa,

if they are refused, that goes into the category in the refusal rate.

To explain that further, I recently had a friend of mine whose parents wanted to come over to this country in order to attend their granddaughter's graduation from high school, and they were refused a visa from Portugal to come into this country. Even though they own a home over there, even though they own a business over there, even though they have been to this country in the past and returned, they were refused. And because those two people were refused, we now need over a hundred other people who need to apply and get approved in order to keep the rate under.

So that is what the refusal rate is. What we are talking about is taking it from 2 people in 100 to 3 people in 100 that are refused under this arbitrary rate.

Furthermore, under the current rules, there are only 2 countries within the European Union that are exempted from the program, those being Greece and Portugal, because of the way that the numbers are currently done. I would argue that it is arbitrary in the manner that, sure, we are giving the people general guidelines of what they have to go by, but they make an arbitrary decision as to whether or not to refuse that at that time.

The chairman, in previous arguments, brought up that this may in some way increase crime and terrorism and illegal immigration by allowing Portuguese citizens to visit this country and by allowing Greek citizens to visit this country. Unfortunately, by some of the Dear Colleagues that have been sent out, we would read those and believe that somehow Portugal is an exporter of terrorism around the world, which I find personally very offensive and my family members find personally very offensive; it is not true. Nor is it true that Portugal is known as a country that exports babies around the world in some kind of child smuggling ring, for God's sake. But according to some of the Dear Colleagues that have been passed around here, unfortunately, we would believe that that is the case, and it is absolutely untrue and unfounded.

I think it is very unfortunate that anybody would have sent that out. But even if it was the case, even if it was the case, according to the law, the Attorney General, in consultation with the Secretary of State, may for any reason, including national security, refrain from waiving the visa requirement in respect to nationals of any country who may otherwise qualify for the designation at that time.

So if the Attorney General determines that, for some reason, Portugal or Greece should not qualify, that they increase terrorism and child smuggling around the world, they can withdraw the ability of Portugal to be in the program.

Furthermore, I do not understand, quite, the logic. There was debate pre-

viously about illegal immigration and how somehow Portugal, that if they are included in this, that that will increase illegal immigration. Well, I hate to surprise my colleagues, but we are talking about a legal program for people to legally come to the United States for tourism or business, to legally come in. We are not talking about illegal immigration, see, because people that are going to break the law are going to break the law and come in illegally.

That is what happens. That is how we end up with illegal immigrants to this country. What we are talking about here is allowing people to follow the rules and legally come into this country and visit their relatives or come here on legitimate business purposes. And just by a minor change in the current law, we would allow, at this point, people from Portugal and Greece to come in.

But it is not just an amendment for them; it is an amendment for anyone who would qualify under that new standard. Today it means Portugal and Greece. But if anybody else brings their arbitrary refusal numbers down to below 3 percent, they would then qualify to come in.

We also had data that has come out that says that Portugal has 26,000 people that have overstayed their visa, that Greece has 5,000 people that have overstayed their visa, that are illegally in this country. By the quoting from the chairman, the data that we have is 5 years old.

□ 1545

How can he bring this out and say that this has any bearing on the current status of the people that are coming over here from Greece or Portugal into this country today on legitimate legal tourism or legitimate legal business activities into this country? By the gentleman's own quote, the data is 5 years old and it is inaccurate. It is not good data. It really bears no argument in this. We can prove anything we want with facts.

I can bring out my facts that show how many people have come in and how many people have gone back and whether or not this program, in the facts, can bring Portugal and Greece under this program. But I think that the real point is the fairness of whether or not somebody from Portugal ought to be able to come into this country just like every other European country can, under a tourist visa or a legitimate business activity.

Mr. KENNEDY of Rhode Island. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I rise today in support of the gentleman from California (Mr. POMBO) in his effort to bring some fairness back into the visa waiver program with respect to Portugal. I also rise in support of the gentleman from New Jersey (Mr. PAPPAS) in his efforts to make sure that the visa waiver program is extended to Greece. These

amendments will make changes that are long overdue in bringing two excluded members of the European Union, Portugal and Greece, into the visa waiver program.

The amendment is simple. First, the amendment is about fairness to our allies, two countries that have been there for our country throughout our history. It is important that we take a step forward in promoting this relationship. By doing that, we would bring a closer relationship to Portugal and Greece between our countries. These are countries that have made extraordinary steps forward in their efforts to be considered with the rest of the European Union in qualifying for this program.

Secondly, this amendment, as the gentleman from California (Mr. FARR) said, is about tourism. One would think by the way the opponents of this amendment would talk that illegal immigration from Portugal and Greece is somehow a drain on our economy. Come to Rhode Island. Come to any of the parts of this country where we are seeing lively groups of Greek American and Portuguese Americans reside in this country who come here for tourism, and you would find a very great economic impetus.

Mr. SMITH of Texas. Mr. Chairman, will the gentleman yield?

Mr. KENNEDY of Rhode Island. I yield to the gentleman from Texas.

Mr. SMITH of Texas. I would simply ask the gentleman, I think he is referring to legal immigrants because I assume he is not endorsing illegal immigration in America.

Mr. KENNEDY of Rhode Island. No.

Mr. SMITH of Texas. I thank the gentleman for yielding.

Mr. KENNEDY of Rhode Island. I would like to add, Mr. Chairman, that by the whole tone of this debate, by declaring Portugal and Greece not eligible for the visa waiver program, it sends a very chilling effect between the United States and our two closest allies that somehow they are not up to par, that we do not value them, that they do not meet the standard, as the gentleman has said himself in his opening remarks. I think that is a very destructive message to be sending to our very close allies.

Mr. POMBO. Mr. Chairman, will the gentleman yield?

Mr. KENNEDY of Rhode Island. I yield to the gentleman from California.

Mr. POMBO. I think it was an important point that the gentleman from Texas brought out. We are talking about legal immigration.

Mr. KENNEDY of Rhode Island. That is true.

Mr. POMBO. People who are legally coming to this country.

Mr. KENNEDY of Rhode Island. Mr. Chairman, I think it is so important that he says that because the fact of the matter is no one should confuse this debate for illegal immigration. Yet the way this amendment is being portrayed, he would have one believe

that we are trying to invite illegal immigration. The fact of the matter is these people who are coming to the United States to visit their families are coming here to this country and participating in our economy and growing our economy. Our economy is growing as a result of the strong relationship that we have between Greece and Portugal.

I might add, in addition to that, we need to make sure that we go forward with this amendment because it is an amendment about fairness and making sure that we have fairness extended to two allies that make up a very important part of our geopolitical relationship around the world, Portugal and Greece. We should make sure that they are not unfairly treated and allowed to join this program because of the nature of this program, which even the gentleman from Texas who is supporting the bill and opposing this amendment says is a program that is in need of improvement.

Mr. Chairman, in conclusion, let me say that we need to change this program. I applaud the efforts in this bill to change the underlying premise of this program, which means instead of doing it from a refusal rate measure, we are going to go to an overstay rate measure. It is a much more accurate measure for what we are trying to do with this program. In doing so, I think we will have a much more accurate representation of what the true facts are. Then in addition to that, I think if we pass this amendment by the gentleman from California (Mr. POMBO) and the gentleman from Massachusetts (Mr. FRANK) and the gentleman from New Jersey (Mr. PAPPAS) and myself, we will be going a long way in improving relations with two very close allies to the United States of America. I think that that is something all of our colleagues in this House can certainly stand up and support. Like the gentleman from California (Mr. POMBO) said, this is about legal immigration.

Mr. PAPPAS. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in strong support of the amendment offered by the gentleman from California (Mr. POMBO). As my colleagues can see, this issue attracts the attention of a wide spectrum of political ideologies. This is the case because of the importance of treating the citizens of our valued allies like Greece and Portugal with the respect this Nation should afford them. I find it wholly ironic that Greece, our NATO ally, is trusted with safeguarding our troops, trains with our military, utilizes our high technology equipment and has fought with us on every conflict this century, yet at the same time our country does not seem to think that citizens of Greece are safe or secure enough to enter this country without a visa like Germany, France or every other nation that is in the European Union except Portugal. This amendment is a common sense

legislative fix that will protect America's relations with its allies and promote tourism and economic activity that follows with Greece and Portugal. This Congress should be encouraging tourism as a trade industry for us, and the existing 2 percent threshold makes it much more difficult for Greeks and Portuguese to visit our great country.

One of the problems this bill fails to take into effect is geography. In Greece the U.S. has two consulates, one in Athens and one in Thessaloniki. However, Greece is not a country with easy access to all its parts. The country is spread out among many islands, and the famous mountains of Greece make travel difficult for many. The United States does not make it easy to get to the consulate for a visa.

Moreover, I have been in communications with the U.S. State Department this past summer about my perception that we are trying to close down the consulate in Thessaloniki. The present facility was damaged in an earthquake many years ago and rumors abound about a diminished role or shutdown altogether of this consulate in the northern part of Greece. There are plans to move to another, less noticeable part of the community where the consulate may not even fly the U.S. flag. If closed or hours curtailed, the U.S. Government would be doing nothing to improve the situation.

This matter passed by unanimous consent in the other legislative body. Although we may generally get frustrated by the actions in the Senate, I think the record must reflect that if any one of the 100 Senators thought this 3 percent threshold was a bad idea, a Senator would have objected. No Senator did. They did not because moving this waiver from 2 to 3 percent only affects two countries, Portugal and Greece.

I must also note my disappointment at some of the veiled language and intimations of the proponents of the status quo. The Greeks and Portuguese are not terrorists or criminals, and I resent any attempts to suggest that this is the case. Rather, Greeks and Portuguese are hardworking, well respected and proud members of the world community. U.S. policy should treat them so. Greek Americans and Portuguese Americans are the local small businesspeople, families and neighbors from every district of this great country, and yes, even Members of Congress. They have helped make America the greatest Nation in the world. We ought to acknowledge this by passing this amendment.

Finally, I must note the irony of having this vote today, on Greek Independence Day. Later tonight a prescheduled special order on this important subject was scheduled. America was founded on the idea of democracy from Greece. The poet Shelley once wrote, "Our laws, our literature, our religion, our arts have their roots in Greece." Failure to pass this amendment would dishonor this statement.

Rather than divide our American allies and constituencies, let us work together and resoundingly pass this well thought out amendment by the gentleman from California.

Mr. WEYGAND. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in support of this amendment. I think that it has been well crafted and it deserves our support. I listened very intently, Mr. Chairman, to the words of the gentleman from Texas with regard to his opposition to this particular amendment, and the basis, the premise of all this is the premise that the rate of refusal from 2 percent to 3 percent is really something we should not be doing. If my colleagues look at that number, if they look at the real definition of rate of refusal, they will know that it is very, very subjective. If they talk with any of the immigration agencies or authorities, they will find that the rate of refusal as such is based upon a lot of times the personality of the immigration person or the person looking at the passport, allowing that person to come in.

I had an experience just recently, my office deals with many different problems of immigration, where we had one person, a person who had a visa, a person went back to their original country, wanted to come back into the United States and for some unknown reason was refused a visa to come back in. I called just to find out why. The reason why? The gentleman just did not have time on the other side, this is from the American embassy, to pay attention to that person and just did not want to be bothered with it. The person then went to another person and got admitted.

That is what adds to the statistic that the gentleman from Texas is basing his opposition for this amendment on, which is totally wrong. It is fabricated. It is very, very subjective. But now let us take a look at the facts. Look at the facts about Greek Americans who are going back to their country of origin, to Greece. It is higher there than Greeks coming to America. Take a look at my State of Rhode Island, where we and the State of Massachusetts have one of the highest rates of immigration from Portugal. These people are hardworking, dedicated individuals who really have made a difference for our State and our country. What we are doing is we are saying to them, because of a subjective judgment by a bureaucrat on the other side, we are going to dismiss the opportunity for family members to come over on a short-term visa to visit their family, to visit this country and increase tourism to our States and our country.

This is wrong. As the gentleman from New Jersey (Mr. PAPPAS) said, it is wrong on the basic principles that we have founded our country. It is wrong on the basic principles of democracy. What we should be doing is providing a reasonable access for our allies, for

those people who have helped us time and time again, in all the world wars who have fought for us and helped us. But we are turning our backs on them because of some bureaucratic, subjective decision. This is wrong. Pass this amendment. Pass it now.

Mrs. MALONEY of New York. Mr. Chairman, I move to strike the requisite number of words. I rise in support of the Pombo-Kennedy amendment to H.R. 2578. This amendment is narrowly drawn. It would raise the visa waiver program refusal rate from 2 to 3 percent. This would allow citizens of Greece and Portugal to travel to the United States for 90 days without a visa.

There has been a lot of incorrect information that has been circulated about this amendment. This amendment is not about immigration but rather about tourism and commerce. It would allow people from Greece and Portugal to travel to the United States, whether for business or pleasure, without getting a visa, just as those countries allow people from our country to come to their countries. Tourism from these countries would increase dramatically and help and benefit the American economy.

In fact, the first year that Argentina was in the program, tourism from that country to the United States grew by 11.5 percent. I am fortunate to represent Astoria, Queens, which is one of the largest Hellenic American communities in the United States. I know that they would like for their families to be able to come and visit them here in the United States without having to get a visa, just as they are able to travel to Greece without a visa.

It is very appropriate that this amendment is before us today, because this is the 177th anniversary of Greek independence. Greece is one of our oldest and strongest allies. They have fought by our side in every war this century. Their ideas of democracy and individual liberties became the foundation of our government. It is time that we extend to them the same courtesy that they extend to us. I strongly support this amendment. It is narrowly drawn. It will help tourism in this country.

□ 1600

Mr. NEAL of Massachusetts. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I think that the arguments being applied on the House floor as I stand in support of the gentleman from Rhode Island (Mr. PATRICK KENNEDY) and his amendment today is essentially this: The question of how immigration has served this Nation during the last many years, and what I am struck by in terms of this debate is that while we are asking for a narrow solution, I think it draws us to the broader argument of what immigration does for America.

In the instances of Portugal and Greece where, by the way, the United

States Senate has already swiftly acted on this initiative, we are not only talking about great allies, but we are talking about people who regularly visit and then regularly and faithfully return. The truth is that for many of us who have large Greek constituencies or large Portuguese American constituencies, not only is it an opportunity for families to reunite for brief periods of time, but also I think is an opportunity to once again extend the argument that America warmly welcomes and receives the idea and notion of what immigration has meant in our history.

I have stood on this floor in debate in the past over the issue of immigration, and happen to believe, as one whose grandparents were immigrants to this Nation, that immigrants and immigration serves the purpose of this Nation very well. Technology allows for more instant communication, and now there is the opportunity here to allow Greek and Portuguese visitors to America to come with more regularity. In both instances, I think it is an example not only of cooperation but how in the long run this boosts the American economy.

When the gentleman from Rhode Island (Mr. KENNEDY) asked me today to join this debate I was enthusiastic about doing it, based upon the constituencies that I have had a chance to represent now for more than 2 decades in Springfield. We are still a Nation that honors the notion of immigration. It is hard work, it is principle, it is dedication, it is faith and family and friend that these people still celebrate. They could give all of us a lesson in patriotism and hard work.

We should adopt the amendment that is offered here today that the gentleman from Rhode Island (Mr. KENNEDY) is proposing, and we should do it with enthusiasm and we should do it on behalf of those millions of Americans who have come to this shore in the past, only to improve the circumstance with which we all live.

I am pleased to add my voice in support of this proposal.

Mr. McGOVERN. Mr. Chairman, I move to strike the requisite number of words.

Mr. Speaker, I rise in support of this amendment to raise the visa refusal rate from 2 percent to 3 percent to allow citizens of Portugal and Greece to participate in the visa waiver pilot program. Since 1998, travelers from 26 countries have enjoyed this program's privileges. These visitors have been allowed to travel to the United States for 90 days without a visa. Portugal and Greece are the only countries in the European Union whose citizens must have visas in order to travel to the United States. This requirement, Mr. Chairman, is outdated and requires modification.

In my district, from Worcester to Fall River, we have strong Portuguese American and Greek American communities. Members of these communities should be able to welcome visitors from their countries of origin, whether

for business or travel, without burdensome administrative delays. During times of celebration or crisis, families should not have to face the uncertainty of the visa process. Participation in the visa waiver program is based on annual refusal rates of visa applications. For the past 2 years, the refusal rates for Greece and Portugal have declined considerably and will meet the proposed 3 percent level.

INS reports also indicate no documented increase in illegal immigration from these countries since 1996, and additional safeguards to prevent abuse will be enforced if this bill is adopted today.

Mr. Chairman, I urge my colleagues to support the Pombo-Kennedy-Frank-Pappas amendment which is so important to the Greek and Portuguese families, not only in my district but throughout the country. This is an important amendment, it is the right thing to do, and I urge adoption of this amendment.

Mr. TIERNEY. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I also want to add my voice, together with those of my colleagues that have spoken here this afternoon and who are in the Hellenic and Portuguese Caucus, for offering this necessary amendment.

I firmly believe that the visa waiver program is important to allow citizens of eligible countries to enter the United States temporarily without a visa, whether it be for business meetings or simply to visit with their families.

Mr. Chairman, every country in the European Union participates in this waiver program; that is, with the exception of Portugal and Greece. It is a bit ironic that while we may applaud both countries for their booming economies and their low unemployment, we deny them participation in this program that helps tourism and facilitates travel to the United States.

For example, Mr. Chairman, last year the first year that Argentina was in the visa waiver program, tourism from that country to the United States increased by 11.5 percent. I think that we can expect the same type of results if we move forward in the way that has been suggested here.

I am a bit perplexed about the argument of those who would oppose, including Greece and Portugal, this visa waiver program. We do not believe that citizens of those countries are a threat to our public safety, certainly; we do not believe that they would increase illegal immigration; and we do not think there is any evidence of either of those events occurring.

We can all agree that the number of people that have overstayed their visas otherwise might be a serious problem, and the Immigration and Naturalization Service has the authority to identify people who have done so, but refusing both Greece and Portugal entrance into the visa waiver program, based on

inaccurate and out-of-date information, strikes me as discriminatory, unfair, and simply bad public policy.

Mr. Chairman, I represent a large number of people of Greek and Portuguese origin from Lynn to Peabody, Massachusetts, to Newburyport and Ipswich and Haverhill; and all the way through our district, people are proud of their heritage, and many feel slighted by this country's exclusion of them from the visa waiver program merely because the number of people in those countries who are refused a visa may be slightly more than the current rigid 2 percent refusal rate. These people have worked hard, and the countries have worked hard to bring those rates down and to decrease the overstay rates.

Mr. Chairman, I think that we should not continue to deny these allies and these people the opportunity to have members of their family, people with business interests coming in for the requisite period of time.

I strongly support the Pombo-Kennedy-Frank amendment that would raise the refusal rate to 3 percent. It will allow Portugal and Greece to participate in the program, will hopefully encourage other countries to improve their overstay and refusal rates, and the amendment simply affords these countries the fair treatment to which they are entitled and the rewards that their hard work and improving their overall economies and lowering their overstay rates have brought. It is time we recognize this hard work, Mr. Chairman, and I ask us and urge our colleagues to support the amendment.

Mr. FRANK of Massachusetts. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I guess the House is about to vote on the theory of the infallibility of the bureaucracy. The chairman of the subcommittee believes that when visa applications come, they are decided with a degree of precision and exactitude rarely equaled in American government. They are apparently perfect within a very small margin of error. Indeed, none of us has yet found a pollster in our own elections who could come closer to exactitude than the gentleman from Texas thinks can be found in the consular offices.

Now I think highly of the Consular Corps, I just do not get them quite as high as the gentleman from Texas, who appears to have gotten them celestial in their perfection and absence of error. People make mistakes. What we have is a situation where residents of countries strongly allied to our own, countries that share our democratic commitment, countries which have living amongst us relatives and friends, innocent citizens, clearly innocent citizens of those countries, are to be penalized because of errors that second parties make about third parties.

Now I understand the gentleman from Texas talked about overstays. Let us be very clear. If there are people who are overstaying, and the invincible

bureaucratic officials know about it, why do they not make them go home? We are not protecting people who are here illegally. Nothing in this amendment diminishes one iota of the authority of the State Department and the Justice Department and anybody else they want to borrow to send the overstays home.

The question is this: I represent an area in southeastern Massachusetts 2,000 miles from the Azores. A large number of American citizens came from the Azores. They have friends and relatives in the Azores, as close to them as Denver is. They go back and forth to visit. People come for weddings, for funerals, for family events. There are charter flights that go back and forth. If one lives in one of the islands in the Azores, and the islands are spread out, which does not have a full-time consular official, and there is an emergency that comes up, someone dies, sadly, or there is some other need for you to come right away, maybe someone is ill and they are going to come sit with the children for awhile, these are the kinds of interactions we are talking about. They have got to go and get a visa. Why do they have to go and get a visa, which they would not if they lived in any of the other European countries? Because some other people may have been trying to do something which a consular official did not like, so you are punished.

We are talking about increasing the rate from 2 percent to 3 percent. It is simply not credible that 2 percent as opposed to 3 percent is some important qualitative difference. The gentleman from Texas apparently feels that 2 percent, that is absolutely the most, although I must say I guess neither the gentleman from Texas nor I were here when we first enacted this, and I would hate to be one of the residents of those countries who would have had to depend on him to enact the whole program in the first place. But the point is that it is there, and we are now saying at 2 percent, they come in at 3 percent, they cannot. What that means is if 97.8 percent of the people who apply are applying legitimately, and no errors are made, then they still have to go through the visa waiver situation.

Remember the visa waiver program does not mean they sneak in here unknown. We have records of who is here. We have every right we have under the bill to deal with overstays. The gentleman from Texas has in his legislation language saying let us get the data on overstays. Our amendment does not change it.

What our amendment says is this: There are a large number of American citizens of Greek and Portuguese ancestry who have friends and relatives with whom they would like to be able to visit, exchange visits, et cetera. Why, why would the House want so strongly to make it hard on them? What kind of determined attachment to bureaucratic norms insists on denying these overwhelmingly decent peo-

ple a little convenience and a little ease? Is this great country threatened in some way with instability, with chaos, with economic ruin because we would go from 2 percent to 3 percent, allowing two fairly small countries in population to have a more easy interchange?

As the gentleman from California pointed out, people are trying to smuggle themselves in here. They do not need to get visas. This is not affected by that. And I understand the State Department does not want it, the Justice Department does not want it. No, bureaucrats do not want a lot of things that we do want. That is why we have the lawmaking power, and not them. That is why we make the decision about what is decent and what is compassionate.

So on the one hand, we have the citizens of this country who want a little ease and a little flexibility in seeing their relatives.

The CHAIRMAN pro tempore (Mr. SNOWBARGER). The time of the gentleman from Massachusetts (Mr. FRANK) has expired.

(By unanimous consent, Mr. FRANK of Massachusetts was allowed to proceed for 30 additional seconds.)

Mr. FRANK of Massachusetts. Mr. Chairman, and on the other hand you have an insistence on attachment to unyielding, undeviating fealty to the notion of bureaucratic perfection. That is hardly worth inflicting this degree of inconvenience on so many decent Americans and their relatives.

I hope the amendment is adopted.

Mr. POMBO. Mr. Chairman, I ask unanimous consent to address the Committee for 2 minutes.

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. POMBO. Mr. Chairman, I would just like to close the debate by bringing us home to what the issue is that we are debating. We are debating going from 2 people in 100 being refused a visa to come to the United States as a tourist or on legitimate business purposes, and to go from 2 people out of 100 to 3 people out of 100 being refused and being refused on, I would argue, an arbitrary basis as to whether or not they meet an arbitrary standard that is set up by the person sitting across a desk from them.

Now I have not come at this with somewhat of a unique perspective from most of my colleagues, and I will fully admit I am the only Portuguese Member of the House of Representatives, of Portuguese descent. My grandparents immigrated here from Portugal, and I am very proud of that. But I can tell my colleagues that there is a difference between whether or not my relatives can come over on a tourist visa or not, and that does mean something to me and my family, and I think that this is a very important amendment.

□ 1615

I think that it is fair. All I am asking my colleagues to do is to allow people

to come in for legitimate reasons. We are not talking about illegal immigration. We are not even talking about legal immigration. We are talking about people coming into this country as tourists. We are talking about people coming into this country for legitimate business reasons. That is what we are talking about.

How this could possibly explode the illegal immigration into this country? How this could possibly explode terrorism into our country is beyond me, and I fail to follow anyone's logic who tries to make that argument.

What I ask my colleagues to do is to support a very simple amendment which would say that we are taking the refusal rate from two people in 100 to three people in 100. That would result in Greece and Portugal being included in the Visa Waiver Program. I ask my colleagues' support.

Mr. SMITH of Texas. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, let me tell my colleagues a story. On the upper east side of New York City, there is a textile shop. Its windows are nailed shut, and they are opaque with grime. Pedro, who is 10, and his sister, Amora, who is 8, labor in a single, dingy room 6 days a week.

This is part of a child-smuggling ring that entices children from Portugal to come to America. The children are promised an education, the parents are promised money, and neither promise is kept.

Six months before, a smuggler had flown to Lisbon to pick up Pedro and Amora. They were two of two dozen children that he had brought to the United States. This was possible because Portugal had become a visa waiver country and only a passport was now required to enter the United States.

While many countries require passports to have the photos of children, Portugal does not. Because of this and the ease with which Portuguese passports can be counterfeited, Pedro and Amora and the others were easily smuggled into the U.S. That is one reason why the State Department and the Department of Justice and the White House and many of us do not want this amendment to pass. We do not want smugglers to condemn Pedro and Amora to those sweatshops.

Mr. Chairman, I want to correct some misimpressions that may have been given in the short time that I have left. First of all, this debate is not about immigration. There are many aspects of immigration that are good for America. It is not about the countries of Greece and Portugal. They are wonderful countries, and someday, if they meet the criteria and meet the standards without lowering the standards, I hope they become visa countries.

It is not about individuals who are illegal aliens who are in this country today. The gentleman from Massachusetts actually has a greater faith than I do in the bureaucracy, because he

seemed to imply that if someone was in the country illegally, they would be deported by the INS. In point of fact, only one out of 100 illegal aliens in the United States is ever deported by the INS.

The other problem mentioned was the difficulty of obtaining passports or visas in Portugal. Portugal is one of the few countries that has same-day service for walk-in applicants. It is one of the few countries that guarantees a return by mail within 3 days of those applications for visas.

Another misstatement that was erroneously made was the fact that the Senate already has adopted this. In point of fact, the Senate bill says that no new country can become a member of the Visa Waiver Program until we have a determination of visa overstay rates. We know that that time is at least 2 years away, and that that is why it is in conformity with the 2-year extension that we have in the bill at hand.

Mr. FRANK of Massachusetts. Mr. Chairman, will the gentleman yield?

Mr. SMITH of Texas. I am happy to yield just very briefly because I have more I would like to say.

Mr. FRANK of Massachusetts. Mr. Chairman, I would like to have the gentleman join me in acknowledging that the gripping story he began with was, of course, an invention, has not happened, and was in fact mythic. Now, the gentleman is entitled to employ myth, but the story about what happened because Portugal is not in the Visa Waiver Program, since it is not in the program—

Mr. SMITH of Texas. I am reclaiming my time, Mr. Chairman, because my story had a point.

Yes, it was apocryphal, but yes, the point was that it could occur if Portugal was a visa waiver country. And I am not going to yield because I need to finish some comments I would like to make.

Mr. Chairman, the problem with Portugal and Greece is not the fact that they are not great countries. The problem, as recognized by the State Department and the Department of Justice and the White House, is that we should not lower our standards just to accommodate these specific countries. They can improve their records themselves. Then they can be admitted to the Visa Waiver Program.

In the case of Portugal, we have a country that already has 26,000 people in this country illegally, and that is with the visa screening process because they are not part of the Visa Waiver Program. If they become part of the Visa Waiver Program, how many more times that 26,000 illegal folks are we going to have in this country from Portugal?

The point is, we do not know, but it could be in the hundreds, and that is why, clearly, if we have a Visa Waiver Program in Portugal, we are going to contribute significantly, in fact, to the illegal population in America. Undeni-

ably, if Portugal becomes a visa waiver country, there will be more illegal aliens from that country than any other visa waiver country.

In the case of Greece, again I repeat the point I made a while ago, that the record for Greece is worsening. The number of individuals who were denied their visas in fiscal year 1997 is greater than the number denied in fiscal year 1996. Their record is going exactly the wrong direction. Why we want to reward that country when their record is worsening, I do not know. But in any case, we should not weaken our standards.

Now, in the case of Portugal, and again it is a great, great country, but unfortunately, with their passport the way it is today, it does lend itself, as the State Department and Justice Department have told us and we have seen demonstrated from cables, it does lend itself to having its passports counterfeited; and it does lend itself to child smuggling simply because they do not have photographs of children. All that is required is the name and age. It is very, very easy for individuals to smuggle over the children from Portugal.

So, again, Mr. Chairman, the debate is not about whether people of Portugal or Greece are great people. That is undeniable. It is undeniable that these are great countries. But it is also undeniable that we are going to increase our illegal immigration problem in America if we lower the standards and admit countries so that they no longer have to obtain visas if they are coming to America.

It is also undeniable that if we lower these standards, we are going to increase the temptation for individuals to smuggle children into the country as well. It is also undeniable that if we pass this amendment, we are going to be admitting one country that will contribute to our illegal immigration problem and another country that has a record going in the exact wrong direction when it comes to lowering visa fraud rather than increasing it.

Mr. Chairman, I would simply urge my colleagues to oppose this amendment, support the underlying bill, and join the administration and many of us who are concerned about illegal immigration.

Mr. WATT of North Carolina. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I yield to the gentleman from Massachusetts (Mr. FRANK).

Mr. FRANK of Massachusetts. Mr. Chairman, I appreciate the gentleman from Texas acknowledging that he was being, as he said, apocryphal, a very nice word for "made up." His incident that he began with is totally made up.

It is a little bit apocryphal, too, when he talks about the passport, because under this bill, to become eligible for visa waiver, you would have to change the passport to make it machine readable. So the current Portuguese passport would not be the

same. It would have to become machine readable.

The fact is that if there is an overstay problem, that should be dealt with by enforcement. And this notion that somehow there are these thousands of Portuguese children waiting to be smuggled, in fact, exists only in the apocryphal imagination of the gentleman from Texas.

I thank the gentleman for yielding.

Mr. SMITH of Texas. Mr. Chairman, will the gentleman from North Carolina yield?

Mr. WATT of North Carolina. I yield to the gentleman from Texas.

Mr. SMITH of Texas. Mr. Chairman, I will be very brief. I just wanted to correct the gentleman from Massachusetts. The amendment actually says that the countries only have to be in the process of developing a machine readable passport, not that they actually have to have one so we still have the problem with counterfeiting passports, and we still have the problem with child smuggling as well.

Mr. KENNEDY of Rhode Island. Mr. Chairman, will the gentleman yield?

Mr. WATT of North Carolina. I yield to the gentleman from Rhode Island.

Mr. KENNEDY of Rhode Island. Mr. Chairman, let us just make it clear here, the idea is, the Attorney General still has discretion to reject these countries based upon any concerns that she may have with respect to these issues that, I might say, are ancillary.

You are talking process now with the machine. What we are talking is substance. We are talking about letting families come over here when their family members have a family event. If it is a happy event, they come over for that.

Mr. SMITH of Texas. Mr. Chairman, will the gentleman from North Carolina yield?

Mr. WATT of North Carolina. I yield to the gentleman from Texas.

Mr. SMITH of Texas. I was not talking process. I was talking real people, real children who might be smuggled, real illegal aliens.

Mr. FRANK of Massachusetts. No, the gentleman from Texas was talking apocryphal real people.

Mr. SMITH of Texas. No. We were talking about individuals where there is a real threat.

Mr. FRANK of Massachusetts. The gentleman from Texas was talking about apocryphal real people.

Mr. SMITH of Texas. If you want to, the State Department has received a number of these cables that go into the problem in great detail.

Mr. KENNEDY of Rhode Island. Mr. Chairman, will the gentleman yield? Let us get clear here.

Mr. WATT of North Carolina. I yield to the gentleman from Rhode Island.

Mr. KENNEDY of Rhode Island. Mr. Chairman, let me just say here very quickly, if there is a problem, as the gentleman said, then that is a problem that needs to have law enforcement. If there is a problem with the fact that

these people need to have the visa overstay enforced, that should be enforced. But the fact of the matter is, that does not negate the primary reason for this amendment.

And the primary reason for this amendment is to let two allies, Greece and Portugal, who have large numbers of family members here in the United States of America, be able to come over on a visitor's visa or a business visa for a temporary period of time, for 90 days or less, and not have to go through a bureaucratic process.

It means that we have got to let our families rejoice for family occasions and business people to come over for tourist reasons. And let us not confuse the gentleman's being hung up on bureaucratic procedure as a reason to preempt us from passing this important piece of legislation.

Mr. WATT of North Carolina. Mr. Chairman, let me just put this in perspective here.

I am in favor of this amendment. The reason I am in favor of it is that the whole notion of a visa refusal rate, if you understand that, means almost nothing, because if 100 people show up in an INS office and/or in a consular office, and two out of that 100 are refused a visa, then you have a 2 percent refusal rate. If three out of 100 are denied a visa, then you have a 3 percent refusal rate.

If the consular officer in that office is sitting there, and they have a criterion that says, I do not like people who look poor, or I do not like people who look black, or I do not like people who look a particular way, then the refusal rate may be 98 percent. It could be 100 percent.

The point I am making is that that is an irrational basis, a subjective basis, for setting up our whole Visa Waiver Program in the first place. So whether it is 2 percent or 3 percent, I cannot get all bent out of shape about it.

This amendment would move it from 2 percent to 3 percent.

The CHAIRMAN. The time of the gentleman from North Carolina (Mr. WATT) has expired.

(By unanimous consent, Mr. WATT of North Carolina was allowed to proceed for 2 additional minutes.)

Mr. WATT of North Carolina. Mr. Chairman, what everybody ought to focus on is that in this bill is the mechanism to move us from this visa refusal rate process, which is irrational, to a visa overstay process, which is a rational basis for determining whether a country ought to participate in the Visa Waiver Program.

Because once these people get into the country, if they do not go home, then I get real bent out of shape about that. When the time comes, they ought to be required to go home. And the visa overstay information would allow us to measure that and get to a rational basis. Right now, we have no rational basis.

So I do not have any problem whatsoever from moving the threshold from

two out of 100 to three out of 100, because I know that there are some countries that are being denied 50 out of 100 on no rational basis whatsoever, in some cases, 75 out of 100 on no rational basis whatsoever.

We ought to support this amendment, pass this bill. Let us get the visa overstay information we need to implement a rational Visa Pilot Program, and we will all be a lot happier. People throughout the world will be a lot happier because we will have a rational basis for having a program.

Mr. KENNEDY of Massachusetts. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in strong support of this amendment.

□ 1630

First of all, I want to speak in strong support of both the gentleman from California (Mr. POMBO) and the gentleman from Rhode Island (Mr. KENNEDY), who I always like to speak in favor of, and I speak in favor of this particular amendment.

I think it is important for us to recognize that the gentleman from Texas (Mr. SMITH), who has offered this bill, is trying to deal with a fundamental problem we have with immigration, and that is that the vast majority of illegal immigration has come into the country because of visa overstays; and that is why I did not vote for a lot of the legislation that came out as so-called "immigration reform" last year, because it did not deal with the fundamental issue.

I think that the gentleman from Texas (Mr. SMITH) ought to be congratulated for the efforts that he is making to try and deal with this important issue.

I just think that the particular oversight in this bill needs to be straightened out. If, in fact, we are dealing with visa overstays, I think we have to reform the process, but if we do not deal with visa overstays and we just deal with some bureaucrat that is sitting in some embassy somewhere around the world who is saying, this particular individual does not qualify, and we add up all of those circumstances and one gets a 2 percent denial rate and one gets a 3 percent denial rate and, therefore, we are going to eliminate the ability of these countries to go back and forth to see their families. I will tell my colleagues, every single Member of Congress has had to get on the phone at one time, and in my case, many, many times, with some bureaucrat sitting in some embassy somewhere around the world because some family has a very legitimate right to come to America and is being denied because some bureaucrat does not think they have every "T" crossed and "I" dotted.

We are not talking about vast numbers of illegal immigrants coming into America using this process. We are talking about a 1 percent difference; and that 1 percent difference is an opportunity for families to be reunited, it



is an opportunity to increase trade. We should deal with the fact that we in America make money off of immigration. This is a money-maker for the United States of America. It is a money-maker for the taxpayers, it is a money-maker for the Federal Government.

If the problem is the underlying issue of people that come here and stay illegally, then let us deal with that. We deal with that issue by dealing with overstays. And we ought to be tough on overstays, and if we have a bill and legislation that comes in here and gets tough with people that are breaking the law, I will support it. But let us not do it arbitrarily, because for some reason we do not want to get into opening up the bill; and then we are going to hurt people from only 2 countries, from Portugal and Greece.

Two of our Nation's proudest immigrant populations come from both Portugal and Greece. They have done so much to not only settle the United States of America, but make phenomenal contributions to our culture. We walk this very Capitol Building and see how many Greek and Portuguese immigrants are up on our walls.

This democracy is founded upon the Greek democracy, and for us to be breaking that tie and saying we are going from 3 percent to 2 percent, so therefore, we are going to make every Greek immigrant go through some massive bureaucracy is a ridiculous point of bureaucratic nonsense that I cannot believe that the gentleman from Texas, who is as clear-thinking and as forward-thinking as he is, would possibly oppose this amendment. Because I know that he fundamentally has already said, as I heard him in my office, he said that in fact he agrees that this bill should be stipulated to deal with the overstay issue, and he recognizes that the gentleman from Rhode Island (Mr. KENNEDY) and the gentleman from California (Mr. POMBO), their amendment only deals with this issue because it has to do with the visa denial rate.

There is a huge difference between a visa denial rate and a visa overstay. Let us deal with the issue.

I would just hope that the gentleman from Texas (Mr. SMITH) might consider amending his opposition to this amendment and accept it and be done with it before we get to bringing everybody over here for a vote. I think that this is good legislation; I think it will help the bill, and I would be happy to see him see the light.

Mrs. MINK of Hawaii. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in support of the Pombo-Kennedy amendment, although as the gentleman from Massachusetts (Mr. KENNEDY) who just spoke so eloquently highlighted the real problem, and the problem is that we are dealing with trying to just simply solve a problem with the existing formula by raising the 2 percent to 3 percent to take care of the Portuguese and the Greeks.

I am a member of the Portuguese caucus, so I rise to support this amendment on 2 scores: Because it is important, it is fair, it is just; because I feel that these 2 groups are entitled to this support.

Mr. Chairman, the issue that brings me to the floor to discuss this whole matter of visa waiver, however, is the very, very huge problem that I have with the Asian constituency that I must deal with almost daily. And there the issue of denials of visa, visa applications to come to America for whatever reason, are mind-boggling.

Almost every day I am writing letters to the embassies asking them for compassion, for consideration, for allowing people to come to Hawaii to visit a terminally ill parent; and they are virtually denied without really very much consideration, for economic reasons primarily, not enough earnings, no ownership of property, they do not own businesses.

But even in some cases where they own businesses and have very large personal wealth, they are still not permitted to come in. So the denial rate that occurs in many of these countries is a real problem as a prejudice in opening up opportunities for them to travel.

My State enjoys a very large multicultural society, and so we have people from all over the world who live in Hawaii. It just is simply unfair that in the Asian area so few of these individuals even with very solid and strong economic backgrounds are not able to come to visit.

As the gentleman from Massachusetts (Mr. KENNEDY) indicated, the visitor industry is an important industry. I call upon the people who belong to the tourist caucus to understand the importance of allowing people into the country to visit. Why is it that we are so afraid of the people coming in to visit, to spend their dollars, to enjoy themselves? Well, there is practically a band, a barrier to the entrance of these individuals from Asia at the current time, and it is a real difficult problem.

Mr. Chairman, what I am confronted with, with a great deal of pain and anxiety, is that the denials go to very, very compassionate situations, like somebody terminally ill. I have a doctor's certificate, I present that, and it is still not any good. When the person has already died and they are awaiting funeral services, the family is still not even allowed to come in to attend the funeral, and it is a very, very sad time. This is what we are talking about when we talk about visa denials.

So while we would have wanted to come to the floor, my colleague, the gentleman from Hawaii (Mr. ABERCROMBIE) and myself, to urge the extension of the Kennedy-Pombo amendment to include Korea, very strong allies, very supportive; we have committed ourselves to the defense of the people of South Korea, yet they have great difficulty in entering the United States for business, for pleasure, to visit their

relatives, or to attend even funerals and to attend to people who are sick within their families. It is just extremely unfair.

Mr. Chairman, we were hoping for some way in which we could demonstrate that the denials of visas in Korea were becoming very, very low, and that they would qualify under this 3 percent factor. But as we all know in this House, there has been a complete rupture of the economy of many of the Asian countries, and they are suffering very, very gravely because of these difficulties. As a result, more and more people are being denied visa opportunities and opportunities to come for business or pleasure or whatever, and as a result, we would probably not be able to prevail under the 3 percent current level.

So, Mr. Chairman, I appreciate very much the efforts of the gentleman from Rhode Island (Mr. KENNEDY) and the gentleman from California (Mr. POMBO), and I rise in strong support of this amendment, and I hope that the people who are guiding this debate will accept this amendment as just and fair and look to further changes in the law in the next session.

Mr. BILIRAKIS. Mr. Chairman, I move to strike the requisite number of words.

(Mr. BILIRAKIS asked and was given permission to revise and extend his remarks.)

Mr. Chairman, I rise in support of the Pombo/Kennedy/Frank/Pappas amendment to H.R. 2578, the Visa Waiver Pilot Program Act. This amendment simply allows Greece and Portugal—and only Greece and Portugal—to participate in the Visa Waiver Pilot Program.

Let me make it clear that I have the highest respect for my colleague and friend from Texas, Chairman LAMAR SMITH. As a fellow subcommittee chairman, I know the rigors and demands of directing a panel, which contains an array of divergent views. It was his strong and determined leadership that allowed the House to pass historic and much needed reform of our nation's immigration laws in the 104th Congress.

We have an honest difference of opinion about whether Greece and Portugal should be allowed to participate in the Visa Waiver Pilot Program. Rather than rehashing the same arguments and issues that have already been debated, I want to focus on Greek citizens and why they want to participate in this program.

My staff in Clearwater, Florida, informed me that they have been approached by individuals who have faced difficulty entering the United States when a loved one has passed away. Currently, Greek citizens have to go to one of two U.S. consulates in Greece to initiate the application process to obtain a travel visa.

The simple logistics of travel are, in many cases, prohibitive to Greek citizens seeking temporary entry into the United States. The entire process can often take two weeks or more and requires considerable cost and effort.

I am dismayed that, in some arguments against this amendment, it has been insinuated that terrorism and domestic crime will increase in the United States if Greece and Portugal are permitted to participate in this program. It is important to note that Greece and

Portugal are the only member nations of the European Union to be excluded from the program and whose citizens *must* obtain a visa to enter the United States. Ironically, Americans do *not* need a visa to enter Greece.

Some of my colleagues believe that allowing Greece to participate in this program would lead to increased illegal immigration, because individuals would overstay their visas. In fact, the number of immigrants from Greece and Portugal who settle in the United States each year is not significantly higher than the number of Americans who establish residence in these countries.

I want to make one final point. It is my understanding that Chairman SMITH opposes this amendment because he believes the two percent refusal rate is a fair and equitable level.

In my judgment, we are quibbling about numbers, and very small numbers at that. The other body passed legislation which raises the refusal rate threshold to three percent. It unanimously approved an amendment to allow Greece and Portugal to participate in the Visa Waiver Pilot Program. We should do the same.

Tonight, I am conducting a special order in this chamber to commemorate the 177th Anniversary of Greek Independence Day. Today marks the day when Greece began restoring its democratic heritage after nearly four centuries of foreign oppression. I can tell you personally, as the son of Greek immigrants, that the Greeks share a love of the United States which may be unparalleled abroad. Greece and the United States share a common bond: an intense desire for freedom and democracy. It was, in fact, the ancient Greeks who forged the ideas upon which our nation was founded.

Greece has been our staunch ally for many years. We should reciprocate that treatment and approve the Pombo/Kennedy/Frank/Pappas amendment to H.R. 2578.

Mr. KLINK. Mr. Chairman, I rise today in strong support of the amendment offered by Mr. POMBO. This amendment would increase the visa refusal rate from 2% to 3% which would allow Greece and Portugal to participate in the tourist visa waiver program. As of now, these two countries are the only two members of the European Union not included in the program. However, U.S. citizens visiting Greece, do not need a visa.

This is inappropriate treatment for a country like Greece which is one of the United States' best allies. Greece is one of only three countries outside the British Empire which has fought with the U.S. in every war this century. In fact, one out of nine Greeks gave their lives as American allies fighting the Axis powers and during the communist civil war which followed. Our nations' close relationship continues today.

Greece is and always has been a close friend and ally of the U.S. Bringing Greece into the visa waiver program would strengthen our ties. It would also be an appropriate gesture of good will for today, Greek Independence Day, to a country that gave this country the precious gift of democracy.

The Senate voted to end this program for Greece by increasing the refusal rate from 2% to 3% for the Visa Waiver Pilot Program. Now we in the House should do the same.

Mrs. MINK of Hawaii. Mr. Chairman, I rise in support of the Pombo amendment to H.R. 2578, the Visa Waiver Reauthorization Act.

This amendment would admit a slightly wider circle of countries to the program—those

with a visa refusal rate of 3% or less—a level which I believe is more than justified.

In 1986, the Visa Waiver Pilot Program was authorized essentially on a "trial run" basis, under the very stringent control of a 2% visa refusal rate—averaged over two years—with no one year having a rate over 2.5%.

The visa waiver saves our embassies and consulates enormous amounts of time and appropriated funds. In 26 countries, our consular staffs are freed from processing visas in stable areas where there are virtually no visa refusals anyway. The visa waiver has made money for the United States by greatly boosting tourism and sparing visitors the inconvenience of traveling to a consulate and going through the red tape of applying for a visa that would likely be approved anyway.

Congress has recognized the success and benefits of this program and has repeatedly reauthorized the visa waiver program over the years. Yet I feel that Congress is just waking up to the fact that the program is overly strict in its means of measuring who can participate and who cannot.

The visa refusal rate is a poor indicator of a country's ability to participate responsibly in the U.S. visa waiver arrangement. Consular officers have far-reaching powers to deny visas. Indeed, a federal employment case recently brought to light that the consular officers in Sao Paulo, Brazil were expected to rely heavily on an applicant's race, appearance or manner in denying visas, which obscured whether the applicants actually and a motivation to return home on time.

To be fair to the State Department, I concede that consular officers cannot read minds or predict the future. They cannot know in advance whether or not a visa applicant will violate our immigration laws. But this uncertainty leads them to err too much on the side of caution and deny visas that may be a bit borderline.

A far more accurate indicator for whether a country should be eligible for visa waiver program is whether foreign visitors do in fact, overstay or violate our immigration laws.

For this reason, I applaud the provision in the main bill requiring the INS to collect data on persons who overstay their 90-day visa waiver period. This should be the benchmark, not a mere hunch on the part of a consular officer.

Mr. Chairman, I support raising the disqualification rate to 3% at this time. This will bring in Greece and Portugal now, and—I hope—South Korea before long.

My state of Hawaii has seen many affluent Korean tourists—and tour groups as well—who are quite interested in visiting Hawaii—and the West Coast as well—but who are discouraged by the visa process. Australia, and other countries get these precious travel dollars, because the South Koreans can enter there without a visa.

South Korea's tourism market is estimated at about billion dollars a year. The average visitor spends more than \$2,000 in the U.S., not including airfare. The strong demand for U.S. visas has not escaped the notice of airlines and the rest of the travel and tourism industry. Like the European countries that do participate, the U.S. and South Korea have close historical ties, a military alliance, and a very strong trade relationship. In fact, South Korea is our sixth largest trading partner.

Much has been said about Greece and Portugal being the only European Union countries

that are still ineligible for visa waivers. Allow me to point out that the refusal rate of 2% means that Japan is the only East Asian country now able to participate in the program. South Korea, whose visa refusal rates have been 3.75% and 2.87% in the last two fiscal years, will not be brought under the program, even if this amendment to raise the bar to 3% is adopted.

Despite that, Mr. Chairman, I feel this amendment is a step in the right direction, and I urge its passage.

The CHAIRMAN pro tempore (Mr. SNOWBARGER). The question is on the amendment offered by the gentleman from California (Mr. POMBO).

The question was taken; and the Chairman pro tempore announced that the ayes appeared to have it.

RECORDED VOTE

Mr. SMITH of Texas. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 360, noes 46, not voting 25, as follows:

[Roll No. 70]

AYES—360

Abercrombie	Cubin	Gutierrez
Ackerman	Cummings	Gutknecht
Allen	Cunningham	Hall (OH)
Andrews	Danner	Hamilton
Archer	Davis (FL)	Hansen
Armey	Davis (IL)	Hastert
Bachus	Davis (VA)	Hastings (FL)
Baldacci	DeFazio	Hayworth
Barcia	DeGette	Hefley
Barrett (NE)	Delahunt	Hefner
Barrett (WI)	DeLauro	Herger
Bartlett	DeLay	Hill
Bass	Deutscher	Hilleary
Bateman	Diaz-Balart	Hilliard
Becerra	Dickey	Hinchey
Bentsen	Dicks	Hinojosa
Bereuter	Dingell	Hobson
Berman	Dixon	Hoekstra
Bilbray	Doggett	Holden
Bilirakis	Dooley	Hooley
Bishop	Doolittle	Horn
Blagojevich	Doyle	Hostettler
Bliley	Dreier	Hoyer
Blumenauer	Duncan	Hulshof
Boehlert	Dunn	Hunter
Boehner	Edwards	Inglis
Bonilla	Ehlers	Jackson (IL)
Bonior	Ehrlich	Jenkins
Borski	Engel	John
Boswell	English	Johnson (CT)
Boucher	Ensign	Johnson (WI)
Boyd	Eshoo	Jones
Brown (CA)	Etheridge	Kanjorski
Brown (OH)	Evans	Kaptur
Burr	Everett	Kasich
Burton	Ewing	Kelly
Buyer	Farr	Kennedy (MA)
Callahan	Fattah	Kennedy (RI)
Calvert	Fazio	Kennelly
Camp	Filner	Kildee
Capps	Foley	Kilpatrick
Carson	Forbes	Kind (WI)
Castle	Fossella	King (NY)
Chabot	Fowler	Kingston
Chambliss	Fox	Klink
Chenoweth	Frank (MA)	Klug
Christensen	Franks (NJ)	Knollenberg
Clay	Frelinghuysen	Kolbe
Clayton	Frost	Kucinich
Clement	Furse	LaFalce
Clyburn	Ganske	LaHood
Coble	Gejdenson	Lampson
Coburn	Gekas	Lantos
Condit	Gephardt	Largent
Cook	Gibbons	Latham
Cooksey	Gillmor	LaTourette
Costello	Gilman	Lazio
Cox	Goode	Leach
Coyne	Gordon	Levin
Cramer	Goss	Lewis (CA)
Crane	Graham	Lewis (GA)
Crapo	Greenwood	Linder

Lipinski	Packard	Sisisky
Livingston	Pallone	Skaggs
LoBiondo	Pappas	Skeen
Lofgren	Parker	Skelton
Lowey	Pascarella	Slaughter
Lucas	Pastor	Smith (MI)
Luther	Paul	Smith (NJ)
Maloney (CT)	Paxon	Smith (OR)
Maloney (NY)	Pelosi	Smith, Adam
Manton	Peterson (MN)	Smith, Linda
Manzullo	Peterson (PA)	Snyder
Markey	Petri	Souder
Martinez	Pickering	Spence
Mascara	Pickett	Spratt
Matsui	Pitts	Stabenow
McCarthy (MO)	Pombo	Stark
McCarthy (NY)	Pomeroy	Stenholm
McCrery	Porter	Stokes
McGovern	Portman	Strickland
McHale	Poshard	Stupak
McHugh	Price (NC)	Sununu
McInnis	Pryce (OH)	Talent
McIntosh	Quinn	Tanner
McIntyre	Radanovich	Tauscher
McKeon	Rahall	Tauzin
McKinney	Ramstad	Taylor (NC)
McNulty	Redmond	Thomas
Meehan	Regula	Thompson
Meek (FL)	Reyes	Thornberry
Meeks (NY)	Riggs	Thune
Menendez	Riley	Thurman
Metcalfe	Rivers	Tiahrt
Mica	Rodriguez	Tierney
Miller (CA)	Roemer	Torres
Miller (FL)	Rogan	Trafficant
Minge	Rohrabacher	Turner
Mink	Ros-Lehtinen	Upton
Moakley	Roybal-Allard	Velazquez
Mollohan	Rush	Vento
Moran (KS)	Ryun	Visclosky
Moran (VA)	Sabo	Walsh
Morella	Salmon	Wamp
Murtha	Sanchez	Watkins
Myrick	Sanders	Watt (NC)
Nadler	Sandlin	Waxman
Neal	Sawyer	Weldon (FL)
Nethercutt	Scarborough	Weldon (PA)
Neumann	Schaefer, Dan	Weller
Ney	Schaffer, Bob	Wexler
Northup	Scott	Weygand
Norwood	Sensenbrenner	Whitfield
Nussle	Serrano	Wicker
Oberstar	Sessions	Wise
Obey	Shaw	Wolf
Olver	Shays	Woolsey
Ortiz	Sherman	Wynn
Owens	Shinkus	Young (AK)
Oxley	Shuster	Young (FL)

## NOES—46

Aderholt	Emerson	McCollum
Baessler	Fawell	Pease
Baker	Gallely	Rogers
Ballenger	Gilchrest	Roukema
Barr	Goodlatte	Sanford
Barton	Goodling	Shadegg
Berry	Granger	Smith (TX)
Blunt	Green	Snowbarger
Brady	Hall (TX)	Solomon
Bryant	Hastings (WA)	Stearns
Bunning	Hutchinson	Stump
Campbell	Hyde	Taylor (MS)
Canady	Istook	Watts (OK)
Collins	Johnson, Sam	White
Combest	Kim	
Deal	Lewis (KY)	

## NOT VOTING—25

Brown (FL)	Jefferson	Royce
Cannon	Johnson, E. B.	Saxton
Cardin	Klecicka	Schiff
Conyers	McDade	Schumer
Ford	McDermott	Towns
Gonzalez	Millender	Waters
Harman	McDonald	Yates
Houghton	Payne	
Jackson-Lee	Rangel	
(TX)	Rothman	

□ 1701

Messrs. LEWIS of Kentucky, ADERHOLT, BAESLER, MCCOLLUM, BARR of Georgia and GILCHREST changed their vote from "aye" to "no."

Messrs. NEUMANN, ROHRABACHER and ENGLISH of Pennsylvania changed their vote from "no" to "aye."

So the amendment was agreed to.

The result of the vote was announced as above recorded.

The CHAIRMAN pro tempore (Mr. SNOWBARGER). Are there further amendments?

There being no further amendments, under the rule the committee rises.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. LAHOOD) having assumed the Chair, Mr. SNOWBARGER, Chairman pro tempore of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 2578) to amend the Immigration and Nationality Act to extend the visa waiver pilot program, and to provide for the collection of data with respect to the number of nonimmigrants who remain in the United States after the expiration of the period of stay authorized by the Attorney General, pursuant to House Resolution 391, he reported the bill back to the House with sundry amendments adopted by the Committee of the Whole.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

Is a separate vote demanded on any amendment? If not, the Chair will put them en gros.

The amendments were agreed to.

(Mr. GINGRICH asked and was given permission to speak out of order.)

ANNOUNCEMENT OF PASSING OF CONGRESSMAN  
STEVE SCHIFF

Mr. GINGRICH. Mr. Speaker, I have the sad duty to inform the House that earlier today, STEVE SCHIFF, our colleague, died in Albuquerque. All of my colleagues know he fought a very, very long and very courageous struggle against cancer.

I had an opportunity to talk just a few minutes ago with his wife, and the family is bearing up very, very well. His staff has been wonderful in a very difficult situation for over a year, and has done really courageous work in representing STEVE and representing the district.

Mr. Speaker, I would like to ask the House to join me in a moment of silent prayer for STEVE and his family, and then afterwards I will comment further.

Amen.

Let me just say, that Mrs. Schiff indicated they will decide later on this evening whether the funeral will be on Friday or on Monday. Obviously, the House will suspend for the purposes of the funeral, and we will invite Members who care to go, to go and join the family at that time.

It is a very sad time for all of us, and I think that those of us who knew STEVE well knew the integrity, the decency, the love for this country that he brought to the job of Representative, the degree to which he gave all of us honor in the way in which he served. And I know that all of my colleagues will want to reach out in their own way to the Schiff family and to the people

of New Mexico and, in particular, as I said a minute ago, to the very fine staff who has just truly done heroic work over the last year under the most difficult possible circumstances.

I know that my colleagues will want to join in prayers for Mrs. Schiff and for the immediate family. We will report more as we learn more.

Mr. HOYER. Mr. Speaker, will the gentleman yield?

Mr. GINGRICH. I yield to the gentleman from Maryland.

Mr. HOYER. Mr. Speaker, I know on this side of the aisle, we join all of our colleagues on that side of the aisle. All of us, in losing a colleague, share the sadness and share the concern for our colleague's family.

Mr. Speaker, another one of our colleagues is grieving this day as well, as many probably know. The family of the gentleman from Maryland (Mr. CARDIN) lost their son, 30 years of age, last night and buried him this afternoon. So as we pray for our colleague and for the Schiff family, if we could remember the Cardin family as well, I know they would appreciate it. I thank the gentleman from Georgia (Mr. GINGRICH) for yielding.

Mr. GINGRICH. Mr. Speaker, reclaiming my time, I thank the gentleman from Maryland (Mr. HOYER) for briefing us and I thank the House for its attention.

## ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair would announce that following final passage of this bill, a resolution will be offered by the gentleman from New Mexico (Mr. SKEEN).

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read the third time, and was read the third time.

The SPEAKER pro tempore. The question is on the passage of the bill.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

## RECORDED VOTE

Mr. SMITH of Texas. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 407, noes 0, not voting 23, as follows:

[Roll No. 71]

AYES—407

Abercrombie	Bass	Borski
Ackerman	Bateman	Boswell
Aderholt	Becerra	Boucher
Allen	Bentsen	Boyd
Andrews	Bereuter	Brady
Archer	Berman	Brown (CA)
Armey	Berry	Brown (OH)
Bachus	Bilbray	Bryant
Baessler	Bilirakis	Bunning
Baker	Bishop	Burr
Baldacci	Blagojevich	Burton
Ballenger	Bliley	Buyer
Barcia	Blumenauer	Callahan
Barr	Blunt	Calvert
Barrett (NE)	Boehlert	Camp
Barrett (WI)	Boehner	Campbell
Bartlett	Bonilla	Canady
Barton	Bonior	Capps

Carson	Hansen	Mica
Castle	Hastert	Miller (CA)
Chabot	Hastings (FL)	Miller (FL)
Chambliss	Hastings (WA)	Minge
Chenoweth	Hayworth	Mink
Christensen	Hefley	Moakley
Clay	Hefner	Mollohan
Clayton	Herger	Moran (KS)
Clement	Hill	Moran (VA)
Clyburn	Hilleary	Morella
Coble	Hilliard	Murtha
Coburn	Hinchey	Myrick
Collins	Hinojosa	Nadler
Combest	Hobson	Neal
Condit	Hoekstra	Nethercutt
Cook	Holden	Neumann
Cooksey	Hooley	Ney
Costello	Horn	Northup
Cox	Hostettler	Norwood
Coyne	Hoyer	Nussle
Cramer	Hulshof	Oberstar
Crane	Hunter	Obey
Crapo	Hutchinson	Olver
Cubin	Hyde	Ortiz
Cummings	Inglis	Owens
Cunningham	Istook	Oxley
Danner	Jackson (IL)	Packard
Davis (FL)	Jenkins	Pallone
Davis (IL)	John	Pappas
Davis (VA)	Johnson (CT)	Parker
Deal	Johnson (WI)	Pascarell
DeFazio	Johnson, Sam	Pastor
DeGette	Jones	Paul
Delahunt	Kanjorski	Paxon
DeLauro	Kaptur	Pease
DeLay	Kasich	Pelosi
Deutsch	Kelly	Peterson (MN)
Diaz-Balart	Kennedy (MA)	Peterson (PA)
Dickey	Kennedy (RI)	Petri
Dicks	Kennelly	Pickering
Dingell	Kildee	Pickett
Dixon	Kilpatrick	Pitts
Doggett	Kim	Pombo
Dooley	Kind (WI)	Pomeroy
Doolittle	King (NY)	Porter
Doyle	Kingston	Portman
Dreier	Klink	Poshard
Duncan	Klug	Price (NC)
Dunn	Knollenberg	Pryce (OH)
Edwards	Kolbe	Quinn
Ehlers	Kucinich	Radanovich
Ehrlich	LaFalce	Rahall
Emerson	LaHood	Ramstad
Engel	Lampson	Redmond
English	Lantos	Regula
Ensign	Largent	Reyes
Eshoo	Latham	Riggs
Etheridge	LaTourette	Riley
Evans	Lazio	Rivers
Everett	Leach	Rodriguez
Ewing	Levin	Roemer
Farr	Lewis (CA)	Rogan
Fattah	Lewis (GA)	Rogers
Fawell	Lewis (KY)	Rohrabacher
Fazio	Linder	Ros-Lehtinen
Filner	Lipinski	Roukema
Foley	Livingston	Roybal-Allard
Forbes	LoBiondo	Rush
Fossella	Lofgren	Ryun
Fowler	Lowey	Sabo
Fox	Lucas	Salmon
Frank (MA)	Luther	Sanchez
Franks (NJ)	Maloney (CT)	Sanders
Frelinghuysen	Maloney (NY)	Sandlin
Frost	Manton	Sanford
Furse	Manzullo	Sawyer
Galleghy	Markey	Scarborough
Ganske	Martinez	Schaefer, Dan
Gejdenson	Mascara	Schaffer, Bob
Gekas	Matsui	Scott
Gephardt	McCarthy (MO)	Sensenbrenner
Gibbons	McCarthy (NY)	Serrano
Gilchrest	McCollum	Sessions
Gillmor	McCrery	Shadegg
Gilman	McDade	Shaw
Goode	McGovern	Shays
Goodlatte	McHale	Sherman
Goodling	McHugh	Shimkus
Gordon	McInnis	Shuster
Goss	McIntosh	Sisisky
Graham	McIntyre	Skaggs
Granger	McKeon	Skeen
Green	McKinney	Skelton
Greenwood	McNulty	Slaughter
Gutierrez	Meehan	Smith (MI)
Gutknecht	Meek (FL)	Smith (NJ)
Hall (OH)	Meeks (NY)	Smith (OR)
Hall (TX)	Menendez	Smith (TX)
Hamilton	Metcalf	Smith, Adam

Smith, Linda	Tauzin	Watkins
Snowbarger	Taylor (MS)	Watt (NC)
Snyder	Taylor (NC)	Watts (OK)
Solomon	Thomas	Waxman
Souder	Thompson	Weldon (FL)
Spence	Thornberry	Weldon (PA)
Spratt	Thune	Weller
Stabenow	Thurman	Wexler
Stark	Tiahrt	Weygand
Stearns	Tierney	White
Stenholm	Torres	Whitfield
Stokes	Trafficant	Wicker
Strickland	Turner	Wise
Stump	Upton	Wolf
Stupak	Velazquez	Woolsey
Sununu	Vento	Wynn
Talent	Visclosky	Young (AK)
Tanner	Walsh	Young (FL)
Tauscher	Wamp	

## NOT VOTING—23

Brown (FL)	Jackson-Lee	Rangel
Cannon	(TX)	Rothman
Cardin	Jefferson	Royce
Conyers	Johnson, E. B.	Saxton
Ford	Kleccka	Schumer
Gonzalez	McDermott	Towns
Harman	Millender-	Waters
Houghton	McDonald	Yates
	Payne	

□ 1726

So the bill was passed.

The result of the vote was announced as above recorded.

The title of the bill was amended so as to read: "A bill to amend the Immigration and Nationality Act to modify and extend the visa waiver pilot program, and to provide for the collection of data with respect to the number of nonimmigrants who remain in the United States after the expiration of the period of stay authorized by the Attorney General."

A motion to reconsider was laid on the table.

## GENERAL LEAVE

Mr. SMITH of Texas. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H.R. 2578, the legislation just considered and passed.

The SPEAKER pro tempore (Mr. SNOWBARGER). Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. SMITH of Texas. Mr. Speaker, pursuant to the rule, I call up from the Speaker's table the Senate bill (S. 1178) to amend the Immigration and Nationality Act to extend the visa waiver pilot program, and for other purposes, and ask for its immediate consideration in the House.

The Clerk read the title of the Senate bill.

The text of S. 1178 is as follows:

## S. 1178

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

## SECTION 1. SHORT TITLE.

This Act may be cited as the "Visa Waiver Pilot Program Reauthorization Act of 1997".

## SEC. 2. AMENDMENT OF THE IMMIGRATION AND NATIONALITY ACT.

(a) DESIGNATION OF PILOT PROGRAM COUNTRIES.—Section 217(c) of the Immigration and Nationality Act (8 U.S.C. 1187(c)) is amended to read as follows:

"(c) DESIGNATION OF PILOT PROGRAM COUNTRIES.—

"(1) IN GENERAL.—The Secretary of State, in consultation with the Attorney General,

may designate any country as a pilot program country if it meets the requirements of paragraph (2). In order to remain a pilot program country in any subsequent fiscal year, a country shall be redesignated as a pilot program country by the Attorney General in accordance with the requirements of paragraph (3).

"(2) QUALIFICATIONS.—The Secretary of State may not designate a country as a pilot program country unless the following requirements are met:

"(A) LOW NONIMMIGRANT VISA REFUSAL RATE FOR PREVIOUS 2-YEAR PERIOD.—The average number of refusals of nonimmigrant visitor visas for nationals of that country during the two previous full fiscal years was less than 3.0 percent of the total number of nonimmigrant visitor visas for nationals of that country which were granted or refused during those years.

"(B) LOW NONIMMIGRANT VISA REFUSAL RATE FOR EACH OF 2 PREVIOUS YEARS.—The average number of refusals of nonimmigrant visitor visas for nationals of that country during either of such two previous full fiscal years was less than 3.5 percent of the total number of nonimmigrant visitor visas for nationals of that country which were granted or refused during that year.

"(C) MACHINE-READABLE PASSPORT PROGRAM.—The government of the country certifies to the Secretary of State's and the Attorney General's satisfaction that it issues machine-readable and highly fraud-resistant passports to its citizens.

"(D) LAW ENFORCEMENT INTERESTS.—The Attorney General determines that the United States' law enforcement interests would not be compromised by the designation of the country.

"(E) ILLEGAL OVERSTAY AND DISQUALIFICATION.—For any country with an average nonimmigrant visa refusal rate during the previous two fiscal years of greater than 2 and less than 3 percent of the total number of nonimmigrant visitor visas for nationals of that country which were granted or refused during those years, and for any country with an average number of refusals during either such year of greater than 2.5 and less than 3.5 percent, the Attorney General shall certify to the Committees on the Judiciary of the Senate and the House of Representatives that the sum of—

"(I) the total of the number of nationals of that country who were excluded from admission or withdrew their application for admission at a port of entry during such previous fiscal year as a nonimmigrant visitor, and

"(II) the total number of nationals for that country who were admitted as nonimmigrant visitors during such previous fiscal year and who violated the terms of such admission, is less than 2 percent of the total number of nationals of that country who applied for admission as nonimmigrant visitors during such previous fiscal year.

"(3) CONTINUING AND SUBSEQUENT QUALIFICATIONS.—The Attorney General, in consultation with the Secretary of State, shall assess the continuing and subsequent qualification of countries designated as pilot program countries and shall redesignate countries as pilot program countries only if the requirements specified in this subsection are met. For each fiscal year (within the pilot program period) after the initial period the following requirements shall apply:

"(A) COUNTRIES PREVIOUSLY DESIGNATED.—(i) Except as provided in subsection (g) of this section, in the case of a country which was a pilot program country in the previous fiscal year, the Attorney General may not redesignate such country as a pilot program country unless the sum of—

"(I) the total of the number of nationals of that country who were excluded from admission or withdrew their application for admission during such previous fiscal year as a nonimmigrant visitor, and

"(II) the total number of nationals of that country who were admitted as nonimmigrant visitors during such previous fiscal year and who violated the terms of such admission, was less than 2 percent of the total number of nationals of that country who applied for admission as nonimmigrant visitors during such previous fiscal year.

"(ii) In the case of a country which was a pilot program country in the previous fiscal year, the Attorney General may not redesignate such country as a pilot program country unless the Attorney General has made a precise numerical estimate of the figures under clauses (i)(I) and (i)(II) and reports those figures to the Committees on the Judiciary of the Senate and the House of Representatives within 30 days after the end of the fiscal year. As of September 30, 1999, any such estimates shall be based on data collected from the automated entry-exit control system mandated by section 110 of Public Law 104-708.

"(iii) In the case of a country which was a pilot program country in the previous fiscal year and which was first admitted to the visa waiver pilot program prior to September 30, 1997, the Attorney General may not redesignate such country as a pilot program country unless the country certifies that it has issued or will issue as of a date certain machine-readable and highly fraud-resistant passports and unless the country subsequently complies with any such certification commitments.

"(B) NEW COUNTRIES.—In the case of a country to which the clauses of subparagraph (A) do not apply, such country may not be designated as a pilot program country unless the following requirements are met:

"(i) LOW NONIMMIGRANT VISA REFUSAL RATE IN PREVIOUS 2-YEAR PERIOD.—The average number of refusals of nonimmigrant visitor visas for nationals of that country during the two previous full fiscal years was less than 3.0 percent of the total number of nonimmigrant visitor visas for nationals of that country which were granted or refused during those years.

"(ii) LOW NONIMMIGRANT VISA REFUSAL RATE IN EACH OF THE 2 PREVIOUS YEARS.—The average number of refusals of nonimmigrant visitor visas for nationals of that country during either of such two previous full fiscal years was less than 3.5 percent of the total number of nonimmigrant visitor visas for nationals of that country which were granted or refused during that year.

"(iii) COMMENCEMENT OF AUTHORIZED PERIOD FOR QUALIFYING COUNTRIES.—No country qualifying under the criteria in clauses (i) and (ii) may be newly designated as a pilot program country prior to October 1, 1998.

"(C) REPORTING REQUIREMENTS FOR OTHER COUNTRIES.—For every country from which nonimmigrants seek entry into the United States, the Attorney General shall make a precise numerical estimate of the figures under subparagraph (A)(i) (I) and (II) and report those figures to the Committees on the Judiciary of the Senate and the House of Representatives within 30 days after the end of the fiscal year.

"(4) INITIAL PERIOD.—For purposes of paragraph (3), the term 'initial period' means the period beginning at the end of the 30-day period described in section 2(c)(I) of the Visa Waiver Pilot Program Reauthorization Act of 1997 and ending on the last day of the first fiscal year which begins after such 30-day period."

(b) AUTHORIZED PILOT PROGRAM PERIOD.—Section 217(f) of that Act is amended by

striking "September 30, 1997" and inserting "September 30, 2000".

(c) DEVELOPMENT OF AUTOMATED ENTRY CONTROL SYSTEM.—(1) As of the date of enactment of this Act, no country may be newly designated as a pilot program country until the end of the 30-day period beginning on the date that the Attorney General submits to the Committees on the Judiciary of the House of Representatives and the Senate a certification that the automated entry-exit control system described in paragraph (2) is operational.

(2) The automated entry-exit control system is the system mandated by section 110 of Public Law 104-208 as applied at all ports of entry excluding the land borders.

### SEC. 3. REPORT ON AUTOMATED ENTRY-EXIT CONTROL SYSTEM.

(a) Within six months after the date of enactment of this Act, the Attorney General shall report to the Committees on the Judiciary of the Senate and the House of Representatives on her plans for and the feasibility of developing an automated entry-exit control system that would operate at the land borders of the United States and that would—

(1) collect a record of departure for every alien departing the United States and match the records of departure with the record of the alien's arrival in the United States; and

(2) enable the Attorney General to identify, through on-line searching procedures, lawfully admitted nonimmigrants who remain in the United States beyond the period authorized by the Attorney General.

(b) Such report shall assess the costs and feasibility of various means of operating such an automated entry-exit control system; shall evaluate how such a system could be implemented without increasing border traffic congestion and border crossing delays and, if any such system would increase border crossing delays, evaluate to what extent such congestion or delays would increase; and shall estimate the length of time that would be required for any such system to be developed and implemented at the land borders.

MOTION OFFERED BY MR. SMITH OF TEXAS

Mr. SMITH of Texas. Mr. Speaker, pursuant to the rule, I offer a motion.

The Clerk read as follows:

Mr. SMITH of Texas moves to strike out all after the enacting clause of the Senate bill, S. 1178, and insert in lieu thereof the text of the bill, H.R. 2578, as passed by the House.

The motion was agreed to.

The Senate bill was ordered to be read a third time, was read the third time, and passed.

The title of the Senate bill was amended so as to read: "A bill to amend the Immigration and Nationality Act to modify and extend the visa waiver pilot program, and to provide for the collection of data with respect to the number of nonimmigrants who remain in the United States after the expiration of the period of stay authorized by the Attorney General."

A motion to reconsider was laid on the table.

A similar House bill (H.R. 2578) was laid on the table.

PERMISSION FOR COMMITTEE ON TRANSPORTATION AND INFRASTRUCTURE TO FILE REPORT ON H.R. 2400, BUILDING EFFICIENT SURFACE TRANSPORTATION AND EQUITY ACT OF 1997

Mr. PETRI. Mr. Speaker, I ask unanimous consent that the Committee on Transportation and Infrastructure have until midnight, Wednesday, March 25, 1998, to file a report to accompany the bill (H.R. 2400) to authorize funds for federal-aid highways, highway safety programs, transit programs, and for other purposes.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

PERMISSION FOR COMMITTEE ON TRANSPORTATION AND INFRASTRUCTURE TO HAVE UNTIL MIDNIGHT, FRIDAY, MARCH 27, 1998, TO FILE SUPPLEMENTAL REPORT ON H.R. 2400, BUILDING EFFICIENT SURFACE TRANSPORTATION AND EQUITY ACT OF 1997

Mr. PETRI. Mr. Speaker, I ask unanimous consent that the Committee on Transportation and Infrastructure may file a supplemental report to the bill (H.R. 2400) to authorize funds for federal-aid highways, highway safety programs, transit programs, and for other purposes, at any time before midnight, March 27, 1998.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

EXPRESSING SORROW OF THE HOUSE AT THE DEATH OF THE HONORABLE STEVEN SCHIFF, REPRESENTATIVE FROM THE STATE OF NEW MEXICO

Mr. SKEEN. Mr. Speaker, I offer a privileged resolution (H. Res. 395) and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 395

*Resolved*, That the House has heard with profound sorrow of the death of the Honorable Steven Schiff, a Representative from the State of New Mexico.

*Resolved*, That a committee of such Members of the House as the Speaker may designate, together with such Members of the Senate as may be joined, be appointed to attend the funeral.

*Resolved*, That the Sergeant at Arms of the House be authorized and directed to take such steps as may be necessary for carrying out the provisions of these resolutions and that the necessary expenses in connection therewith be paid out of the contingent fund of the House.

*Resolved*, That the Clerk communicate these resolutions to the Senate and transmit a copy thereof to the family of the deceased.

*Resolved*, That when the House adjourns today, it adjourn as a further mark of respect to the memory of the deceased.

The SPEAKER pro tempore. The gentleman from New Mexico (Mr. SKEEN) is recognized for 1 hour.