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4-23 WAIVER OF NONIMMIGRANT VISAS

GOVERNMENT

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HEARING

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BEFORE THE

SUBCOMMITTEE ON IMMIGRATION, CITIZENSHIP,
AND INTERNATIONAL LAW

OF THE

COMMITTEE ON THE JUDICIARY

HOUSE OF REPRESENTATIVES

NINETY-FOURTH CONGRESS

FIRST SESSION

ON

H.R. 190, H.R. 2771, and H.R. 8059

VISA WAIVERS

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WAIVER OF NONIMMIGRANT VISAS

WEDNESDAY, SEPTEMBER 10, 1975

HOUSE OF REPRESENTATIVES,
SUBCOMMITTEE ON IMMIGRATION,
CITIZENSHIP, AND INTERNATIONAL LAW
OF THE COMMITTEE ON THE JUDICIARY,
Washington, D.C.

The subcommittee met, pursuant to notice, at 10:20 a.m., in room 2237, Rayburn Home Office Building, Hon. Joshua Eilberg [chairman of the subcommittee] presiding.

Present: Representatives Eilberg, Sarbanes, Holtzman, Russo, Fish, and Cohen.

Also present: Garner J. Cline and Arthur P. Endres, Jr., counsels; Janice A. Zarro, assistant counsel; and Alexander B. Cook, associate counsel.

Mr. EILBERG. The hearing will please come to order.

Today's hearings have been called in order to consider various proposals which are designed to facilitate the admission of certain nonimmigrants—visitors for business or pleasure—to the United States.

These proposals which are commonly referred to as the visa waiver bills have been introduced over the last several Congresses, and during the 90th Congress this committee favorably reported similar legislation which was strongly recommended by the administration. There are currently three separate bills pending before the subcommittee, dealing with this matter—H.R. 190, H.R. 8059, and H.R. 2771.

At this time, without objection, we will introduce into the record the bills referred to.

H. R. 190

IN THE HOUSE OF REPRESENTATIVES

JANUARY 14, 1975

Mr. ANNUNZIO introduced the following bill; which was referred to the Committee on the Judiciary

A BILL

To amend the Immigration and Nationality Act to facilitate the entry of foreign tourists into the United States, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 (a) That section 212 (d) of the Immigration and Na-
4 tionality Act (8 U.S.C. 1182 (d)) is amended by adding
5 at the end thereof the following new paragraph:

6 “(9) The provisions of subsection (a) (other than
7 paragraphs (2), (6), (9), (10), (15), (17), (23), (26)
8 (A), (27), (28), and (29)) may, pursuant to regulations
9 prescribed jointly by the Attorney General and the Secre-
10 tary of State, be made inapplicable to aliens who are seeking

1 to enter the United States as temporary visitors for business
2 or pleasure for a period of not more than ninety days and
3 are nationals of foreign countries designated, in his discre-
4 tion; by the Secretary of State on the basis of reciprocity or
5 on the basis of a determination that such designation would
6 promote the foreign policy of the United States. Notwith-
7 standing any other provision of this Act, such aliens may
8 not be granted an extension of stay which would permit
9 them to remain in the United States more than ninety days
10 from date of admission, nor may they have their status
11 adjusted under section 244, 245, or 248 and, notwithstand-
12 ing any provision of law or regulation governing the chron-
13 ological order in which immigrant visa applications are
14 to be considered, an applicant for an immigrant visa, who
15 has at any time been admitted as a nonimmigrant under
16 this paragraph and who has willfully remained beyond the
17 period of authorized stay or who has failed to maintain the
18 status in which he was admitted by engaging in employ-
19 ment or otherwise, shall have a minimum period of two
20 years added to any priority date established for or by him
21 for the purposes of consideration for an immigrant visa,
22 such priority date being that date utilized in determining
23 the chronological order in which immigrant visas are issued
24 to eligible immigrants; in the case of a priority date estab-
25 lished as of a date preceding his departure from the United

1 States, the additional period added to this priority date
2 shall be two years plus any period of overstay between the
3 end of his authorized period of admission and the date of
4 his departure from the United States; in the case of a
5 priority date established as of a date subsequent to his
6 departure from the United States, the additional period
7 added to this priority date shall be two years.”

8 (b) Section 238 (d) of the Immigration and Nationality
9 Act (8 U.S.C. 1228 (d)) is amended to read as follows:

10 “(d) The Attorney General shall have power to enter
11 into contracts, including bonding agreements with trans-
12 portation lines, (1) to guarantee the passage through the
13 United States in transit of aliens destined to foreign countries,
14 or (2) to prescribe procedures designed to accomplish the
15 departure from the United States of aliens who, under
16 section 212 (d) (9), have entered the United States as
17 temporary visitors for business or pleasure without possessing
18 a valid nonimmigrant visa. Notwithstanding any other provi-
19 sion of this Act, such aliens may not have their classification
20 changed under section 248.”

21 SEC. 2. Section 221 (b) of the Immigration and Na-
22 tionality Act (8 U.S.C. 1201 (b)) is amended to read as
23 follows:-

24 “(b) Each alien who applies for a visa shall be registered
25 and fingerprinted in connection with his application and shall

1 furnish copies of his photograph signed by him for such use
2 as may be by regulations required. The Secretary of State
3 and the Attorney General are hereby authorized, in their
4 discretion and on the basis of reciprocity, pursuant to such
5 regulations as they may severally prescribe, to waive the
6 requirements of this subsection and the requirement of finger-
7 printing specified in section 262 in the case of any non-
8 immigrant alien."

9 SEC. 3. This Act may be cited as "The Nonimmigrant
10 Visa Act of 1975".

94TH CONGRESS
1ST SESSION

H. R. 2771

IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 4, 1975

Mr. WONG PAT introduced the following bill; which was referred to the Committee on the Judiciary

A BILL

To waive the visa requirements for aliens visiting Guam for not more than fifteen days.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*
3 That section 212 (a) (26) of the Immigration and National-
4 ality Act (8 U.S.C. 1182 (a) (26)) shall not apply with
5 respect to any alien seeking to enter Guam as a temporary
6 visitor for business or pleasure for a period of not to exceed
7 fifteen days, if such alien is a national of a foreign country
8 covered by this section. A nation is covered by this section
9 if it is so designated by the Secretary of State on the basis
10 of reciprocity or on the basis of his determination that such
11 designation would promote the foreign policy of the United

1 States. Notwithstanding any other provision of the Immigra-
2 tion and Nationality Act, any such alien may not be granted
3 an extension of stay which would permit him to remain in
4 Guam more than fifteen days from his date of admission, nor
5 may he have his status adjusted under section 244, 245, or
6 248 of such Act.

94TH CONGRESS
1ST SESSION

H. R. 8059

IN THE HOUSE OF REPRESENTATIVES

JUNE 19, 1975

Mr. MURPHY of New York (for himself and Mr. LENT) introduced the following bill; which was referred to the Committee on the Judiciary

A BILL

To amend the Immigration and Nationality Act to facilitate the entry of visitors into the United States during its Bicentennial anniversary, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*
3 That this Act may be cited as the "Visit U.S.A. Bicentennial
4 Anniversary Act."

5 SEC. 2. Section 212 (d) (4) (B) of the Immigration
6 and Nationality Act (8 U.S.C. 1182 (d) (4) (B)) is
7 amended to read as follows:

8 “(B) on the basis of reciprocity with respect to na-
9 tionals of foreign contiguous territory or of adjacent islands

- 1 and residents thereof having a common nationality with such
- 2 nationals, or of nationals of other foreign territories during
- 3 calendar year 1976, for periods not to exceed ninety days
- 4 and with no further renewal, extension or adjustment in
- 5 status allowed, or”.

Mr. EILBERG. H.R. 190 would establish a permanent program for waiving the nonimmigrant visa requirement whereas H.R. 8059 is limited in duration to 1 year. On the other hand, H.R. 2771 is limited to the territory of Guam.

There are several competing considerations relating to this legislation which must be carefully examined by this committee, and I am sure that the witnesses who will appear before the subcommittee today will greatly assist in this difficult task.

For example, supporters of the legislation properly recognize that there are numerous countries throughout the world which admit visitors from the United States to their countries without requiring a visa. These supporters also maintain that the elimination of a nonimmigrant visa requirement for short-term visitors will greatly increase tourism to the United States and will eliminate bureaucratic redtape during this Nation's celebration of the Bicentennial.

On the other hand, these proposals represent a drastic departure from the traditional requirement of a nonimmigrant visa. In fact, some individuals have suggested that by enabling the foreign visitors to bypass the U.S. consular officials, this legislation would sacrifice necessary screening procedures; jeopardize national security; and exacerbate the illegal alien problem in this country.

The subcommittee looks forward to hearing from the various witnesses on all of these issues.

Before introducing our first witness this morning, I wish to note the presence of several Canadian parliamentarians whom we met with yesterday, who are in the hearing room this morning, and they are currently reviewing in detail their immigration policy and procedures. We had the opportunity—and I wish I had personally more opportunity—to briefly discuss matters of mutual concern; and it is apparent that your country shares a great number of the same problems that have plagued this subcommittee. We welcome your presence this morning.

It is interesting to note that the legislation we are considering today does not apply to Canada since natives of that country are the only persons in the world who are not required to obtain a nonimmigrant visa in order to visit the United States.

I would like to now welcome as our first witness, the Honorable John Murphy of New York, who has sponsored H.R. 8059, which would establish a 1-year visa waiver program during the Bicentennial. We welcome you, Congressman Murphy.

TESTIMONY OF HON. JOHN M. MURPHY, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF NEW YORK

Mr. MURPHY. Thank you, Mr. Chairman. I certainly appreciate the opportunity to be here before this very distinguished subcommittee, and also want to extend a welcome to our colleagues from Canada.

Interestingly enough, when my State, which borders on Canada, held its last State convention, a Democratic nominating convention in upstate New York, I stayed on the Canadian side of the falls and was able to commute very easily back and forth to our convention hall. Of course, the Canadian facilities added so much to the entire complex, and it is an example of the great relationship between two great countries, when visitors can move so easily and flexibly back and forth across the border.

Without exacerbating the problems that exist, if you carefully analyze the State Department letter, which I think constitutes one of the great "switcheroos" we have seen legislatively, you find recommendations on an issue that I think is a very simple issue, and a commonsense issue.

Of course, we, here, are here through the efforts of our forebears who came from the four corners of the globe. And yet, our common heritage with other lands is separated by 200 years of culture, politics, and countless smaller divisions in the minds of men on both sides of both oceans. The American Bicentennial is a time not to build barriers between men, but to bring them down during the celebration of the birth of a nation.

H.R. 8059 and H.R. 9252 will eliminate some of the unnecessary visa requirements which were established during World War I, established during wartime as a security measure, when the United States required each visitor to obtain a visa from an American consul abroad. These prescreening processes have been rendered obsolete by major increases in tourism from abroad, and, of course, a very drastic change in the world political situation; a revolutionary reduction in traveltime from other parts of the world, and the fact that some 35 other nations require no visas from American tourists visiting their lands.

In 1969 President Lyndon Johnson's Industry-Government Special Task Force on Travel stated that, "Present entry procedures for vacation and business visitors to the United States are outmoded. They serve only to project an adverse image of this Nation's willingness to receive foreign guests."

I might give you an example. On a visit to Teheran, Iran, last November—I had received over the years many complaints about the visa office there, and I decided to pay a visit to them myself. After spending about an hour I asked the consul officer why people had to sit from 7 to 8 hours to wait for a visa. And, of course, his response was that this is typical of what you would expect.

I said, "Why do people have to get in line out here at 3, and 4, and 5 o'clock in the morning?" He said, "Well, that is native custom."

Well, I started to question the people sitting, waiting for their visas. Now, these natives have Ph. D.'s, they were attorneys, they were teachers; they were the finest people in that country that were coming to visit America. They send 16,000 of their children to American universities and schools each year; and they wait 6 and 8 hours for a visa.

So, I said to the consul officer, "What do you do after you issue a visa, do you have any checks to see that a person returns to the country of origin?" They have no check at all to see that the 30, to 60, to 90-day visa, or the type of visa that is issued, is followed up on. So, I said, "You are really participating in an exercise of futility here," and yet, the people have to spend 6 to 8 hours to get a visa, and certainly don't get the best impression of the United States, and a visa is supposed to be, I think, a welcoming document for a person visiting America.

At this point in our Nation's history, it would be most appropriate for the "Visit U.S.A. Bicentennial Anniversary Act" to become law. Enactment of the bill would increase foreign travel to this country, improve our foreign relations through promotion of a better understanding of America throughout the world, improve our balance of payments and strengthen the dollar, and allow us to treat travelers from abroad more efficiently and hospitably.

This legislation would empower the Attorney General and the Secretary of State to exempt, during calendar year 1976, nationals of foreign countries designated by the Secretary of State on the basis of reciprocity, from the requirement to have a visa prior to entry into the United States. To prevent abuse, the bill provides that:

1. Entry authorized by the act may be for no more than 90 days, nor may such authorization be renewed or extended; and
2. The status of the visitor may not be adjusted to that of an immigrant during his visit.

It is further contemplated that the implementing regulations of the act would specify requirement to prevent the aggravation of our illegal alien problem. This would include such precautions as requiring nonrefundable round-trip tickets, and possession of a passport valid for 6 months beyond the term of his visit. In short, the bill would greatly facilitate the entry of foreign visitors into the United States without lessening the security of the Nation.

Now, the question of illegal aliens working has no relationship to this legislation, even though we see it brought up in the administration's letter. In my city you have many illegal aliens who are working. The way to handle that problem is for Immigration and Naturalization to notify them, to report with a plane, or ship ticket to leave the country; and also to just follow up administratively that way because whether they came in with a visa or without a visa, they are still in the status where this legislation would not affect their status at all.

We are near the celebration of the birth of what I consider the greatest Nation in the world, and for us to make it difficult for others to join us in this celebration is contrary to the spirit in which our Nation was founded. These visitors are not foreigners, but the same as our forebears, travelers to a new land.

Let's share our country and its hospitality by removing the barriers to their visit. Elimination of these barriers is long overdue, and I urge that prompt and favorable consideration be given to this act to insure that we may share our history with visitors from other lands.

Thank you, Mr. Chairman.

Mr. EILBERG. Thank you, Mr. Murphy, for advocating your bill, and coming before us this morning. Obviously, the subcommittee is interested in your ideas, particularly as we approach the Bicentennial, and that is why we are considering this legislation.

Just a few questions. Mr. Murphy, the records of the Immigration and Naturalization Service provided to us indicate that 5 to 10 percent of those who visit the United States on nonimmigrant visas do not return to their native land. Since we assume these facts to be correct, how do you react to that in light of your proposal?

Mr. MURPHY. I don't think that this proposal and this problem are coincident; that 5 percent, in many instances—

Mr. EILBERG. Five to ten percent.

Mr. MURPHY. That 5 to 10 percent, those people in many instances are students and people who come here to be educated and possess skills, and their country will want them back; they should return to their countries. I just mentioned specifically the 16,000 Iranian students. How does Iran get back those 16,000 students? Since they are trained, they should be going back to increase the technological base of that country and other countries.

The question is, is there a joint effort with those countries to assist them in having their nationals, who are now trained, go back to that country. And I think that is an immigration problem more than it is a visa problem.

Mr. EILBERG. Isn't it difficult to support your argument that many foreign persons do not come to the United States because of the visa requirements when actually the volume of temporary visitors for business and pleasure has increased substantially year after year?

Mr. MURPHY. It would naturally increase substantially, but when we look at ourselves in relation to the rest of the world, we were first in foreign travel; now we find that the United States is down in fourth place in foreign travel. It is the movement of people on a world basis, and the freedom of movement in America that we are promoting here, friendship to America.

We see the economies of Japan, the economies of Germany and Western Europe increasing to the point that more and more people are traveling and want to travel to the United States. I think we have an artificial barrier to that travel.

Mr. EILBERG. During the consideration of visa requirements over the years the committee has never been presented with substantial and adequate evidence that the visa requirement is a deterrent to travel to the United States by tourists. In other words, perhaps we are placing too much of a burden upon you with that question; but does the presence of the current system restrict tourists, or potential tourists, to the United States? How do we prove that, and how do we know what the increase in volume would be, if any?

Mr. MURPHY. I think it probably does not deter too many tourists. Maybe you could put a percentage figure on it, I think you would have to do a study. But it places an artificial barrier, and exacerbates the travel problems and the travel experience.

The first door to the United States is that visa office, and that is the first impression that the first-time visitor has of the United States. And in many instances, the specific instance I just pointed out, it's an unhappy 6- to 7-hour wait.

A policy of welcoming visitors, certainly in our Bicentennial year, is in order, we must drop the needless administrative burden we have created overseas.

Mr. EILBERG. You know, of course, that many countries have a visa by mail process, so there is no waiting for the applicant in those cases. Isn't that an adequate way of handling the situation?

Mr. MURPHY. That is one way, but how many countries does that apply in? And it still is another administrative hurdle for the traveling person who wants to come.

Mr. EILBERG. Now, one other point. You and I serve on the Merchant Marine and Fisheries Committee, and share certain interests that arise and are dealt with in that committee. We are interested in U.S.-flag carriers, the maintenance of U.S.-flag carriers; and in that connection it is not inconceivable that the waiver procedure would increase the travel on non-U.S.-flag carriers to the detriment of U.S.-flag carriers. How would you react to that?

Mr. MURPHY. I would think that is a sales problem for the U.S. carriers. I don't think the visa requirement would affect any airline, or mode of transportation.

It is a question of convenience; it is a question of traveltime; and it is also a question of service. It is up to free competition in the travel industry to provide a better service and to meet those requirements. That is the way they get the business.

Mr. EILBERG. Mr. Russo, do you have any questions?

Mr. RUSSO. I have no questions, Mr. Chairman.

Mr. EILBERG. Mr. Cohen?

Mr. COHEN. Just a couple, Mr. Chairman.

Mr. Murphy, I am not sure in your statement what you mean when you say that, "This would include such precautions as requiring non-refundable round-trip tickets, and possession of a passport valid for 6 months beyond the term of his visit."

Why would you require a passport valid 6 months beyond the visit?

Mr. MURPHY. So that he would be able to be located by his country, or by our consular office, and it wouldn't expire during the period of time he had it here.

Mr. COHEN. Shouldn't it be consistent with the 90-day period, so that the passport would terminate at the same time as the visit?

Mr. MURPHY. No; the passport should normally have quite a bit of a life in the sense of a visit. Usually our passport is a 5-year passport. You wouldn't want to issue a passport that would expire 10 days after the person got out of the country, you want that passport to be valid for a long period of time.

Mr. COHEN. Do you think anything should be done in preclearance before we allow anyone to come into the country, or should we allow them to enter without any sort of checking whatsoever? The statute now prohibits the issuance of visas to specified aliens who are mentally retarded, aliens who are insane, aliens who have a psychotic personality, aliens who are addicted to narcotics or alcohol, aliens who have contagious diseases, aliens who have been convicted of a crime for moral turpitude, and so forth.

Do you feel there is any validity in imposing a sort of preclearance check to people coming into this country?

Mr. MURPHY. Passports are normally not issued to those people. And this doesn't mean you don't get checked. You go through a passport

check, you go through a customs check, and that is normal procedure and is not deviated from.

Mr. COHEN. But the statute provides that no visa is issued to anyone falling into those categories; do you think that should still be observed?

Mr. MURPHY. I still think, by regulation, those people should be excluded.

Mr. COHEN. So, you would have some sort of preclearance, so it would not be a wholesale admission to anyone who wants to come and visit this country, the United States, for the Bicentennial?

Mr. MURPHY. That regulation could be established.

Mr. COHEN. Do you think there is any merit to the State Department's opposition to your proposal and others, based upon the increased possibility of terrorism?

Mr. MURPHY. No; because you would exclude those countries that condone, or were suspected of terrorism. I think that you can handle most of the problems that way.

Mr. COHEN. So, would that include the Arab nations?

Mr. MURPHY. It would include certain Arab countries, North Korea, Vietnam.

Mr. COHEN. That is all I have, thank you.

Mr. EILBERG. Mr. Fish?

Mr. FISH. Thank you, Mr. Chairman.

I want to welcome our colleague from New York for being with us this morning.

I think Mr. Cohen has touched on an important area, and I would merely like to elaborate on it. I understand that if someone wishes to come as a visitor, he will still be subject to exclusion if he has a criminal record, or was convicted of what, in our determination, involved moral turpitude; he may have pulmonary tuberculosis, or be from a country with a high rate of TB; or he may have been involved in drug-related crime, which would not be considered by the country to be as serious as we might think of it.

I find it difficult to see how in such a brief span of time, particularly since we are expecting more visitors in the United States, and the Immigration Service's lack of resources, how the consular officer assigned by the embassy to check the police records, and so on, will be able to check these things in a matter of minutes.

Mr. MURPHY. Well, the country of origin eliminates them, so to speak, they don't issue passports to them.

Mr. FISH. I question that. I have been a vice consul, and people have come before me before they have medical examinations which are required by our visa office, to show that they don't have pulmonary tuberculosis, for example.

On the question of reciprocity, I would presume that would mean that visitors would not be accepted from countries like Saudi Arabia, who discriminate against the Jews. But to add to that, you have a problem of pressure from the Far East, countries who have achieved their quota of 20,000. It would seem realistic to me to say that the Koreans and Filipinos who have reached their 20,000 ceiling are going to try coming in here singing "Yankee Doodle" in the Bicentennial year; so, it would be realistic to say those are the countries we wouldn't authorize, and run into serious discrimination problems, in

my opinion, if we start picking out the Arab nations, or Far East nations. This is really what bothers me here.

Mr. MURPHY. Well, I represent Chinatown and am relatively familiar with the situation you referred to. As that person comes in with a passport and files a card, there is a record that he has come into the country.

But if you go back to the consular officer, he never does anything about the visa he issued, to see whether, if he issued a 90-day visa—he never does anything about notifying anyone that this is a 90-day visa. That entry card is the card of record, and that could be used as a vehicle for following up on people who would abuse this situation.

I frankly don't see any abuse—you say from the Far East—I frankly find it from all over, representing a very ethnic district. And people who come in have come in without visas, and that is where the illegal labor comes from, not the people who come in as visitors, or otherwise. They come in by some other route; jumping ship, or otherwise; that's where the problem originates.

Mr. FISH. Are you familiar with General Chapman's testimony that he has given us this morning?

Mr. MURPHY. No, I am not.

Mr. FISH. He points out—and I will read it to you:

I must point out that H.R. 8059 would have the effect, probably undesired by its author, of applying the ninety-day restriction and the adjustment prohibition to nationals of contiguous territories and adjacent islands as well as to nationals of other countries.

As I understand, as was pointed out by counsel here, that would apply to Canada and Mexico, I believe, the contiguous nations, to the 90-day visits limitation; the law now makes an exception in the case of contiguous countries. And General Chapman's testimony points out, as I have just read, that in your bill the 90-day restriction would apply to nations of contiguous territories.

Mr. MURPHY. Well, there is no intent in the legislation to limit the movement under present conditions with Canada and Mexico.

Mr. FISH. So, you would be agreeable to an amendment of the legislation.

Mr. MURPHY. Yes, if necessary; and I have not studied General Chapman's testimony.

Mr. FISH. That was, as you said, unintentional.

Mr. MURPHY. Yes.

Mr. FISH. Thank you, Mr. Chairman.

Mr. EILBERG. Mr. Murphy, I think we have concluded our questions this morning, and we thank you very much for coming to us and giving us the benefits of your view.

Mr. MURPHY. Thank you, Mr. Eilberg.

[The prepared statement of the Honorable John M. Murphy follows:]

STATEMENT OF HON. JOHN M. MURPHY, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF NEW YORK

"VISIT U.S.A. BICENTENNIAL ANNIVERSARY ACT"

Mr. Chairman, The bill before the Committee this morning, HR 9252, is designed to help our country celebrate the 200th anniversary of its founding by temporarily easing the visa requirements for foreign visitors to our shores. Mr.

Chairman, each of us here . . . not just in this room, but in this great nation, . . . owes his heritage to an immigrant from a foreign nation. Every one of the signers of the Declaration of Independence was a native of another country, born and raised in the colonies of England, Spain, France, Portugal, and dozens of other countries who ruled the western hemisphere. Each of our founding fathers fought a bloody revolutionary war in order to plant the roots of this nation in the firm ground of reason and brotherhood.

Yet our common heritage in other lands is separated by two hundred years of culture, politics and countless smaller divisions in the minds of men on both sides of both oceans. The American Bicentennial is a time not to build barriers between men, but to bring them together for a celebration of the birth of a nation.

HR 9252 will eliminate some of the unnecessary visa requirements established during World War I as security measures, when the United States required each visitor to obtain a visa from an American consul abroad. These pre-screening processes have been rendered obsolete by major increases in tourism from abroad, a revolutionary reduction in travel time from any part of the world, and the fact that some 35 other nations require no visas from American tourists visiting their lands. In 1969, President Lyndon Johnson's Industry-Government Special Task Force on Travel stated that—"present entry procedures for vacation and business visitors to the United States are outmoded. They serve only to project an adverse image of this nation's willingness to receive foreign guests."

At this point in our nation's history, it would be most appropriate for the "Visit U.S.A. Bicentennial Anniversary Act" to become law. Enactment of the bill would increase foreign travel to this country, improve our foreign relations through promotion of a better understanding of America throughout the world, improve our balance of payments and strengthen the dollar, and allow us to treat travelers from abroad more efficiently and hospitably.

HR 9252 would empower the Attorney General and the Secretary of State to exempt, during calendar year 1976, nationals of foreign countries designated by the Secretary of State on the basis of reciprocity, from the requirement to have a visa prior to entry into the United States. To prevent abuse, the bill provides that (1) entry authorized by the Act may be for no more than 90 days, nor may such authorization be renewed or extended; and (2) the status of the visitor may not be adjusted to that of an immigrant during his visit. It is further contemplated that the implementing regulations of the Act would specify requirements to prevent the aggravation of our illegal alien problem. This would include such precautions as requiring non-refundable round trip tickets, and possession of a passport valid for six months beyond the term of his visit. In short, the bill would greatly facilitate the entry of foreign visitors into the United States without lessening the security of the nation.

We are nearing the celebration of the birth of what I consider the greatest nation in earth. For us to make it difficult for others to join us in that celebration is contrary to the spirit in which our nation was founded. These visitors are not foreigners, but are the same as our forebears—travelers to a new land.

Let us share our country and its hospitality by removing the barriers to their visit. Elimination of these barriers is long overdue, and I urge that prompt and favorable consideration be given to this Act to ensure that we may share our history with visitors from other lands.

Mr. EILBERG. Our next witness is the gentleman from Guam. Members of the subcommittee had the opportunity to visit Guam during the recess; and one of the reasons why we are having the hearing this morning is because of the impetus given by that visit.

It is my pleasure to introduce the Member of Congress from Guam, former Speaker of the House of Guam, and our associate the Honorable Antonio Borja Won Pat.

TESTIMONY OF HON. ANTONIO BORJA WON PAT, A REPRESENTATIVE IN CONGRESS FROM GUAM

Mr. WON PAT. Thank you, Mr. Chairman. First, before I make my statement I want to take this opportunity to thank you and your distinguished colleagues who had the opportunity to visit Guam on your recent trip abroad.

You have had the opportunity, of course, to observe our unique problems on Guam, and on behalf of the people of Guam I want to extend our appreciation.

I also want to thank you for scheduling these bills which you have before you today. I know that the committee has a heavy workload; and without further ado—could I have some people from Guam, the Lieutenant Governor has not arrived, we have some distinguished visitors from Guam.

Mr. EILBERG. Mr. Won Pat, I think there is a photographer, if you wish him to stand in the corner of the room so he may take pictures of you, that is perfectly agreeable.

Mr. WON PAT. Thank you very much, sir.

Mr. EILBERG. I thought you did have a photographer here.

Mr. WON PAT. Well, yes, there is a photographer. I don't see him.

Mr. EILBERG. He is taking pictures.

Mr. WON PAT. All right, sir.

Mr. Chairman and members of the committee, the legislation considered today is of great importance to the territory of Guam and, as Guam's delegate to Congress and as a sponsor of this bill, I welcome this opportunity to appear in its behalf.

This bill would waive the visa requirements for nonimmigrant aliens seeking to visit the territory of Guam for not more than 15 days. This would permit temporary visitors to enter Guam for business or pleasure without having to obtain a visa from the U.S. Government, as is presently required.

Presently, foreigners wishing to visit Guam, even for a few days, are required to process passports, visas, and other travel documents necessary for long-term visits to the mainland United States. Application of these documentary regulations in Guam is unrealistic and unnecessary. It overloads the capabilities of our foreign consulates and discourages foreigners from visiting Guam.

As Guam is outside the U.S. customs zone all travelers from Guam to the mainland of the United States, or Hawaii, must be processed through customs upon arrival. Further travel to and from Guam is limited to air or waterborne carriers and is easily monitored and policed.

Present requirements and visitor travel are so extensive that consulates, such as in Tokyo, often issue group visas to accommodate the demand.

I originally requested the Secretary of State to waive the visa requirements through administrative means, but was informed this is not possible under the provisions of the Immigration and Nationality Act. Therefore, the legislation being considered here is necessary.

Waiving of the visa requirement as provided here is exceedingly important to Guam and is also of considerable significance to the rest of the Nation.

Serious economic difficulties which are besetting most of the world and are creating major problems in much of our own country have not left Guam unaffected. Guam's unemployment rate is very high and increasing, as is the number of persons relying on other government programs and subsidies for support.

In addition to the effects of global and national economic difficulties, recent and continuing cutbacks in our national military operations adversely affect the economy of Guam.

Economic considerations have also adversely affected the international tourist industry. Tourism plays a vital part in the economy of Guam. Because of its location on the periphery of the Far East, Guam competes with numerous other attractive places for tourist dollars.

This legislation would have several desirable results. It would greatly improve Guam's attraction for tourists. More precisely, it would remove an unnecessary and cumbersome hindrance to foreign tourists' access to Guam. In turn, the resulting improvement in Guam's economy would lessen its need for Federal funds.

This legislation would also aid in our national balance of payments. In 1974, tourists in Guam, most of whom were non-U.S. citizens, introduced approximately \$90 million into the local and national economies.

As Guam is the showcase in Asia of U.S. democracy, any increase in visits by foreigners would have the added intangible but important benefits of contributing to international relations and foreign policies.

Although its dollar worth has not been calculated, elimination of unnecessary time-consuming and expensive paperwork would also be a valuable gain.

This legislation would not adversely affect United States immigration. Any person traveling to the U.S. mainland, or Hawaii, would still be required to go through U.S. customs. Thus, this bill could not provide a means for aliens to enter the U.S. illegally. As Guam is also an island far from the U.S. mainland, there is no available means for anyone to gain entry to the U.S. proper through misuse of eased entry requirements to Guam.

What is proposed is very simple. It would merely facilitate visits to Guam for brief visits by foreign businessmen and vacationers. However, its effects would obviously be much greater and far reaching.

In short, Mr. Chairman, this is one of those rare bills which would provide many important benefits without causing objectionable side effects. As such, I urge favorable disposition at the earliest date.

Mr. EILBERG. Thank you very much, Mr. Won Pat. I don't know if you have had an opportunity to read the statements offered in advance by the other witnesses, but I understand that the administration does not oppose the idea of your bill, it may require some modification. I thought you would be interested.

Mr. WON PAT. Yes; I read the statement by the Department of State and the Commissioner of the Immigration and Naturalization Service.

Mr. EILBERG. Mr. Won Pat, if your bill were to become law, would you predict whether or not additional immigration officers would be required on Guam, and if so, the extent of the Service's additional responsibility?

Mr. WON PAT. I believe there is some need for a few more Immigration personnel there because of the large number of applications for naturalization. You know, every 3 or 4 months we have quite a number of eligible resident aliens seeking U.S. citizenship.

Mr. EILBERG. Because of the bill, do you have any idea how many additional officers might be required: have there been any studies?

Mr. WON PAT. I don't have a precise figure, but I have been aware for some time now of the need for additional personnel to meet the present what you call "influx of visitors."

Mr. EILBERG. Now, also, Mr. Won Pat, during consideration of these bills over the years, asking the same question I asked Mr. Murphy, this committee has never been presented with substantial, adequate evidence that a visa requirement is actually a deterrent to travel to the United States by legitimate tourists.

In other words, how do you know that people are not coming to Guam because of the existing legal requirements?

Mr. WON PAT. Well, we get these reports from our tour agents abroad about the difficulty of getting into Guam, and the time that is consumed getting the required travel documents.

Mr. EILBERG. But can you say that some people are not coming, and how many that would be, because of the existing requirements?

Mr. WON PAT. No; I won't say they are not coming because of that, but there are considerable delays as a result of that. People who want to come to Guam have to go through all these redtape travel requirements, and naturally they defer coming rather than to go through these processes.

Mr. EILBERG. Thank you, Mr. Fish?

Mr. FISH. Thank you, Mr. Chairman.

Mr. WON PAT. Is your bill in any way related to the Bicentennial year, like Mr. Murphy's bill; or are you talking about permanent legislation?

Mr. WON PAT. It is not related to the Bicentennial, even though Guam is participating in the Bicentennial program.

Mr. FISH. It is permanent legislation.

Mr. WON PAT. It is permanent legislation, and applicable to just Guam, no other areas of the United States will be affected.

Mr. FISH. I apologize for not having read your bill prior to this hearing, but I would like to ask you if it contemplates the concept of reciprocity that is embodied in the other legislation before us. In other words, would the judgment as to who will be relieved of the burden of getting a nonimmigrant visa vest in the Secretary of State and Attorney General, as it does in the other legislation?

Mr. WON PAT. I don't follow your question.

Mr. FISH. Well, I see in H.R. 2771 it says, "A nation is covered by this section if it is so designated by the Secretary of State on the basis of reciprocity," so, there would be that decision.

Now, let's assume a visitor comes from an Asian country to Guam with a passport for 15 days, and then he wishes to proceed to Hawaii, or one of the mainland United States.

Mr. WON PAT. He will be required to have the other necessary documents, including a visa for the mainland.

Mr. FISH. He then would have to apply for a visa while he is on Guam, to proceed further?

Mr. WON PAT. Right.

Mr. FISH. I have no further questions, Mr. Chairman. Thank you.

Mr. EILBERG. Mr. Sarbanes?

Mr. SARBANES. Thank you, Mr. Chairman.

Mr. WON PAT. I first want to thank you for your extraordinarily good statement, which I think makes a very strong case for this legislation.

I see a couple of problems, and I think we could probably work at those. One is the problem of an intermediate step for subsequent entry

into the United States. In other standards we apply for entry of a man into the United States, they should not be lowered by him being able to go to Guam first, and then here. You recognize that problem?

MR. WON PAT. Yes, sir.

MR. SARBANES. Is there any difficulty in protecting against that problem?

MR. WON PAT. As a matter of fact, under the present statutes, although we all in Guam are American citizens, when we travel to the mainland, or to Hawaii, we are subject to immigration clearance before we enter the United States.

MR. SARBANES. Once you get this legislation, you will probably have to live with it for a while. Assuming it is enacted, is 15 days the right time period? And I ask that question because I know, for example, the airlines provide package deals for people to make trips where they get reduced rates, but it requires them to be gone a certain period of time. Would 15 days be the right time period, as opposed to, say, 21 days?

MR. WON PAT. I think that is adequate. You mean a shorter period?

MR. SARBANES. A longer period, a somewhat longer period. I don't want you to get 15 days and then discover that the airlines only give reduced rates if people take a 21-day trip.

MR. WON PAT. Well, of course that is a matter for the prospective visitor, then. But thinking of Guam, Guam is a relatively small island, and taking into consideration all the interests in Guam, if they travel from Guam to other islands, that will probably not take more than 10 days. I do hope that they will stay longer, but I believe they will probably have exhausted all their means staying that long in Guam, anyway.

MR. SARBANES. What you are telling me is that most visitors who now come to Guam from those areas which you are seeking to accommodate by this legislation, will stay under the 15-day period; and any longer period would really not serve any particular useful purpose?

MR. WON PAT. Well, I can say that many of these, Japanese in particular, are honeymooners, they stay a few days before they get married over there, and spend their honeymoon there for a few days. I am informed that the average stay there is for 4 to 5 days.

MR. SARBANES. I have no further questions, Mr. Chairman.

MR. EILBERG. Thank you very much, Mr. Won Pat, for appearing before us this morning.

MR. WON PAT. Thank you very much, Mr. Chairman, and members of the committee.

[The prepared statement of Hon. Won Pat follows:]

STATEMENT OF HON. ANTONIO B. WON PAT, A REPRESENTATIVE IN CONGRESS FROM THE TERRITORY OF GUAM

Mr. Chairman:

The legislation being considered today is of great importance to the territory of Guam and, as Guam's delegate to Congress and as sponsor of this bill, I welcome this opportunity to appear in its behalf.

This bill would waive the visa requirements for non-immigrant aliens seeking to visit the Territory of Guam for not more than 15 days. This would permit temporary visitors to enter Guam for business or pleasure without having to obtain a visa from the United States government, as is presently required.

Presently, foreigners wishing to visit Guam, even for a few days, are required to process passports, visas, and other travel documents necessary for long term visits to the mainland U.S. Application of these documentary regulations in Guam is unrealistic and unnecessary. It overloads the capabilities of our foreign consulates and discourages foreigners from visiting Guam.

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Present requirements and visitor travel are so extensive that consulates, such as in Tokyo, often issue group visas to accommodate the demand.

I originally requested the Secretary of State to waive the visa requirements through administrative means but was informed this is not possible under the provisions of the Immigration and Nationality Act. Therefore, the legislation being considered here is necessary.

Waiving of the visa requirement as provided here is exceedingly important to Guam and is also of considerable significance to the rest of the nation.

Serious economic difficulties which are besetting most of the world and are creating major problems in much of our own country have not left Guam unaffected. Guam's unemployment rate is very high and increasing, as is the number of persons relying on other government programs and subsidies for support.

In addition to the effects of global and national economic difficulties, recent and continuing cutbacks in our national military operations adversely affect the economy of Guam.

Economic considerations have also adversely affected the international tourist industry. Tourism plays a vital part in the economy of Guam. Because of its location on the periphery of the Far East, Guam competes with numerous other attractive places for tourist dollars.

This legislation would have several desirable results. It would greatly improve Guam's attraction for tourists. More precisely, it would remove an unnecessary and cumbersome hindrance to foreign tourists' access to Guam. In turn, the resulting improvement in Guam's economy would lessen its need for Federal funds.

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As Guam is the showcase in Asia of U.S. democracy, any increase in visits by foreigners would have the added intangible but important benefits of contributing to international relations and foreign policies.

Although its dollar worth has not been calculated, elimination of unnecessary time consuming and expensive paperwork would also be a valuable gain.

This legislation would not adversely affect United States immigration. Any person traveling to the U.S. mainland or Hawaii would still be required to go through U.S. customs. Thus, this bill could not provide a means for aliens to enter the U.S. illegally. As Guam is also an island far from the U.S. mainland, there is no available means for anyone to gain entry to the U.S. proper through misuse of eased entry requirements to Guam.

What is proposed is very simple. It would merely facilitate visits to Guam for brief visits by foreign businessmen and vacationers. However, its effects would obviously be much greater and far-reaching.

In short, Mr. Chairman, this is one of those rare bills which would provide many important benefits without causing objectionable side effects. As such, I urge favorable disposition at the earliest date.

Mr. EILBERG. Our next witness is the Honorable Leonard F. Walentynowicz, Administrator, Bureau of Security and Consular Affairs, Department of State.

TESTIMONY OF HON. LEONARD F. WALENTYNOWICZ, ADMINISTRATOR, BUREAU OF SECURITY AND CONSULAR AFFAIRS, DEPARTMENT OF STATE, ACCOMPANIED BY LOREN LAWRENCE, DEPUTY ADMINISTRATOR AND JULIO ARIAS, DIRECTOR, VISA OFFICE.

Mr. WALENTYNOWICZ. Good morning, Mr. Chairman, members of the committee. I have a statement which I can read or enter into the record.

Mr. EILBERG. I would just as soon it was entered into the record, and hopefully you can summarize it.

Mr. WALENTYNOWICZ. Certainly, Mr. Chairman.

Mr. EILBERG. Without objection, the statement will be made part of the record.

Mr. WALENTYNOWICZ. As Congressman Murphy pointed out, our position here is somewhat of a reversal of the position the State Department has taken at other times before this committee. We think the reversal is justified for good and sufficient reasons.

We perceive the essential question of this legislation is to be just exactly what are the conditions in existence today that would make it desirable, or undesirable, to have visa waivers as proposed in the bill.

While we recognize Congressman Murphy's desire to facilitate travel to the United States during the Bicentennial and at other times—and we encourage this and want to be in a position to accommodate it generally—we do not wish to abandon other necessary requirements and considerations for the entry of people into the United States. We feel it is not inconsistent to monitor the entry of people into the United States, with the general concept of free movement of people and ideas. I think a reasonable monitoring system is important in order to preserve America as the "Beacon of the World". That may be a little bit self-laudatory, but I personally feel that America is a great country, and while we are celebrating the Bicentennial, we want to continue to make America better than ever. That is the reason we have taken the position we have in this legislation.

That is a brief conceptual summary of our position, and I will be happy to respond to any questions, including some of the issues that have already been brought up with respect to Congressman Murphy's testimony, and legislation dealing with Guam.

May I say that our position with respect to Guam is not inconsistent. As Delegate Won Pat pointed out, Guam is a very unique situation. We feel that, in terms of the questions that you asked, we have no evidence that the elimination of visa requirements in Guam really would lead to more travel. I recently had a 2½ hour discussion with the Governor of Guam, and he felt that as a help to Guam, and as a means of meeting competition from other Pacific areas, they wanted to do something to encourage the movement of people from Japan and other areas.

We feel the Guam waiver would not have any of the side effects that Congressman Murphy's general proposals would, and for that reason we have no objection to Guam. Further, the way the bill is worded, the discretion is with the Secretary of State, and if experience indicates that the waiver requirement is not feasible, we can in consultation with the authorities in Guam, reimpose the visa requirement.

Mr. EILBERG. Mr. Walentynowicz, on pages 1 and 2 of your statement you mention that the past administrations supported this legislation quoting from your testimony "until 1972, the administration made such legislation a part of its formal legislative proposals."

You say that such factors as illegal alien problems, terrorism, and the implications of world demography, are reasons why the administration has changed its position and opposes this legislation.

Can you provide for the record what acts of terrorism you are referring to, and what are the implications of world demography?

Mr. WALENTYNOWICZ. Let me talk briefly about the implications of world demography. Mr. Murphy touched upon it when he brought out the point that in certain areas of the world immigration quotas are

filled year after year. This being the case, there is a natural tendency for people from those areas to use nonimmigrant visas as a means of coming in here permanently and illegally. That is one example of what we mean by the implications of world demography.

There are other areas of the world where there are great pressures for people of those areas to come to the United States and countries like the United States to settle because opportunities are so much greater. The United States is one of the few areas of the world where there is a constant demand for people to come into for resettlement. That is what we have to take into account in terms of world demography.

With respect to terrorism, sir, and without going into specific example, because I think that may be somewhat sensitive, the point I am making is that our experience has shown that on several occasions we have been able to effectively monitor the movement of people who we have good reason to believe—based on our intelligence—are attempting to enter the United States for the purposes of terrorism or related activities. The visa system—the double screening system which we now have, and which we suggest should be continued—has provided an effective means to continue that type of monitoring.

Mr. EILBERG. Before I forget, would you at this time identify the two gentlemen with you?

Mr. WALENTYNOWICZ. Oh, yes; I'm sorry. On my right is Julio Arias, who is director of the Visa Office; and my senior deputy, Mr. Loren Lawrence. Both of these gentlemen are very experienced consular officers.

Mr. EILBERG. What efforts are being made, Mr. Walentynowicz, by the U.S. Government, to encourage residents from other countries to visit the United States, and to participate in our Bicentennial celebration? I am thinking of USIA, the Voice of America, et cetera; and how will the Department of State equip our consuls abroad to implement the current visa procedures?

Mr. WALENTYNOWICZ. In answer to the first part of your question, sir, I don't know the specific details, but I do know it is a matter of general administration policy that all of the agencies of Government that you mentioned, together with the Department of Commerce and the Department of Transportation, are implementing plans, to encourage travel into the United States.

With respect to what we are doing at the State Department, let me give you an example. We perceive there will be a great demand by people to come into the United States in the Bicentennial when they also visit the World Olympics in Montreal, Canada, in 1976. We are right now in the process of establishing a new physical plant in Montreal and also creating an additional cadre of help to potentially process visa applications in Montreal to accommodate that particular demand. Beyond that, we are also in our budgetary operations, and also revamping resources within the Department and making allowances for the fact that if we receive increased demand for travel in the United States, we will have personnel available to meet this demand.

But it is a constant problem, sir. You know, we do have the problem of economy. So, whatever we do, we have to measure it in terms of what is feasible, too. We are trying to meet this demand, and I can

assure you, Mr. Chairman, that we are doing everything possible in terms of planning so that the idea of Bicentennial travel to the United States is not in any way discouraged by unreasonable delays and unnecessary red tape.

Mr. EILBERG. On pages 8 and 9 of your testimony you indicate that, if acceptable alternatives can be worked out, the Department would not be opposed to the abolition of the nonimmigrant visa requirements. What acceptable alternatives do you have in mind?

Mr. WALENTYNOWICZ. At the moment we don't have any and that is why we oppose this legislation. We don't find any acceptable alternatives. I would say that if conditions improve—for example, in terms of the changing world demography; if the demand by people to come into the United States would subside, if we would be better able to monitor and control the illegal alien problem within the United States so that we wouldn't have this competition between Americans and illegal aliens for jobs—if these things occurred, then perhaps we can take another look at this situation.

Also, if terrorism was reduced, if there was a worldwide condition wherein countries would not in any way, shape, or manner support terrorism and would universally and automatically reject terrorism so that a terrorist would not find a safe haven anywhere, we would be compelled to rethink our position and we would then perhaps support this legislation.

Mr. EILBERG. Over the years the Department of State has taken various administrative measures to expedite tourist visa issuance; for example, the visa by mail and the automated lookout in 1966. These measures were taken because of the tremendous increase in visa issuance, without a commensurate increase in consular personnel.

Doesn't this legislation represent an attempt to expedite visa issuance, and therefore is not consistent with the earlier administrative steps taken by the Department of State?

Mr. WALENTYNOWICZ. Well, to the extent you eliminate the visa, it is consistent. But this must be distinguished from the way we impose our control, in other words, the systems which you described initially are ways in which we more efficiently administer the controls which we feel are necessary. The last step of eliminating control is, I think, a concept quite different. We can do any number of things to improve the efficiency of the controls we have in existence; but that doesn't mean that the controls we have in effect are unnecessary.

Mr. EILBERG. Mr. Walentynowicz, does the visa requirement give foreigners an unfavorable impression of the United States; have there been any adverse foreign policy consequences as a result of the requirement?

Mr. WALENTYNOWICZ. To my knowledge, sir, no. I think we have individual problems, and I think understandably so. In many instances our efficiency can be improved, and we can be criticized for the kind of performance we deliver in the issuance of visas. But overall, we have more visitors coming to America than ever before—we issued more than 3 million visas and this has been something like a 300-percent increase in the last 5 or 6 years. This is indicative that people desire to come to the United States, notwithstanding the fact that we legitimately impose visa requirements.

Mr. EILBERG. In any event, if Congress enacts the legislation that is before us today, do you have any idea what manpower savings would be realized by the Department of State as a result of the reduced consular work?

Mr. WALENTYNOWICZ. I can't give you dollar figures, but obviously, if we don't issue visas abroad, there will be a considerable savings in consular manpower. However, this has to be balanced in light of one thing, sir, if you eliminate the screening that is done abroad, and still retain the screening that should be done at ports of entry, which is what the bill proposes, you do not eliminate the screening responsibility of the INS, but rather you are simply shifting the work that is presently done in the embassies to the INS at the ports of entry.

In fact, that will be more discouraging to foreign visitors because in my judgment, if the INS has to screen at the port of entry and then tell foreign visitors that they don't have the proper documents, or that they have to go back and get a medical certification, or any number of things, as Congressman Murphy pointed out a few moments ago, you have a horrible delay at the point of entry, and you get much more irritation, in my judgment, than if you do the prescreening at the embassy where the person is able to go back and get additional documentation in a more comfortable setting.

Mr. EILBERG. Mr. Sarbanes, do you have any questions?

Mr. SARBANES. Yes. Thank you, Mr. Chairman.

How long does it take to get a visitor's visa?

Mr. WALENTYNOWICZ. It varies between the places where the application is made, sir.

Mr. SARBANES. I understand that, but can you give me a general range of how long it takes?

Mr. WALENTYNOWICZ. Oh, I think Mr. Lawrence can respond to that question.

Mr. LAWRENCE. As Mr. Walentynowicz said, it depends on the post. The actual time involved in the issuing of a visa is not really that long. The applicant submits a short application form; it's 5 by 9 inches in size and has, I think, 35- or 36-odd questions. They are essentially questions of identification, purpose of visit, indication of your ability to afford the visit, and the large series of questions that you answer with a check that cover section 212, the excludable factors—

Mr. SARBANES. Well, we have a copy of that. If I'm a resident, let's say, of the United Kingdom and I want to make a trip to the United States, what do I do, and how long does it take?

Mr. EILBERG. Would the gentleman yield just for the purpose of putting into the record the application for a nonimmigrant visa? Without objection, it will be made a part of the record.

[The document referred to follows:]

APPLICATION FOR NONIMMIGRANT VISAS

§ 41.110 Place of application

FAMILY NAME		GIVEN NAME		MIDDLE NAME	TRAVEL DOCUMENT
HOME ADDRESS					
PLACE AND DATE OF BIRTH				DAY	MO. YEAR
COMPLEXION					
HAIR	EYES	HEIGHT	NATIONALITY	MARKS	
MARITAL STATUS	SEX	OCCUPATION	LENGTH AND PURPOSE OF STAY IN U. S.		
<input type="checkbox"/> M <input type="checkbox"/> S	<input type="checkbox"/> M				
<input type="checkbox"/> W <input type="checkbox"/> D	<input type="checkbox"/> F				

I understand that possession of a visa does not entitle the bearer to enter the U.S. if upon arrival at a port of entry he is found inadmissible. I declare that the information contained in this application, including any statements made a part thereof, has been examined by me and is correct and complete to the best of my knowledge and belief.

Applicant interviewed by me and application signed before me on:

At:

Signature of Applicant

FORM FS-257

FORM APPROVED: BUDGET BUREAU NO. 47-8107.10 (over)

GPO : 1962 O - 631035

CLASSIFICATION	POST SERIAL NO.	REMARKS
ISSUED ON	FOR	
	Unltd. or () Appl.	
VALID THROUGH	REFUSED ON	
SERVICE NO.		
TARIFF ITEM NO.		
FEE PAID: U. S. \$		
LOCAL CY. EQUIVALENT		
APPLICATION FOR NONIMMIGRANT VISA AND ALIEN REGISTRATION		— PHOTO —

(a) Applications for regular and official visas

With the exception of certain aliens who are in the United States who may be issued nonimmigrant visas under the provisions of § 41.120, every alien applying for a regular or official visa shall make application to the consular officer in the consular district in which he has his residence, except that a consular officer shall at the direction of the Department, or may in his discretion, accept an application for a nonimmigrant visa from an alien having no residence in the consular district if the alien is physically present therein.

(b) Applications for diplomatic visas

Application for a diplomatic visa shall be made at a diplomatic mission or at a consular office authorized to issue diplomatic visas, regardless of the nationality or residence of the applicant.

(For applications for crew-list visas see § 41.127[b])

PROCEDURAL NOTES

1. Expeditious processing of nonimmigrant visa applications

Applications for nonimmigrant visas should be accepted without delay and the procedures followed in processing such applications should be kept as simple and as brief as possible. Recommended steps for nonimmigrant visa processing are described in the Issuance Procedures (Nonimmigrant) Section of Appendix D. These steps should be followed as closely as possible.

2. Acceptance of application from alien applying outside his home district

In certain cases consular officers have refused to accept applications from aliens who are nonresidents of the consular district, even though the applicant's return to his home district would necessitate a long and costly journey. While 22 CFR 41.110 vests discretionary authority in consular officers to reject visa applications from nonimmigrant aliens who are physically present in but not residents of the consular district, the Department expects that such authority will seldom, if ever, be used.

3. Clearance procedures

A consular officer must be satisfied that an alien is qualified to receive a visa before he takes favorable action on an application, but this determination should be made in the light of the circumstances in each case. Generally speaking, greater flexibility in making clearance checks should be employed in a nonimmigrant case than in that of an immigrant. In this connection reference is made to Item 2.10 of the Issuance Procedures (Nonimmigrant) section of Appendix D and also to Appendix E. Clearance Procedures. Nothing in this note relieves the consular officer from checking the name of each applicant against the Lockout Book. (Amended)

4. Forwarding clearances when applicants intend to apply at consular offices other than in their home district

Consular officers are urged to accept and process applications made by residents of their districts even though it may not be possible to issue the visa prior to departure of the alien from the district. A clearance for the district which includes pertinent information from clearances obtained from other districts should be sent to the consular office at which the alien intends to make his formal application clearly indicating the districts from which clearances have been obtained.

5. Transfer of visa dossiers

5.1 A visa dossier may be transferred from one consular office to another without a specific request from the receiving post if the sending post believes that there is justification for such transfer and that the alien will appear personally at the receiving office to apply for a visa. Special priority should be given to the cases of applicants who, because of their profession, are in permanent travel status.

5.2 All visa dossiers transferred from one post to another, whether by open mail or by pouch, should be transmitted by registered mail.

5.3 In considering the application of an alien previously refused a visa at another office, the transfer of the alien's dossier from the office at which the refusal occurred should be requested.

5.4 A brief record of the transfer to another office of the dossier of a pending or refused visa case should be prepared on a 3 x 5 index card and filed in the card index file. The card should contain a reference to the number and date of any transferred petition.

§ 41.111 Supporting documents*(a) Authority to require documents and consideration accorded*

The consular officer shall have authority to require such documents as he may consider necessary to establish the alien's eligibility to receive a nonimmigrant visa. All such documents submitted and any other evidence adduced by the alien shall be given consideration by the consular officer, including briefs submitted by attorneys or other representatives.

(b) Unobtainable documents

In the event an alien establishes to the satisfaction of the consular officer that any document or record required under the authority of this section is unobtainable, the consular officer may accept in lieu of such document or record, other satisfactory evidence of the fact to which the document or record would, if ob-

tainable, pertain. A document or other record shall be considered "unobtainable" if it cannot be procured without causing the applicant or a member of his family actual hardship other than normal delay and inconvenience.

(c) *Photographs*

Except as otherwise provided in this paragraph, every alien, shall furnish with his application identical photographs of himself in such number as may be required in the discretion of the consular officer. The photographs shall reflect a reasonable likeness of the alien as of the time they are furnished, and shall be 1½ by 1½ inches in size, unmounted, without head covering, have a light background, and clearly show a full front view of the facial features of the alien. The reverse of each copy of the photograph shall be signed by the person executing the application (see § 41.115(a)) with the full name of the applicant. The photograph requirement may be waived, in the discretion of the consular officer, in the case of any alien who is

- (1) within a class of nonimmigrants described in sections 101(a)(15)(A), 101(a)(15)(G) or 212(d)(8) of the Act,
- (2) within a class of nonimmigrants classifiable under the visa symbol NATO-1 through NATO-7,
- (3) an applicant for a diplomatic visa,
- (4) an applicant for an official visa, or
- (5) under sixteen years of age.

A notation of any such waiver shall be made in the space provided in the application form for the alien's photograph. A new photograph need not be required, in the discretion of the consular officer, if there is on file at the consular office a photograph which was submitted in connection with a prior nonimmigrant visa application and which still reflects a reasonable likeness of the applicant. (Amended 5-25-60, 25 F.R. 4577; 5-30-63, 28 F.R. 5375)

Police certificate

(1) An alien shall be required to present a police certificate if the consular officer has reason to believe that he may have a police or criminal record, except that no police certificate shall be required in the case of an alien who is

- (i) within a class of nonimmigrants described in section 101(a)(15)(A) (i) or (ii), or section 101(a)(15)(G) (i), (ii), (iii), or (iv), or section 212(d)(8), of the Act, or
- (ii) within a class of nonimmigrants classifiable under the visa symbol NATO-1, NATO-2, NATO-3, NATO-4, or NATO-6. (Amended 5-25-60, 25 F.R. 4577)

(2) A police certificate is a certification by the police or other appropriate authorities stating what, if anything, their records show concerning the alien.

(Sec. 222, 66 Stat. 193; 8 U.S.C. 1202)

NOTES

1. Waiver of photograph requirement

In exercising his discretion in the waiver of the photograph requirement for aliens who are within the classifications enumerated in 22 CFR 41.111(c)(1) thru (4), the consular officer should consider, among other factors, existing reciprocity in so far as nationals of the country in which the consular office is located are concerned. Any deviation from reciprocity in this regard by the foreign government concerned should be reported to the Department.

2. Color photographs

Consular officers may accept color photographs from applicants for visas. The color photograph must be printed on a paper base and must meet the specifications outlined in 22 CFR 41.111(c). Black and white prints which have been colored should not be accepted.

1. Reproduction of documents for aliens by consular officers

Section 222(d) of the Act uses the words "a certified copy of . . ." in referring to certain documents to be presented by an alien applying for a nonimmigrant visa. The law does not specify how such copies should be made. Although the burden of obtaining and presenting the necessary "certified copy" of the document is upon the alien, some consular officers assist aliens by having copies made for them on consular reproduction facilities. The Department has no objections to this practice if it can be handled without interference with the normal work of the office. Offices which reproduce such documents for aliens are reminded that

they should charge the copying and certification fees prescribed by item nos. 47 and 75 of the Tariff of Fees, Foreign Service of the United States of America. Such services are notarial in character and should not normally be attempted by Visa Sections.

An alien desiring to visit the United States temporarily for business or temporarily for pleasure may apply to the nearest American Consular office or diplomatic mission for a nonimmigrant visitor visa.

American consuls are responsible for determining the classification of visa applicants as immigrants or nonimmigrants and for the issuance or refusal of visas. The Immigration and Nationality Act, as amended, defines the term "immigrant" to mean every alien seeking to enter the United States except an alien who establishes that he is within one of the nonimmigrant classes enumerated in the law.

A applicant for a visitor visa must establish that he has a residence in a foreign country which he has no intention of abandoning; that he is coming to the United States temporarily for business or pleasure and that he is able and intends to return abroad upon the conclusion of his visit. Evidence that the applicant has close ties abroad of a future which will necessitate his return will be helpful in establishing nonimmigrant visitor status. He must also show that he has a passport or other acceptable travel document valid for return abroad at least six months beyond the period of time he desires to remain in the United States. The applicant is also required to satisfy the consular officer that adequate financial provision has been made to cover the expenses of his stay in the United States and return abroad.

An alien in the United States as a temporary visitor for business or pleasure is not permitted to accept employment. A visitor who remains in the United States beyond the period for which he has been given permission to stay by the immigration authorities becomes subject to deportation.

The validity period of a visitor visa relates only to the period during which it may be used in making application for admission into the United States and has no relation to the period of time the alien to whom it is issued may be authorized to stay in the United States. The period of validity varies in each case, depending upon the treatment accorded American citizens by the country of which the alien is a national, but in no case may the validity period extend beyond four years. Ordinarily the alien may apply any number of times for admission into the United States at a port of entry during the validity period of the visa unless it is limited in the number of applications for entry.

Mr. LAWRENCE. When that document is submitted, the automated visa lookout book check is accomplished, and if an interview is necessary and is accomplished, in a matter of minutes—and it will vary at posts—the decision to issue it can be made.

If there is not a large line of applicants waiting, the visa can be issued on the spot. In posts where there is a long waiting list, the applicant may be told that, "Your passport will be available to be picked up at 2 o'clock this afternoon, or 3 o'clock this afternoon."

The time of decision—the time our consular officer can talk to the applicant, and make the decision—is a matter of minutes. Time extends where there is an overwhelming number of people bearing down on the consular office for the visa at 8 o'clock in the morning, when the office opens, when you sort your way through those people, get to them for an interview, and make the decision. Specifically the time it takes to get a visa, mindful of the manpower base worldwide, what is it, about 11 minutes?

Mr. ARIAS. Eleven minutes.

Mr. LAWRENCE. Eleven minutes on a worldwide basis, manpower against total number of visas.

Mr. SARBANES. I'm not quite sure if that is a helpful interesting figure. Eleven minutes, you take the total number of visas you issue, and the number of hours the State Department people put into it, and that gives you 11 minutes. What does that mean?

Mr. WALENTYNOWICZ. That's hard to answer because it varies on the post.

Mr. SARBANES. Well, you gave me the figures, you ought to know what it means. What is the significance of giving me the figure?

Mr. LAWRENCE. Well, the significance of it is, it gives us a measurement, year by year, of whether we are gaining against the totality of our crowds, or not gaining against the totality of our crowds. Our problem is crowds before we can get to the visa.

Mr. WALENTYNOWICZ. To answer your question, it just gives us a general measure, nowhere conclusive, of the kind of performance that we have. It is very general.

Mr. SARBANES. Well, does the Department have, on a country-by-country basis, with respect to applications for a visitor's visa, a non-immigrant visa, how many of those are handled by mail, and how many of them require the applicant to appear for a personal interview that is handled in person?

Mr. WALENTYNOWICZ. Well, sir, we don't have actual statistics, but it varies from country to country. The authority to issue a visa by mail—

Mr. SARBANES. Have you stopped keeping the statistics? Because in a report out of this committee in 1968 there were percentage figures given as to what was handled by mail, and what was not. I assume that information obviously must have come from the Department.

Mr. WALENTYNOWICZ. I'm sorry, I may have misunderstood you.

Mr. SARBANES. Is that still available?

Mr. WALENTYNOWICZ. Yes, that's still available.

Mr. SARBANES. Worldwide, or country by country?

Mr. WALENTYNOWICZ. It would be country by country.

Mr. SARBANES. Well, you could furnish us with a table that shows in a country we have had 52 percent, or something, that were done by mail; is that correct?

Mr. WALENTYNOWICZ. Yes, sir. And the percentage varies, depending on the circumstances we find in each country. There are a number of factors that influence the use of the mail. One, of course, is fraud, and another is the reliability of the postal service of the country.

Mr. SARBANES. Well, I have a staff memorandum that says we made an inquiry of the Department and we were told by the Department it does not maintain a list of countries where personal appearances for nonimmigrant visas may be waived.

Mr. ARIAS. We do have statistics, Mr. Sarbanes.

Mr. SARBANES. Well, if you could furnish us with that, I would appreciate it.

Now, my next question, do you have any statistics which would say, from the time we received the application for a nonimmigrant visa in country X, we acted upon that application within 7 days in this percent of the cases; within 14 days in this percent of the cases; within 30 days, and so forth.

Is that sort of a statistic available?

Mr. ARIAS. We don't have precise statistics from the time the application was filed. The statistics that we have relate to the actual time that was devoted to the processing of a visa, once the processing has commenced. But we have a general idea how long it takes to issue visas at the various posts.

Mr. EILBERG. Will the gentleman yield?

Mr. SARBANES. Yes.

Mr. EILBERG. I would like to make a statement for the record, following Mr. Sarbanes' question. For your information, that is our staff memo dated September 10. The Department states it does not maintain a list of countries where personal appearance for a nonimmigrant visa may be waived. Now, if that is correct—

Mr. ARIAS. No, we do not maintain lists of countries and this applies universally.

Mr. EILBERG. But you just told Mr. Sarbanes that you could supply a list.

Mr. ARIAS. Statistics as to what the proportion is that appearances can be waived.

Mr. WALENTYNOWICZ. In other words, we don't say each country is waived, or not waived. We address it on a case-by-case basis. It is a matter at the discretion of the consular officer, acting on a case-by-case basis. Now, how the consular officer acts in any one country, or how often he acts—

Mr. SARBANES. There is no country, in other words, in which it is done all by mail, is that what you are saying?

Mr. WALENTYNOWICZ. That would be my understanding.

[Subsequent to the hearing the following letter was sent concerning these issues:]

DEPARTMENT OF STATE,
Washington, D.C., December 31, 1975.

HON. JOSHUA EILBERG,
House of Representatives,
Washington, D.C.

DEAR MR. CHAIRMAN: When I appeared before you on September 10 to discuss the visa waiver bills, you and other members of the Subcommittee asked several questions about nonimmigrant visa issuance procedures at our posts abroad. We have now completed a survey of 93 visa issuing posts, and I would like to let you know the results.

We asked our posts to report the average length of time that transpired between the receipt of a completed nonimmigrant visa application to the delivery of the visaed passport to the applicant or his agent. Our posts were asked to report this time period according to whether the applications were submitted in person, by mail, or by a travel agent.

Well more than half the posts queried reported that when the application was submitted in person, the time period was less than one half day, and often only a few minutes. Another 20 per cent of the posts responding reported that visas were issued the same day, and another 20 per cent said they were issued by the next day after receipt of the application. Only three posts reported longer periods of time.

With regard to applications received by mail, more than a third of the posts reported that applications were processed the same day as received, and another third processed them by the second day. Applications received through travel agents had similar treatment; slightly fewer than half the posts reporting stated that such applications were dealt with on the day received, and more than a third completed processing by the next day. About a sixth of the posts responding replied that travel agent-submitted applications took more than two days to process, but explained that they generally were received in considerable number and usually well in advance of the scheduled travel, so that they could be completed as the workload permitted.

Our posts were also asked to report the percentage of visas issued where personal appearance was waived, again broken down into how the application was received—by mail, through a travel agent, or in person. The responses did not differ significantly according to the way an application was received, but varied rather according to the post's perception of its fraud problem and the probable intentions of nonimmigrant visa applicants to return to their country of residence.

Regardless of the way the application was received, more than half the posts queried responded that personal appearance was waived for 90 per cent or more

applicants. About 15 per cent of the posts responding said that they waived personal appearance for only 10 per cent of their applicants, and some of these posts reported that they virtually never waived personal appearance. The remaining third of the posts queried reported answers somewhere in between; about half of these waived personal appearance more than 50 per cent of the time, and about half waived it less than 50 per cent of the time.

I hope, Mr. Chairman, that this information will be helpful to you. Please call on me if you desire more precise data.

Sincerely,

LEONARD F. WALENTYNOWICZ,

Administrator, Bureau of Security and Consular Affairs.

MR. SARBANES. Now, I am interested as to whether the Department has any constructive suggestions about what we might do in response to the Bicentennial on the question of bringing in visitors, and so forth, without getting to the point of dropping the entire screening process.

At the moment you issue a visa which is good for varying time periods and for rather lengthy stays in this country. Has the Department, for instance, considered whether you might have a very streamlined different procedure for a 21-day visitor's visa, or 30-day visitor's visa, something of that sort; and whether that might be tied to a round-trip ticket that in some way might have a legend placed on it, so that the return part cannot be cashed in? In other words, the visitor would simply lose money if it was not used for the return, putting an additional investment on the part of the person.

You are running people through the same screening process—in theory at least, you may not be doing it in practice—if they stop in New York for 3 days on the way to somewhere else, for a brief visit, or come in for a week and go to Montreal for the Olympics, and then spend 10 days in the United States, coming down to Washington, seeing the sights and returning home, than if someone wants to come for 6 months, or even a longer period.

MR. WALENTYNOWICZ. That's right.

MR. SARBANES. The question I am putting to you: What constructive suggestions can you make to set up a category that would be fairly limited in terms of duration of stay, and purpose, and thus develop a more streamlined process. And what problems do you see in something like that?

MR. FISH. Would the gentleman yield?

MR. SARBANES. Yes, sir.

MR. FISH. I think the witness nodded his consent, that essentially the same process applies. But, is that really the case? I'm thinking of an individual, a well-known member of the community, the business community and a friend of the embassy staff who wants to come and visit the United States. It seems to me that application would be processed on the basis of discretion by the consular officer quite differently than somebody who was an unknown quantity, and much quicker.

MR. WALENTYNOWICZ. That's why I answered "Yes." In theory the screening remains the same; but that person can more readily convince the consular officer on the basis of credible information, in other words, that person may be known to the consular officer, or has access to data that can persuade the consular officer much more readily than a perfect stranger who makes an application.

MR. FISH. Isn't the basis for the entire law expressed in the consular officer's feeling?

MR. WALENTYNOWICZ. That's right.

Mr. FISH. You realize the procedure, that he satisfies himself, and he could make up his mind without any information.

Mr. WALENTYNOWICZ. That is true.

Mr. FISH. Thank you.

Mr. WALENTYNOWICZ. Now, in terms of your question, sir, we are continually exploring the situation. But the things that concern us—and you talked about it—is that we really don't know ahead of time what will be the applicant's attitude once he arrives in the United States, and that is the reason we go through the screening process. We don't know if he is in good faith coming as a visitor; whether he is just going to use the visa as a subterfuge; whether he, once he gets into the United States, may change his mind and stay here longer, et cetera.

Now, one of the problems that I foresee—and probably this is a question that can be answered by INS—what devices do we have to effectively move a person out of the country once he overstays, or in some way violates his tenure of stay? Now, when we get to that question, we get into problems of rights, and whether we have an efficient and effective way of moving that person out of the country; these are the competing considerations.

The Department wants to encourage people to come and celebrate the Bicentennial of the United States, and those who come in good faith we wish to encourage as much as possible.

Mr. SARBANES. What is the Department doing to encourage them, other than making that statement?

Mr. WALENTYNOWICZ. Well, we are cooperating by telling our consular officers abroad to be attitudinally sensitive as they are making judgments—the point that Mr. Fish made. In other words, how. We are trying to provide the physical plant equipment so that visa applications are more efficiently and more quickly screened. We are trying to cooperate with airlines and host governments by providing them service as rapidly as possible. We are trying to do a whole host of things; but we don't think this should mean the abandoning of the screening process.

Mr. SARBANES. Well, I don't suggest that. I am just asking about different categories to be created in order to expedite this matter. Would getting a visa be a same-day proposition in most instances?

Mr. WALENTYNOWICZ. Yes.

Mr. SARBANES. Generally around the world?

Mr. LAWRENCE. Generally around the world, particularly the visitor's-type visa.

Mr. SARBANES. Particularly what?

Mr. LAWRENCE. Particularly the visitor's-type visa.

Mr. SARBANES. And that requires, in the majority of cases, the appearance at the embassy or consular office?

Mr. LAWRENCE. That is going to vary on a country-to-country basis. Throughout Central Europe, for example, and I don't have the statistics with me, but I would hazard that the majority of the visas are issued by mail in those areas. In other areas where we have pressures of populations, pressures of economy, people desiring not to come to the United States, but people desiring to exit their country for economic opportunity, coming to us disguised as visitors, the concept of visa by mail isn't workable; we have to sit down and examine the

evidence, make a judgment the best we can on the basis of the data in front of us.

Mr. EILBERG. Mr. Fish?

Mr. FISH. Thank you, Mr. Chairman.

Mr. Walentynowicz, in the line of questioning pursued by Mr. Sarbanes, I think it's very useful for us to make a determination whether it is feasible for the work normally done by a consular officer in the field, whether it can be done by Immigration inspectors at the port of entry.

We get down to testing the bona fide positions. My understanding is that one seeking entry into the United States is presumed to be an immigrant, and it's up to the applicant to persuade the consular officer, or the immigration officer, that he is indeed a bona fide nonimmigrant.

Mr. WALENTYNOWICZ. Absolutely right.

Mr. FISH. Now, this is the principal burden that is involved here. Could you, or your associates here, tell us what type of information is sought to establish to the satisfaction of the Foreign Service officer, or the admitting officer, that the alien is indeed a bona fide tourist?

Mr. WALENTYNOWICZ. Let me start, and then Mr. Lawrence and Mr. Arias will pitch in.

We have to be convinced that he is not an immigrant, that is, he has a place where he intends to return. In other words, what are his roots in the country he is coming from; and if he is in a third country, the reasons he will go back to his country of origin. Things like bank accounts, family connections, ownership of real estate, a job. These are all important considerations which the consular officer, in making his inquiry, is going to look out for.

Mr. FISH. Is it true also that the consular officer has the ability to check on a variety of the statements made by the applicant?

Mr. WALENTYNOWICZ. That's correct. You are highlighting the points that I am making; these are factors that he's got to be satisfied with. The consular officer at an embassy, is in a much better position to check with less discomfort to the applicant, which is also important. If we want to encourage travel, we have to make it reasonable for the applicant. If it's done there, it will be with less discomfort to the applicant than if it is done by INS at the port of entry, under pressures of time. What will the applicant do when he is waiting at the port of entry while the INS is doing its screening?

Mr. FISH. Do your associates wish to elaborate on that?

Mr. LAWRENCE. I think he covered this totally. The elements that I get in making the judgment is that the consular officer is living in the country and has the opportunity to develop the type of localized knowledge that you have to have in order to put the type of evidence and material given to you into some type of perspective to make a decision.

There are countries in the world where a visa officer will look at evidence, knowing full well it was printed yesterday, for the purpose of satisfying the requirement. Our visa officers develop the capability of recognizing more accurately the material that was developed yesterday as opposed to material that is bona fide; and it is this on-the-spot judgment that we believe is helpful.

Mr. FISH. As State Department representatives I would like to explore with you something that disturbs me. In the bill before us the Secretary of State is constantly referred to as having the power

to designate in his discretion, on the basis of reciprocity or on the basis of a determination that such designation would promote the foreign policy of the United States, that such nationals would be allowed to come in without documentation for a visit.

Has the State Department explored this, and thought about it in terms of foreign policy implications, blatant discrimination, which would seem to follow such a standard?

MR. LAWRENCE. We have considered it; that is the reason we oppose the bill.

MR. FISH. Is that the principal reason?

MR. LAWRENCE. That is one of them. It would be difficult to draw the line, given the discretion. And we also have the problem, sir, that if Congress enacts this bill, it would be a signal that we should exercise discretion. In other words, it would indicate congressional intent that we should relax. We would be put in a position, then, to make hard judgments, which may have more adverse foreign policy consequences for us than the law as it is now.

MR. FISH. I have one other question, Mr. Chairman, if you will bear with me. The more practical aspect—and correct me if I'm wrong—it appears to me, based on sections of the Immigration and Nationality laws of the United States, that there are more than 26 categories of nonimmigrant visas, of which 4 in the "B" class, pertain to temporary visitors for business and pleasure.

In addition, there are five categories under treaties. Now, do you anticipate a problem for 1 of the 26 who are not business or pleasure, such as students, spouses of students, or many others who will still be required to have a nonimmigrant visa, not knowing that they are required, simply getting their ticket and coming to the United States, they are causing a real tieup at the port of entry.

MR. LAWRENCE. That's right, we feel that is a problem. That is a problem of education, but it still is a problem.

MR. FISH. Do you think it is possible to educate them?

MR. WALENTYNOWICZ. The World? Not that quickly; given a span of time, yes; but not by the Bicentennial year. That is an additional factor, sir and a good point.

MR. FISH. Thank you, Mr. Chairman.

MR. EILBERG. Mr. Cohen, do you have any questions?

MR. COHEN. Thank you, Mr. Chairman.

As I understand it, the actual interview conducted averages about 11 minutes?

MR. WALENTYNOWICZ. Dividing the figures out, yes, sir.

MR. COHEN. And during that time you determine and verify the type of information submitted by the applicant?

MR. WALENTYNOWICZ. Yes, sir.

MR. COHEN. And I understand also, it is in the discretion of the consulate to inquire about a police record if he thinks there might be a police record?

MR. WALENTYNOWICZ. Yes, sir.

MR. COHEN. Do you check that out in every instance?

MR. WALENTYNOWICZ. It's a matter of discretion, sir. It would be impossible given the fact that you issue 3 million visas over the period of 1 year, and every applicant brings in a police record, even it's negative; it would be impossible but again, it's a matter of judgment. We have professionals out in the field and they have to

make the judgment that based upon the background information that the applicant is giving, he is telling the truth when he says he has no police record; and then it's left at that. On the other hand, if the officer has a suspicion, he says, "Go back to the police authority and get me your record."

Mr. COHEN. Did the Republic of Germany waive visa requirements for participants at the Olympics, or visitors to the Olympics in 1972?

Mr. WALENTYNOWICZ. I don't know, sir. Mr. Lawrence, do you know?

Mr. LAWRENCE. They waived the requirements for American citizens, but I don't know whether that was universally true.

Mr. COHEN. I was just wondering, in terms of your statement, whether the State Department is rethinking its original position, based on the occurrences at Munich.

Mr. WALENTYNOWICZ. Partly.

Mr. COHEN. In what way was that influential?

Mr. WALENTYNOWICZ. Simply because it was an act of terrorism. In other words, since there are acts of terrorism being conducted worldwide, a variety of examples, not only—

Mr. COHEN. Let me stop you right there. Do you mean to stop any person seeking a visa for a visit to this country that comes from a nation in which acts of terrorism are being condoned by that government?

Mr. WALENTYNOWICZ. No. We don't look at it from the point of view of a particular place that he comes from because, as you know, we have discovered that by a variety of sophisticated means a person can acquire evidence of nationality from any country, get a false passport, and this type of thing.

Mr. COHEN. But you said earlier if they condemned terrorism. I don't understand—

Mr. WALENTYNOWICZ. Well, I am talking about an international, worldwide concept. In other words, what I am suggesting is, achieving a worldwide consensus that terrorists would not be accommodated, a universal condemnation.

Mr. COHEN. I don't understand how that relates to the question of waiving visas for foreign visitors.

Mr. WALENTYNOWICZ. It would be only one factor, sir, that would help us in deciding whether or not it was prudent for the United States to waive visas. If we felt that no country would support terrorist activities, then it's less likely that terrorism would occur. But as long as countries do support certain terrorist activities, even incidentally or reluctantly, or whatever terms you want to use, it makes it more difficult for us—

Mr. COHEN. I assume if a group came over to New York City and committed an act of sabotage, that they would be prosecuted and apprehended here in our country, under our laws; is that correct?

Mr. WALENTYNOWICZ. If we could retain jurisdiction. One of the problems of terrorism is the fact that terrorists usually don't live in the country where they commit the act of terrorism, and go to some third country as a haven.

Mr. COHEN. But even our current law doesn't discriminate against any country that condones terrorism.

Mr. WALENTYNOWICZ. No, sir.

Mr. LAWRENCE. But under our current law we do have the ability, with some frequency, to identify an individual known as a terrorist, to stop the issuance of his visa, and generally pass the word.

Mr. COHEN. I don't question that.

Mr. WALENTYNOWICZ. But the point is, your approach is from a country-to-country type of view, sir; we are approaching it from an individual applicant point of view. The fact that a person comes from a particular country may have some significance, but it isn't conclusive. We don't say that all people from this country are terrorists—that is totally unfair—but conversely, we can't say, just because you come from this country you are not a terrorist.

Mr. COHEN. I just was not aware of your statement to the effect that once we have worldwide condemnation of terrorism, that then we may proceed with this type of visa waiver requirements.

Mr. WALENTYNOWICZ. That would be one factor we would consider in terms of the question of safety and security, but certainly not the only one.

Mr. EILBERG. Thank you very much, Mr. Walentynowicz, and your associates, we appreciate your testimony.

[The prepared statement of Leonard F. Walentynowicz follows:]

STATEMENT OF HON. LEONARD F. WALENTYNOWICZ, ADMINISTRATOR, BUREAU OF SECURITY AND CONSULAR AFFAIRS, DEPARTMENT OF STATE

Mr. Chairman, members of the Subcommittee, I am pleased to be here today to testify on the question of waiving the nonimmigrant visitor visa requirement, either for the Bicentennial Year or on an indefinite basis. We in the Department of State feel that there has been, over the years, a vast quantity of misinformation put out on this question and that many people who involve themselves in it misunderstand the true issues at stake.

There was a time when the Department favored such legislation. The Undersecretary of State testified in favor of it before this Subcommittee in 1968. Until 1971, the Administration made such legislation a part of its formal legislative proposals. But time passes and circumstances change. Policy positions are reviewed and reassessed—and, when warranted, they are changed. This process has occurred on this matter and we now are opposed to legislation of this kind, at least under present circumstances, because of various factors. Principal among these are the illegal alien problem, terrorism and the implications of world demography.

You have, I believe, our written report on the bills in question here, so I will not attempt to go into extensive detail on our objections to this sort of proposal. There are, however, certain points which I would like to make at this time.

First, the proponents of this bill argue that the very existence of the nonimmigrant visa requirement is a deterrent to travel. Presumably, the rationale is that bona fide tourists considering a possible trip to the United States for their annual vacation, etc., abandon the idea when they learn that they will have to apply for and obtain a visa in connection with arranging their trip, thus causing a loss of potential foreign currency earnings for the United States. They argue further that this reaction is so general abroad that the overall total of lost foreign currency earnings is a significant factor in our balance of payments. Now, I am prepared—the Department of State institutionally is prepared—to concede that this argument may be a valid one. But—and I emphasize that—we are not prepared to accept it as valid unless and until some objective evidence which would satisfy reasonable men is presented to corroborate it. Over the last several years, we have made on a variety of occasions in various contexts and invited the proponents of this argument to present such evidence to us for our consideration. To this date, no such evidence has reached us from any source, in or out of government.

On a more serious issue, I think that the proponents of this legislation misunderstand the very nature of the existing immigration system. One hundred years ago, the United States began the process of controlling the entry of aliens into this country—first, qualitatively; then almost fifty years later quantitatively.

At about the same time as the establishment of quantitative controls on immigration, the control system—that is to say, the operational procedures for distinguishing between those who were eligible for entry and those who were not—was augmented by the establishment of the visa requirement. Prior to that time, all control was exercised through the inspection process at the port of entry. Now, we have the double-check system.

The point to be considered is this—the visa requirement is not a total control; it does not represent a substantive decision concerning the kinds of aliens we wish to admit or wish to exclude in the abstract. It is nothing more than a procedural device which allows us to distinguish between the particular alien we wish to admit and the one we wish to exclude. Its abolition will have no effect on the substance of our law dealing with kinds of people we will permit to enter—the same classes of aliens who are excludable today, will remain excludable after enactment of this bill. What will change is solely the way in which we screen aliens to separate the excludable ones from the admissible ones.

Now, let us envision the situation if the visa requirements are waived for any significant numbers of aliens and let us assume that our colleagues in the Immigration Service have the necessary resources to conduct effective screening at ports of entry without the help of any preliminary screening by consular officers. (I will refrain from commenting on the question whether it is operationally possible to arrive at that point, for that is a matter more appropriately for the Service to address.) In effect, we are positing that the single screening process at the port of entry will be just as effective as the double-check system. What will happen? The aliens whose visa applications would have been refused had they been required to go through the visa process will be screened out by the inspectors at ports of entry and either excluded and deported or permitted to withdraw their applications for admission and return on their own whence they came. Thus, our control system would be functioning effectively, but consider the image of the United States. With the visa requirement, the aliens screened out are aliens who never are able to begin their trip because they cannot approach a port of entry without a valid visa. Without the visa requirement they are aliens who have expended hundreds of dollars on air fare for what becomes nothing more than a few hours stopover at the airport here. Should this occur on a large scale—and the possibility is good that the scale will be large—the spectacle of large numbers of aliens being turned away at the door, so to speak, would not be an edifying one and I think such a spectacle could well do more to blight our image throughout the world than maintenance of the visa requirement, particularly in those instances where entry is denied because of insufficient documentation.

On the other hand, if the single screening at the port of entry should prove less effective than the existing double-check system, then we are confronted with the possibility of seriously aggravating the already difficult illegal alien problem. Moreover, we simply cannot ignore the terrorism situation. The possibility that aliens may seek to enter the United States to commit acts of terrorism here rather than in France or Italy or Malaysia remains constantly with us. Reducing the effectiveness of our screening processes at such a time would seem to be a most imprudent course of action.

In conclusion, let me say that—on the theoretical level—we are not opposed to the abolition of the nonimmigrant visa requirement. We are not against change on principle and, if acceptable alternatives can be worked out, we would see no inherent reason for perpetuation of the requirement.

For example, enactment of H.R. 982 and its effective implementation over a period of time could significantly reduce the scope of the illegal alien problem by curtailing or even removing the economic incentive to illegal entry and stay. Should this occur, as we all hope it will, we should review the situation and, if other considerations such as security do not preclude taking such action, we might well be in a position then to favor a broad waiver of the nonimmigration visa requirement.

At the present time, however, we do not believe that either domestic or international conditions are such as to justify doing so. This concludes my prepared remarks and I will be most happy to respond to any questions you may wish to put to me.

Mr. EILBERG. Our next witness is the Honorable Leonard F. Chapman, Commissioner, Immigration and Naturalization Service. At this time I will ask you to summarize your statement, General Chapman;

and without objection your entire statement will be placed in the record as though read.

If you would identify your associates.

TESTIMONY OF HON. LEONARD F. CHAPMAN, COMMISSIONER, IMMIGRATION AND NATURALIZATION SERVICE, ACCOMPANIED BY JAMES GREENE, DEPUTY COMMISSIONER; AND SAM BERNSEN, GENERAL COUNSEL

Mr. CHAPMAN. Good morning, Mr. Chairman, it is a pleasure to be here. With me are Mr. James Greene, Deputy Commissioner of Immigration and Naturalization Service, and Mr. Sam Bernsen, General Counsel of the INS.

With your permission, then, I will summarize very briefly.

Mr. EILBERG. Would you, please?

Mr. CHAPMAN. I will confine myself to the central portion of my statement where we express the opinion of the Department, the Justice Department and the Immigration Service on the two bills, H.R. 190 and H.R. 8059, which would waive the visa requirements; one permanently, and one during the Bicentennial year.

It is our opinion that there should be no relaxation of requirements for nonimmigrant visas, and that these bills not be enacted. We are presently inundated with millions of illegal aliens, many of whom hold or seek jobs in competition with Americans. With widespread unemployment in numerous countries throughout the world, work opportunities in the United States are a powerful attraction to aliens. These job opportunities must be safeguarded for our own citizens and permanent residents.

The discontinuance of visa requirements for visitors would deprive us of a valuable device for maintaining such safeguards. That device is the consular screening abroad of nonimmigrant visa applicants. If ineligible, the alien can be rejected in his home country before he can even embark for the United States. Significantly, we understand, American consuls denied over 30,000 nonimmigrant visa applications in fiscal year 1974.

It is therefore clear that consular screening helps to stem the influx of ineligible visitors, many of whom are ineligible because they intend to seek work in the United States. As this committee has heard on many occasions, the job attraction is precisely the magnet which another bill, H.R. 8713, is designed to turn off, and until employers are prohibited by law from employing aliens not authorized to work, in our view, additional visa waivers should not be authorized.

Mr. EILBERG. May I interrupt you at this point and simply ask this: If the illegal alien bill were to become law, would your position on this legislation be the opposite?

Mr. CHAPMAN. No, sir. I do not believe that visas should be waived—the possibility still arises; and then, the effectiveness still remains to be proven. We believe it will be quite effective, but I still believe there will be people who seek to evade its provisions, and may well succeed in doing so for a limited period of time. Even working for a limited period of time in the United States is a fantastic sum to the unemployed people from poor countries in the world. So, I think there will still be people who will seek to evade it and benefit from the economic advantage of this society.

It seems to us that another important reason against the enactment of these two bills is, without the safeguard of consular screening, there may be an increase in the entry of terrorists, as previously discussed.

There are other features. The bills would predicate a waiver on reciprocity, and would permit waivers to promote foreign policy. Most foreign countries, the argument goes, do not require visitors from the United States to have visas, and, therefore, in the interest of promoting foreign policy and good relations with such countries, the United States should reciprocate.

The flaw in that argument is, what may work for other countries doesn't necessarily work in the United States, and should not be imposed on the United States.

In many foreign countries there are strict internal police controls on the movement of persons, a concept that is repugnant to our philosophy. In most foreign countries aliens who are inadmissible, or who remain unlawfully, can be summarily removed. But in the United States, under our constitutional standards, aliens are entitled to a panoply of rights ranging from formal hearings with legal representation to administrative appeals and judicial review, including the right to petition the Supreme Court. These are time consuming, and sometimes they take years. I, therefore, do not find reciprocity or the promotion of foreign policy an adequate basis for waiving visas.

Another point which should be addressed is the role of the carrier, such as its effectiveness in screening prospective visitors; I state in my statement—and I won't go into further details—there has been a good deal of thought given to this subject over the years. In those years, when the matter has been studied, it has not been found feasible to make the carrier role a particular role of responsibility.

With regard to costs, there would be increased costs to the Immigration Service; we would have to increase immigration inspectors; we would have to increase our judges for exclusion hearings at ports of entry, trial attorneys, clerks, our adjudicators, and the like.

In short, for what we believe are solid and sufficient reasons, we recommend against the enactment of the two bills that would waive visas for nonimmigrant visitors to the United States.

Now, with respect to the bill, H.R. 2771, we would make a minor change in the law, limited solely to Guam; we have no objection to that proposal.

One point should be clarified, we believe, and that is that admission to Guam is admission to the United States within the meaning of the Immigration and Naturalization Act, and therefore the bill should be amended to make it clear that the alien would be admitted to Guam under the condition that his sojourn be restricted to Guam, and would not entitle him to proceed on to the United States.

Also, as the bill would be enacted as permanent legislation, it would be preferable to enact it, as suggested, as an amendment to the Immigration and Nationality Act, rather than as separate law. The impact of that bill on the Immigration Service would be very small.

Mr. EILBERG. Mr. Chapman, we thank you for your statement, and I would like to ask you a couple of questions.

When you testified on this bill in 1968 you stated that in all likelihood immigration officers would soon be required in London, Paris, Rome, to participate in preinspection before coming to the United

States as a tourist. What is your view of preinspection abroad, in either implementing this legislation, or an alternative approach to it?

Mr. CHAPMAN. We favor preinspection in the countries overseas, and it would, of course, substitute, in a way, if put into effect, for the consular officer. It would require additional immigration officers, and it would also require agreement by the host countries. It is a way of handling the screening that would work.

Mr. EILBERG. As we are considering the legislation before us this morning, if we elected to act favorably upon the bills you objected to, how would a person be removed from the United States if he were found to be excludable, and should the rights of administrative judicial review be available to him?

Mr. CHAPMAN. Well, sir, yes; I think it is clear that is the right that now pertains, it would have to be continued, applied to aliens entering under these restrictions. The means for removing him would be deportation proceedings, or in some cases voluntary departure.

Mr. EILBERG. So, you are saying that the right to adjudication would still be available to an individual in the United States, even though the visa was waived.

Mr. BERNSEN. That is correct.

Mr. EILBERG. If we enacted the legislation we are discussing this morning, what measures would be taken by INS to insure departure of aliens admitted under this bill; what mechanisms would you employ?

Mr. CHAPMAN. We would employ the same machinery that we use now for detection and apprehension of an alien who is illegally in the United States. It's good machinery, it works effectively, but only to the limits of its capability. We are inundated, and the number of immigration investigators we have, who are charged with that function, is very small. We have a total of 900 investigators in all the cities of this country, and they are looking for some millions of illegal aliens, of whom we estimate at least a million are working. It is, obviously, an overwhelming problem.

Now, our view of waiving the visas is simply this, that it would add substantially to the number of aliens who are illegally in the country and are seeking to work, or are working.

Mr. EILBERG. Mr. Fish?

Mr. FISH. Thank you, Mr. Chairman.

General Chapman, I appreciate your remarks in your statement, limited to the territory of Guam, and need for clarification that this is not tantamount to entry into the United States.

If the bill were passed, would this entail American immigration officers being stationed on Guam, so that when a visitor comes for a limited period of time, he could come to an immigration officer on Guam and ask for an application to proceed further to the mainland United States?

Mr. GREENE. There would be no person who would authorize the immigration officer to permit them to—he could not issue them a visa.

Mr. FISH. Well, we couldn't have U.S. Foreign Service personnel on a U.S. territory.

Mr. GREENE. That's right.

Mr. FISH. Visitors would have to go back to Japan, or wherever they came from, to apply.

Mr. GREENE. That would be my best judgment.

Mr. BERNSEN. I agree with that.

Mr. CHAPMAN. As you know, we do have a small Immigration Office on Guam.

Mr. FISH. Now, General, during our hearings that you participated in on illegal aliens, you testified that 5 or 10 percent of the 600,000 visitors to our country overstayed their visits and became illegal aliens.

Mr. CHAPMAN. That is correct.

Mr. FISH. How would you feel that a waiver of the visa requirement would affect the illegal alien population?

Mr. CHAPMAN. Oh, I think it could only increase it in substantial measure. The 5 to 10 percent figure is of some 6 million temporary persons. Our records show 5 to 10 percent do not leave at the end of their authorized time. Many of those we apprehend working in this country, are visitors who overstayed their time.

If the visa requirement were waived, then the consular screening would not accomplish anything, it's obvious that the number would increase very substantially. I think we would have very large numbers of people entering this country with the intention of not leaving.

Mr. FISH. General, on page 1 of your testimony you are referring to H.R. 190 and you say, "Under regulations prescribed jointly by the Secretary of State and the Attorney General, these aliens would be subject only to the grounds of exclusion applicable to aliens who are insane, afflicted with a dangerous contagious disease, criminals, persons likely to become a public charge, prior deportees, narcotics violators, and subversives."

Are you referring to the class of aliens that are proposed to come here without a visa, in that section?

Mr. CHAPMAN. Yes, sir. The law has 30-some excludability criteria, and the proposed legislation would waive all but the ones that are listed.

Mr. FISH. Well, those are pretty serious offenses, and without clearance in the field, if a person arrives with a passport, do you believe that your immigration inspectors are capable, as someone goes by him, to determine if this person is a criminal, prior deportee, or a narcotics violator, afflicted with a dangerous contagious disease, or any of these other categories?

Mr. CHAPMAN. We would certainly attempt to, but it would be much more difficult to attempt to do that here than in the home country.

Mr. FISH. When a plane comes in and 150 or 200 people are getting off, how much time is normally spent by an immigration inspector, looking at documentation, say, at Kennedy International Airport?

Mr. CHAPMAN. Oh, a matter of seconds, or a minute, or a minute and a half.

Mr. FISH. I understand from our Canadian visitors they spend about 11 seconds interviewing their visitors. It seems rather difficult to me to ascertain all this.

Mr. CHAPMAN. Well, of course, the inspector at the port of entry doesn't have the source material at all—that the consular officer has in the home country. All an inspector really has is his look-out book, which we would have to expand to include this material; and his own judgment.

Mr. FISH. I think you were not in the room when I read part of

your testimony to Congressman Murphy, our first witness, and it had to do with your pointing out that H.R. 8059 would have the effect of applying a 90-day restriction provision to nationals from contiguous territories and adjacent islands. Would you like to explain that statement?

Mr. BERNSEN. H.R. 8059 is the bill that would for the period of 1 year allow visitors to come in without visas for the Bicentennial year. And the way that bill is drafted, it amends section 212(d) (4) of the Immigration and Nationality Act, which authorizes waivers of visas for Canadians. And by so doing that, the restrictions that H.R. 8059 adds, would also apply to Canadians; and those restrictions would limit the visit to 90 days, and prohibit any change in classification. We felt that the author did not intend to do that.

Mr. FISH. I'm sure. Thank you very much.

Mr. EILBERG. Mr. Sarbanes?

Mr. SARBANES. General, starting with the working premise that we are not simply going to drop the requirement of visas, what can we do to streamline and improve this system, so people who come as visitors can really be moved through quickly.

For instance, let me ask you this question. Do you at the moment put an immigration and naturalization inspector on, say, a jumbo jet that carries 200, 250 people that are going to arrive all at once at the port of entry, Kennedy, or wherever else it is, and process them aboard the plane, so when they arrive all but six of them are simply waived through, the job having been done; the other six have to have further checkouts at the port of entry?

Mr. CHAPMAN. We do not do that now.

Mr. SARBANES. What is the problem with doing that?

Mr. CHAPMAN. Just the manpower to do so. We do have pre-inspection in Bermuda and two or three places in Canada, and at Nassau, where we preinspect.

Mr. SARBANES. If the Service were to be given the resources, would it welcome an expansion of preinspection, would it favor that and say that is a positive step forward?

Mr. CHAPMAN. Absolutely. We have requested that a good many times, but have not succeeded in gaining approval.

Mr. SARBANES. Now, does the Department feel that the visa clearance needs to be done by the State Department abroad, or is there a process that could be developed abroad, that would be a one-step process, that would get together both visa and entrance—not to be done here. But it would be done in a one-step process, and then be in a position to just move on.

Mr. CHAPMAN. That is the preinspection process, and that is the way it works now, in Bermuda and Nassau, and two or three places in Canada. The persons embarking are inspected by a U.S. Immigration inspector as they board the airplane.

Mr. SARBANES. And they must previously have a visa?

Mr. CHAPMAN. Not in the case of Canadians, but elsewhere, yes. In any event, the entire inspection is done there, and when the plane lands at JFK, or Friendship, the entire plane load is moved out through the airport and out without any further inspection.

Mr. SARBANES. Now, what I was getting at, whether you could work it out in countries gradually, where you didn't have to go through one

process to get a visa, and then another process for preinspection, you get all of that together in one process; and when you are cleared, you come on into the United States.

MR. GREENE. One of the difficulties we have in that, Congressman—in other words, you go through the consul as you are doing now, and you get your visa, and you go to the plane to embark, there can be a sifting. For example, the visa in many countries is issued for a 4-year interval. The man, the first time he gets the visa, satisfies the consul and makes his trip to the United States, a bona fide trip. After he learns the ways of life he comes back the second time and it is determined that he has \$10, instead of \$300; so, he is automatically going to take a job.

So, it is important—and experience bears that out—that the final check before you depart for the United States is guaranteed admission into the United States.

MR. SARBANES. Why not just have a preclearance abroad and satisfy that, and you are clear to come in? The next time you wanted to come in, you would have to get another preclearance, and not even have the visa requirements. Have some sort of requirement that is encompassed within the preclearance process?

MR. COHEN. I'm confused. We want to retain the preclearance procedure to make sure we don't have mentally ill, those who commit crimes coming into the country. What function does the visa serve, other than the preclearance; isn't that one and the same thing?

MR. SARBANES. No. You go in and get a visa in some country for 4 years, right? Then you come in the first time, and you meet, in a sense, the conditions that you represented when you got the visa, you get clearance by Immigration at the port of entry here.

You may go back 2 years later and come back in. You may never get the visa now, if you went and asked for it, on the basis of changed conditions. But if you have the visa, it's still yours, it's valid for 4 years; and then you are stopped at the inspection at the port of entry.

What I am suggesting is, whether we ought to give some thought to going to preclearance over there, but not give you a visa that runs for 4 years, and it is all brought together in one process each time you want to come. Now, the consequence of this may well be that the Immigration and Naturalization Service will have to have an increase in staff and assume the responsibility, and the State Department will be eliminated in this picture altogether.

Now, on the basis of the testimony this morning, it strikes me this is really a very forward step, perhaps, and we ought to give some thought to it, getting the State Department out of the picture, and letting you run the thing. The State Department people have no interest in streamlining this process, I think that was obvious by the testimony this morning. It's the same old game, and meanwhile you have a lot of people who legitimately want to visit the country, highly educated and sophisticated with standards of living in many instances becoming comparable to the United States, and yet, they encounter all kinds of—how long did it take the last person to get cleared off from the 300-passenger jumbo jet and move through Immigration at Kennedy?

MR. COHEN. If the gentleman would yield. There is one point I was going to make, he mentioned Kennedy Airport and Friendship Airport, and he omitted Bangor International Airport. [Laughter.]

That should be corrected in the record. And, we can do it much faster, I should add. [Laughter.]

Mr. SARBANES. Mr. Chairman, could we send a copy of this statement to the Maine Chamber of Commerce? [Laughter.]

Mr. COHEN. I wish you would.

Mr. EILBERG. I would like to go on.

Mr. CHAPMAN. To answer Mr. Sarbanes' question, it would depend on whether the plane held U.S. citizens, or aliens, or what.

Mr. GREENE. Assume they are visitors, from the time the first passenger stepped off, until the last passenger stepped off, it frequently takes over an hour in that kind of situation.

We try to clear passengers on the average of at least 30 seconds per passenger.

I might suggest, it may be possible to get the best of two worlds from the point that you were developing. If the U.S. immigration officer standing in London had access to the computer of the State Department, or some bank where all these people who tried to get in and violated their status might be stored, and make the check at that point; in other words, we would have access to the same information available to the consul, I think then we could do this immediate check as they come up to the counter, get in the air, be on their way; and in the United States they wouldn't have to go through another inspection. This way, I think, you could accomplish the point that you were making, you would have up-to-date inspection each time he went to the United States.

Mr. SARBANES. But you would much prefer, would you not, to be able to stop a person at the port of departure—

Mr. GREENE. Embarkation.

Mr. SARBANES [continuing]. Because they did not meet the requirements, rather than have them arrive here and say, "You don't meet the requirements."

Mr. GREENE. That is not at all selfish. In fact, sometimes they could overcome the disability if they could go home and get another document. Whereas, when they are in the United States, they have spent their money; that is a lot of money to go back, and that causes a great deal of concern. I am sure some people have gone home that were bona fide, and we just didn't believe them on the spot.

Mr. EILBERG. Mr. Fish?

Mr. FISH. Thank you, Mr. Chairman.

Mr. GREENE, is it not the case, what you are describing is currently the practice in Canada, where we have immigration personnel stationed in places, American, for those who wish to enter the United States?

Mr. GREENE. Yes, sir, with the concurrence of the Canadian Government. And eventually they may put people into the United States inspecting their people who are returning to Canada.

Mr. EILBERG. Miss Holtzman?

Miss HOLTZMAN. I pass, Mr. Chairman.

Mr. EILBERG. Gentlemen, thank you very much for appearing here before us this morning.

Mr. CHAPMAN. Thank you.

[The prepared statement of Leonard F. Chapman follows:]

STATEMENT OF LEONARD F. CHAPMAN, JR., COMMISSIONER, IMMIGRATION
AND NATURALIZATION SERVICE, DEPARTMENT OF JUSTICE

Mr. Chairman, members of the Subcommittee, it is a pleasure to again appear before you. I am accompanied by Mr. James F. Greene, Deputy Commissioner, and Mr. Sam Bernsen, General Counsel.

I understand that the Subcommittee's principle interest today is in three bills which would facilitate the entry of nonimmigrants into the United States. These are H.R. 190, H.R. 8059 and H.R. 2771. The opportunity you have afforded me to comment on this proposed legislation is appreciated.

H.R. 190 would amend the Immigration and Nationality Act by establishing a class of aliens who could come to the United States temporarily without visas as visitors for business or pleasure for a period of not more than ninety days. Passports, however would be required. Eligibility would be limited to travelers who are nationals of countries designated by the Secretary of State on the basis of reciprocity or on the basis of his determination that such designation would promote the foreign policy of the United States. Under regulations prescribed jointly by the Secretary of State and the Attorney General, these aliens would be subject only to the grounds of exclusion applicable to aliens who are insane, afflicted with a dangerous contagious disease, criminals, persons likely to become a public charge, prior deportees, narcotics violators, and subversives.

Under the bill such visitors would not be allowed to stay beyond the ninety-day period nor could they have their status adjusted or changed under section 244, 245 or 248 of the Immigration and Nationality Act. Those who remain beyond the period of their authorized stay or engage in unauthorized employment would have a minimum period of two years added to any priority date established on an immigrant visa waiting list.

The bill would also authorize the Attorney General to enter into contracts with transportation lines to prescribe procedures designed to accomplish the departure from the United States of the ninety-day visitors. Waivers of certain registration, fingerprinting, and photographing requirements of nonimmigrants are also provided.

H.R. 8059 relates to the Bicentennial Anniversary of the United States. This bill would amend the Immigration and Nationality Act so that during the Bicentennial documents normally required of aliens for temporary admission to this country may be waived. The bill would do this by temporarily enlarging the existing authority of the Attorney General and the Secretary of State to waive nonimmigrant visas or passports or both on the basis of reciprocity. This authority appears in section 212(d)(4)(B) of the Immigration and Nationality Act but may be exercised only with respect to nationals of foreign contiguous territories and adjacent islands. H.R. 8059 would permit this waiver provision to be invoked for nationals of all other countries during calendar year 1976 for periods not to exceed ninety days and would prohibit any further renewal, extension, or adjustment in status.

I must point out that H.R. 8059 would have the effect, probably undesired by its author, of applying the ninety-day restriction and the adjustment prohibition to nationals of contiguous territories and adjacent islands as well as to nationals of other countries. Also, strictly as a technical matter, I would suggest that a temporary immigration statute such as that contemplated by H.R. 8059 should not be enacted as an amendment to the basic permanent law contained in the Immigration and Nationality Act.

Because of fundamental similarities in H.R. 190 and H.R. 8059 I will comment on both of these bills at this point and then discuss H.R. 2771.

With respect to H.R. 190 and H.R. 8059 it is my opinion that there should be no relaxation of requirements for non-immigrant visas and that these bills should not be enacted. The United States is presently inundated with millions of illegal aliens, many of whom hold or seek jobs in competition with Americans. With widespread unemployment in numerous countries throughout the world, work opportunities in the United States are a powerful attraction to aliens. These job opportunities must be safeguarded for our own residents. Discontinuance of visa requirements for visitors would deprive us of a valuable device for maintaining such safeguards. That device is the consular screening abroad of nonimmigrant visa applicants. If ineligible, the alien can be rejected in his home country before he can even embark for the United States. Significantly American consuls denied 305,036 nonimmigrant visa applications in FY 1974.

It is therefore clear that consular screening helps to stem the influx of ineligible visitors, many of whom are ineligible because they intend to seek work in the

United States in violation of the immigration law. As this committee has heard time and again, the job attraction is precisely the magnet which another bill, H.R. 8713, is designed to turn off, and until employers are prohibited by law from employing aliens not authorized to work, additional visa waivers should not be authorized.

Another important reason against enactment of H.R. 190 and H.R. 8059 is that without the safeguard of consular screening abroad through the visa system the potential for entry by terrorists could increase. This, I submit, is a risk not worth taking in exchange for questionable benefits that might accrue to the United States from expanded visa waivers.

It also appears to me that several of the concepts in H.R. 190 and H.R. 8059 are unsound. The two bills would predicate visa waivers on reciprocity and H.R. 190 in addition would permit waivers to promote foreign policy. Most foreign countries, the argument goes, do not require visitors from the United States to obtain visas. Therefore, in the interest of promoting foreign policy through good relations with such countries and facilitating international travel in the jet age, the United States should reciprocate. The flaw in the argument is that what may work for other countries under their systems of government may not be workable for, and should not be imposed upon, the United States. In many foreign countries there are strict internal police controls on the movement of persons, a concept which is repugnant to the American philosophy. In most foreign countries aliens who are inadmissible or remain unlawfully can be summarily removed. In the United States, under our constitutional standards, aliens are entitled to a panoply of rights ranging from formal hearings with legal representation to administrative appeals and judicial review including the right to petition the Supreme Court. Needless to say exhaustion of rights are time consuming and cases may take years to run their course. I therefore do not find reciprocity or the promotion of foreign policy an adequate basis for waiving visas.

Another point which should be addressed is the role of the carrier, such as its effectiveness in screening prospective visitors abroad, and its responsibility. H.R. 190 would leave this matter to be resolved by contracts with the carriers and Government regulations. In the last 7 or 8 years during which similar bills were under consideration, the role of the carrier has been the subject of much study and discussion among the Government agencies and the Air Transport Association. What evolved was a procedure by which the prospective visitor would be required to purchase a nontransferrable and nonrefundable round trip ticket. The carrier also would obtain from the alien prior to embarkation a signed statement that he was not a member of an excludable class which would make him ineligible under the visa waiver and that he would not engage in employment in the United States. The carrier would be liable for payment of detention expenses if the alien on arrival was detained for an exclusion hearing but the carrier would not be subject to any liability if the alien, following admission, overstayed or engaged in employment. Although removal of an alien excluded from admission would be at the expense of the transportation company, that expense would actually be borne by the alien who would have to surrender to the carrier the unused portion of his round trip ticket. Thus, except for payment of detention expenses of an arriving alien, the carrier would be relieved of all responsibility if it sells the alien a nontransferrable, nonrefundable round trip ticket, obtains his signed statement of eligibility, and assures that he is in possession of a valid passport showing that he is a national of a designated country. In the years in which the matter has been studied it has not been found feasible to make the carrier role more effective or responsible.

With regard to costs, if H.R. 190 is enacted so that it becomes effective for the Bicentennial Anniversary, significant additional resources would be required by the Service. Assuming, but not conceding that ten million aliens, who might not otherwise come, would be induced to visit the United States during the Bicentennial, the additional cost to the Service would be over 29 million dollars during the year. The cost would include the inspection and documentation of unvisited visitors and the apprehension, detention and expulsion of violators. In subsequent years, without the attraction of the Bicentennial, the number of visitors would undoubtedly drop. If the reduced number is estimated at two million above the present norm, the cost to the Service would be over 5 million dollars annually. Incidentally, if H.R. 190 is enacted it would constitute permanent legislation and would make the temporary enactment of H.R. 8059 unnecessary. Should the Congress enact visa waiver legislation only for the Bicentennial, the non-recurring cost for that year is estimated at over 29 million dollars.

H.R. 2771 relates to travel to Guam. This bill would provide that under specified conditions the statutory requirement for presentation of nonimmigrant visas and passports would not be applicable to aliens seeking temporary admission into Guam as visitors for business or pleasure for a period not to exceed fifteen days. This provision would be available only to nationals of a foreign country designated by the Secretary of State on the basis of reciprocity or on the basis of his determination that such designation would promote the foreign policy of the United States. However, an alien admitted under the bill would not be permitted to remain in Guam more than fifteen days and he would be ineligible for adjustment of his status to that of a lawful permanent resident under section 244 or 245 of the Immigration and Nationality Act or for a change in his nonimmigrant classification under section 248 of that Act.

As H.R. 2771 would make only a minor change in law limited solely to Guam, the Department of Justice has no objection to its enactment. However, one point in the bill should be clarified. Admission to Guam is admission to the United States within the meaning of section 101(a) (38) of the Immigration and Nationality Act. Therefore the bill should be amended to make it clear that the alien would be admitted on condition that his sojourn is restricted to Guam. Also as the bill would be enacted as permanent legislation it would be preferable to enact it as an amendment of the Immigration and Nationality Act rather than as a separate law.

The impact of the bill on the Service budget would be minimal.

Thank you, Mr. Chairman. I will be pleased to answer your questions.

Mr. EILBERG. We have one more witness, Mr. Norman J. Philion, senior vice president, Governmental and Public Affairs, Air Transportation Association.

Mr. Philion, would you identify your associate for the record, please?

Mr. PHILION. Thank you, Mr. Chairman. I am accompanied this morning by Mr. Gabriel Phillips, who is vice president of International Services.

Mr. EILBERG. May I ask if you can summarize your statement and give us the high points of it.

Mr. PHILION. I can summarize it very briefly.

Mr. EILBERG. Without objection, your entire statement will be included in the record.

**TESTIMONY OF NORMAN J. PHILION, SENIOR VICE PRESIDENT,
GOVERNMENTAL AND PUBLIC AFFAIRS, AIR TRANSPORTATION
ASSOCIATION**

Mr. PHILION. This is a very important issue, Mr. Chairman, and we are delighted that you are holding these hearings; and we are delighted with the opportunity to participate.

We appear before you on behalf of the scheduled airlines industry of the United States, and urge you to report favorably the bill to permit visitors from abroad to enter the United States without visas during our Bicentennial celebration.

We very firmly believe that the visitor visa is a deterrent to travel. We are convinced, in our best business judgment, that the waiver of the visitor visa, particularly for those countries that provide the principal market areas for our efforts to promote travel to the United States, will result in an increase in travel to this country.

It is a national policy of this Government, originating in the Congress, to promote and facilitate travel to the United States. As a matter of policy, dating back to the early fifties, this Government urged other nations to eliminate visas for American citizens, in order to encourage

American citizens to travel abroad and assist in the economic redevelopment of those nations as a part of the Marshall plan.

In other words, for many years we have urged other countries to waive visas, and our country is the only major country requiring visas for visitors today. Other countries still require American citizens to have visas, but in most cases it is retaliation for our practices.

That briefly summarizes my prepared statement. I would like the opportunity, Mr. Chairman, to make a few observations in connection with the testimony of the witnesses this morning.

Mr. EILBERG. Go ahead.

Mr. PHILION. We were shocked and surprised this morning at the reversal of the administration's position on the visitor visa question. The last three administrations have supported legislation of this kind. I am almost reminded of hearings on this subject in the early fifties, and we are hearing today the same basic concerns being expressed about the security of the Nation. We are vitally interested in the security of this Nation, but we fail to understand how the visitor visa, really, in most cases, helps to preserve the security of this Nation.

As indicated by several witnesses this morning, a number of visitor visas are now being handled through the mail. I would remind this committee, the subcommittee, of the testimony the last time you held hearings, by the Under Secretary of State, who pointed out to you that the consular officer abroad relies wholly on the way the questions are answered in a mail application, he doesn't see the visitor. He simply mails back the passport and the passenger then comes to the United States.

Under the statute the immigration inspector at the port of entry is the only person authorized by our immigration law to make a final decision on entry into this country, the visa does not authorize entry into this country.

With respect to questions that arose about discrimination this morning, the law already discriminates against various countries, and against various persons. For example, section 212(d)(4) now authorizes the Secretary of State and the Attorney General, acting jointly, to waive visas from visitors from contiguous countries and adjacent islands. We don't do that. We do it in the case of Canada; we do it in the case of some travelers crossing the Mexican border; we do it for some adjacent islands where preclearance exists, but certainly we do not do it generally within the scope of authorization today.

Some rather large numbers were discussed in connection with the number of aliens illegally in this country today. We are not privy to information about these aliens, but we would suspect that the vast majority are probably those who crossed our land borders. We just don't see how the people we are talking about, that we are trying to promote and encourage to come to this country, who will invest in transportation, in touring arrangements around this country, are those likely to remain in the United States illegally.

This is particularly so with the major market areas. We estimate that with the visitor visa waived in 1976, travel to this country will increase up to 25 percent over the normal growth expected for next year. And to give you a measurement of the impact of that kind of growth, our best estimate is that this would increase travel from just eight

countries by about 450,000 people. On the basis of the Government's data on average expenditures—

Mr. EILBERG. Excuse me, Mr. Philion, I don't want to take too much time, but what proof do you have of the 25 percent increase in tourism. How can we be expected to accept that without substantiation?

Mr. PHILION. We cannot provide you with any substantiating evidence, it is based on our business judgment. We know what is happening in the world in terms of travel. We are in constant communication and contact with our colleagues abroad, the travel agency industry, foreign airlines, people who market travel abroad, and that is based on their judgment, as well as our own. We can see what has happened to travel in other countries.

Mr. Chairman, I would like to point out that in 1960, 15 years ago, our share of the international travel market was nearly 8 percent. Last year our share of the international travel market was just a little over 6 percent. So, we are not even keeping pace with the growth in international travel.

Mr. EILBERG. Mr. Philion, one still has to go to the airline to get a ticket, go through a security check; and also, of course, get a passport.

You place a great deal of significance on the waiver of the visa and yet, all these other elements are still present. This member has a little trouble understanding the emphasis that is placed on the waiver of visa, that is only one element involved in travel from other countries to the United States.

Mr. PHILION. The average traveler coming to this country, Mr. Chairman, can in one stop pick up his ticket, his entire package tour from a travel agent or airline office. That can be done by a simple telephone call, he can pick up his ticket by mail.

The person living some distance from the embassy, if he does not want to surrender his passport, or trust the mails in applying for his visa by mail, he then has to travel all the way to the consular office.

I would like to provide the subcommittee with an article published by a writer for the London Sunday Times last year, of the problems he had in getting a visa to come to the United States: 2 days it took him, long hours of standing in line. You heard some data this morning about the length of time it required to issue a visa, some period of minutes. I doubt, Mr. Chairman, that these data take into account the long periods of time standing in line, and a repeated coming back to the consular office to pick up the visa.

[The following article was submitted for the record by Mr. Philion:]

[From Holiday Magazine, April-May 1974]

WHY EUROPEANS DON'T—BUT SHOULD—VISIT THE UNITED STATES

(By Elkan Allen)

Last April my wife had our first baby, and I decided that she needed a holiday as soon as possible. We wanted someplace hygienic and English-speaking, in case two-month-old Charley needed a doctor. This effectively cut out southern Europe, where British people like us normally go for summer vacations.

That left staying in the U.K. or doing something that is virtually never done by the British: go to America for a family holiday. In fact, I doubt if any foreign families ever travel in the U.S. purely to enjoy themselves. You may get a relatively few singles or couples taking advantage of the economical airline fares and Greyhound's \$149 Ameripass ticket. You may find pleasure being combined with

business. But vacation in America as we would in France, Italy or Spain? Our friends thought we must be madder or richer than they had thought.

"It's all skyscrapers, isn't it?" . . . "You'll get mugged" . . . "Seriously, take a gun with you" . . . "Costs the earth" . . . "All the towns are exactly the same as each other" . . . "Watch out for the floods and the hurricanes."

Those were some of the reactions when we announced where we intended going. America as a vacationland has a decidedly negative image abroad, and there is almost total ignorance of what the country is like outside New York. The movie industry is partly to blame, with its concentration on crime, but so is the official tourist propaganda, with its stereotyped pictures of Miami Beach and Disneyland.

Once we had made the decision to visit the States, my first call was at the U.S. Embassy in London's Grosvenor Square, I wanted leaflets and maps that would stimulate some thoughts as to where, in the vast land, to stay. Even though I had been there before several times to work, I had only a sketchy idea of the relative locations of the big vacation areas, and wasn't sure that I knew where they all were.

I asked for the tourist information section. "There isn't one," the man at the desk replied. But surely there was somewhere that told would-be visitors something about America? "We used to have a tourist office near Piccadilly, but that was closed a few months ago." Unbelievably, I asked the way to the library. With indifference bordering on hostility, the ladies there stated that they existed to help businessmen, not tourists.

Defeated, I went to the biggest travel agent in town. Yes, they had tours of the U.S. arranged by the airlines. Or there was a 14-day trip that took in the Grand Canyon, New Orleans, and Niagara Falls. "No, I don't want to tour, and my wife is frightened of flying." In that case, they were very sorry but they couldn't help me.

I went to the American Express office in the Haymarket. Could they suggest a vacation hotel? No, they couldn't recommend one, or book me in any hotels, unless I would make all my travel arrangements through them. No, there was nowhere else in England I could go for help.

By this time, I was getting angry. I looked in my address book for the Americans I knew in London and called them all. Where was the nicest place to spend a holiday? How should I go about it?

From half a dozen phone calls (I know quite a lot of Americans—I'm the television editor of the London *Sunday Times*—but I don't suppose many Englishmen know any), I emerged with the idea of renting a house somewhere—anywhere—in New England for, say, a month.

Back to the Embassy library for lists of real estate agents in New England who might rent me a house. No such list or book available. How about a look at the current *Boston Globe*, then, for classified ads? Sorry, they don't take the *Globe*—or any other New England newspaper. OK, OK, just let me see the Yellow Pages for any vacation town in New England. Would you believe it, they don't carry any phone books that supply that information.

Then the idea of a house swap occurred to me. I had a list of holiday centers I had compiled from chats with my American friends, so I turned up the name of the local paper in one of the towns (miraculously, they did have a list of newspapers), the *Free Press* in Burlington, Vermont, where one of my London acquaintances had been raised. I called the news editor across the Atlantic and asked whether he would print a paragraph suggesting an exchange of houses. By lunchtime the next day, a GE executive had offered us his lakeside house in Burlington for the month of July, in return for ours in Kentish Town.

By shopping around the shipping offices I had also found that a Greek line, Chandris, had a very inexpensive cruise from Southampton to Philadelphia and back again, five weeks later (after their ship, the *Ellenis*, had taken Americans for trips to the Caribbean). They undercut the *Queen Elizabeth II* and the *France* by more than half, and I was able to book round trips in a large and delightful stateroom for \$350 each; the worst cabin of the regular liners would have been \$620 each, and a comparable Tourist Class stateroom, \$960. The 22- to 45-day excursion air fare would have been about the same price we had paid, but with 14 days' room and board thrown in. (Apparently, it can't be the fare that is holding up tourism from Britain to America.)

Now it was time to go back to Grosvenor Square for visas. My wife and I both had visas in the past and they needed renewing, but our two-month-old baby

had to have one in case he intended to overthrow the government while he was in the U.S.

The line stretched out almost as far as Macbeth's crack of doom; there must have been a thousand souls waiting in the rain to hand in the completed visa forms that earlier they had queued to get. The visa office opened for a brief two hours in the morning, closed for lunch, opened for another two short hours, while our line grew longer and longer. The sole surly concierge—an Englishman—seemed to delight in sending applicants to the end of the line and he made only sporadic and inefficient attempts to control the crowd. At last I was at the front and handed our forms in with a sigh of relief.

"Come back and collect it tomorrow," I was told. So there I was again the next day, waiting in the same long, long line, under that sergeant major's malevolent eye, just to collect the forms and stamped passports.

American tourists who come to England don't need a visa, and I doubt if even such archenemies of capitalism as Chou En-Lai and Leonid Brezhnev wanted one to get within actual shooting distance of the President. So why did I and all those other aspiring visitors have to line up for two days? Most of them probably had pressing domestic reasons for visiting relatives in the States; there can't have been many regular tourists who would have stood for it, and I'm not sure that I would have if all our other arrangements hadn't been made. Is it possible that the U.S. government doesn't *want* us tourists?

However, from our experience, the common people of the U.S. do. Take the day of our arrival at Ridgewood Drive, Burlington, Vermont. It seemed like a dream. The house turned out to be the sort of laborsaving, open-plan, split-level domicile we had seen before only in a television series, and we felt as though we were Doris Day and Rock Hudson themselves as we contemplated the family room, the fenceless lawns, and the two-car garage, all of which European houses somehow lack. We had not yet unpacked any of our baggage when there came the first of many rings of the door chimes.

It was one of the neighbors bearing welcome gifts: a vase of roses and a lavish color picture book of Vermont inscribed and signed by ten couples who clubbed together to greet us. Then came another well-wisher bearing a plate of English muffins to remind us of home. We hadn't the heart to tell her, even when we got to know her as a friend, that we don't have English muffins in England. (We have crumpets, which are quite different.)

Two lots of strawberries were the next gifts. Some of the children turned up to meet the baby and offer to sit anytime. The telephone rang with two invitations to Fourth of July parties. And, within 24 hours, we had been lent a crib, a feeding plate, a sterilizer, a high chair, and other useful items for Charley. To top it all, another neighbor turned up with a jump suit she had gone out and bought for him, with an embroidered tennis emblem, because she had heard me say I was going to join the local tennis club for the month. (Incidentally, that turned out to be the only expenditure costing more than its English equivalent. I paid as much for one month's membership as I do at my own club for a year.)

Such warmth and generosity continued throughout our visit. Traditional American and Vermont hospitality undoubtedly accounted for part of it, but there was clearly a special welcome for strangers who had chosen to come so far—and against the tide—to spend their holidays.

And they made sure we enjoyed ourselves. Can there be any better place for a holiday than New England? Breathtaking natural beauty wherever one looks; architecture of delight and charm; swimming in lakes and creeks; the sea off Maine, where the fresh seafood at the lobster pounds provides an unadulterated gastronomic thrill; crafts and museums; and, for us, a particular attraction in the innumerable antique shops, country sales, auctions and (unknown in Europe) the constantly intriguing garage sales, lawn sales, porch sales, attic sales, basement sales.

While Americans are buying up British antiques in London's Portobello Road market, we were every bit as acquisitive, bringing back home with us a Tiffany lampshade that used to hang in a house in White River Falls, a wedding patchwork quilt found at the Methodist Church sale at Georgia Center, a child's rocking chair bought at auction, a Raggedy Ann doll from the Colchester July Fourth sale, and a couple of hooked rag rugs, which are unknown in England. (It was lucky we were going home by boat, with no baggage restrictions.) We found that prices of antiques, like food, motoring, wine (your California chablis is cheaper and better than the equivalent in France), and hotels were lower than in Britain—and most of Europe.

As we had the use of our exchange host's car (and he ours), we travelled all over Vermont, New Hampshire and Maine, and were welcomed everywhere with open arms. "Tourist" isn't the dirty word it has become in so much of Europe. We could always find hot water to heat the baby's bottles; when our night's booking went wrong in Boothbay Harbor, the motel proprietor took half an hour off from his work to drive ahead of us in the car to another motel; strangers took snaps of us and mailed them to us afterward; we hadn't time in four weeks to take up all the dinner invitations the good people of Burlington showered on us.

All of which is leading up to pointing out that the way to attract the armies of tourists that the natural beauties and human warmth of America deserve, is to concentrate on the person-to-person approach. The day before we left, after five weeks of successful, economical going it alone, I appeared on NBC's "Today" show with the Director of the United States Travel Service. The reason I couldn't get so much as a map of America in London, he explained, was that they had decided to spend their financial allocation on working through travel agents. And I came home to find huge color ads running in British magazines urging potential visitors to travel all over America on 14-day lightning tours.

But "If It's Tuesday This Must Be Belgium" is not the way Europeans like to see a country. We aren't used to whistle-stop tours, crowding the main sights into an hour and a half, and rushing on to the next place. Our whole approach is far more leisurely; we much prefer to see one place in depth—and come back later to see another. Instead of attempting to project American-style rush-arounds on tourists who perversely believe that in an hour you can't reach the essence of the Grand Canyon or the Rockies or New Orleans or Huntingdon Creek (bet you've never heard of that—it's near the exquisite town of Middlebury, Vermont, and we spent an afternoon lazing in the pools there), the U.S. government should get together with the individual states—some of which have healthy tourist-attraction budgets—to project one area a year. If Europeans could be stopped thinking about "America" as one huge unit, and be directed to specific areas, they would have to re-think their whole attitude to Stateside holidays. Sell Florida or Colorado or the South—not the U.S.A.

They couldn't do better than to start with Vermont, which not one Englishman in two hundred knows anything about, except that it has moonlight. We couldn't even begin to explore all we wanted, and the list of places where we didn't go and things we didn't do (the ferry ride across Lake Champlain, the Grandma Moses collection in Bennington, the gracious homes of Woodstock, nearby Fort Ticonderoga, the side trips to Canada and Niagara), even in thirty days, is longer than the huge list of things we did relish; red-painted barns, covered bridges, the magnificence of the Green Mountains, the nearby New Hampshire ranges, and the side trip to Acadia National Park.

Ordinary Americans, too, could be much better informed on what foreign tourists really want to see. A dinette is far more alluring to us who don't have them than the fanciest "French" restaurant. Battlegrounds of your War of Independence aren't very interesting, I'm afraid, to those who were taught little about it at school. What we do appreciate from your past is your domestic architecture, which outside the big cities, is generally more gracious and beguiling than that found in the average British town. Yet, time after time, we found local people apologetic when they should have been proud, and guidebooks and maps are more concerned with auto routes than places to swim and natural beauties.

House swapping, low-cost rentals, and inexpensive cabin motels should be emphasized in travel publicity. Europeans still think of America as an expensive clip joint, although even in New York, we found a small hotel on 58th Street, between Fifth and Sixth Avenue (good enough for Broadway star Glynis Johns), where we were able to rent a two-room suite with kitchen and bathroom for less than a relatively crummy London hotel charges for a double room.

There must be a potential market of a hundred million European families waiting to discover America as a holiday country. Maybe—as the whole visa hassle suggests—you don't really want us. But the ordinary folk of the Ridge-wood Drives do. And I suspect they speak for most Americans.

Mr. EILBERG. Do you have another point you would like to make?

Mr. PHILION. I would like to complete this example on the economic impact of the growth of travel that we anticipate. In round numbers,

about 450,000 additional people will come to this country next year from just eight countries alone, without the visa requirement. That, based on average expenditure data published by the Government, will result in an additional \$207 million in U.S. dollar receipts to our Nation.

And, based again on Government data, where the average dollar receipt translates into jobs in this country, that would result in the creation of 13,300 jobs.

Lastly, Mr. Chairman, I would hope that the subcommittee would provide other public witnesses an opportunity to testify on this subject, in view of the position taken by the State Department and the Justice Department. It has taken the entire travel and tourism industry by surprise. While we speak for the airlines, there are many other segments of the travel industry, the hotels, the railroads, buses, steamship companies, all of the large and small businesses that participate in travel and tourism in this country have a great stake in this legislation, and I would hope that they be given an opportunity to express their views.

Mr. EILBERG. We will consider that, Mr. Philion. In the meanwhile we would encourage you to submit additional statements, and encourage others to submit statements; they will be considered by the subcommittee.

I have a couple of questions I would like to ask you. It is difficult to support your argument that many persons do not come to the United States because of the visa requirements, when actually the number of people coming for business or pleasure has increased substantially year after year.

Mr. PHILION. Two comments, Mr. Chairman. First, the number of visitors to this country has not kept pace with the growth in international travel generally. Yes, there has been a significant increase in travel to this country; we think it should be greater.

Second, there is a great deal of evidence already available on the deterring effect of the visa. We were disappointed that because of the administration's position the Department of Commerce did not testify this morning. The Department prepares and distributes a monthly analysis of travel to this country.

Mr. EILBERG. Let me interrupt and say that the Department of Commerce and Department of Transportation both were invited to testify, but evidently, what we have heard this morning is the position of the administration. I am aware that their positions were originally different, but apparently this latter position has developed; that is my personal reaction.

Mr. PHILION. Well, I think these monthly summaries of travel data and reactions abroad will point out that the visa still remains, particularly in a country like the United Kingdom, a deterrent to travel to the United States.

Mr. EILBERG. Let me ask you a practical matter. Would not enactment of this legislation impose additional burdens on carriers in many cases.

Mr. PHILION. It would impose new burdens on the transportation industry, and we would be willing to accept them.

Mr. EILBERG. Do you have anything additional?

Mr. PHILION. No, nothing.

Mr. EILBERG. Miss Holtzman?

Ms. HOLTZMAN. Mr. Chairman, if I may be permitted to comment, I think the witness raises some good points; but at the same time he fails to recognize the seriousness of the question. In an area, for example, such as New York City, somewhere between 60 and 70 per cent of the illegal aliens apprehended in the last year were persons who had overstayed their visitors' visas. So, while nationally it may be true that most people come by land, certain areas such as New York City, our country's illegal alien problem is not one of that nature.

But, if Canada is going to have the Olympics next year, I agree with you that many persons might want to come and visit the United States; they may find themselves in Canada and think it would be a good idea to visit the United States, but because of redtape won't be able to.

You say the visa is a deterrent. It would be helpful, however, if you gave us figures as to that effect.

Thank you, Mr. Chairman.

Mr. PHILION. May I comment, Mr. Chairman?

Mr. EILBERG. Yes.

Mr. PHILION. We are concerned, too, about this illegal alien problem and its effect on employment, that is why we have supported and hope H.R. 8713, referred to this morning, will be enacted; it will help in this area.

Mr. EILBERG. Thank you very much, Mr. Philion.

[The prepared statement of Norman J. Philion follows:]

STATEMENT OF NORMAN J. PHILION, SENIOR VICE PRESIDENT, GOVERNMENT AND PUBLIC AFFAIRS, AIR TRANSPORT ASSOCIATION OF AMERICA

My name is Norman J. Philion. I am Senior Vice President—Government and Public Affairs of the Air Transport Association of America which represents virtually all of the scheduled airlines of the United States. I appreciate the opportunity to appear before the Subcommittee during its consideration of proposed visa waiver legislation. The airlines, along with other segments of the travel and tourism industry of the United States, have long advocated legislative authority to waive the visa requirement on a reciprocal basis for temporary visitors from friendly foreign countries.

We believe that the visitor visa requirement presently imposed by the Immigration and Nationality Act is burdensome, unnecessary and discourages travel to our country. This requirement should be eliminated for as many foreign visitors as possible because:

It is U.S. national policy, as developed by the Congress, to promote and facilitate tourism to this country from abroad

Current U.S. law requires all visitors, except those from contiguous countries and adjacent islands, to secure a visa from our consular offices abroad in order to apply to a U.S. Immigration Inspector at the point of entry for permission to enter the United States temporarily for business or pleasure

Most countries do not require visiting U.S. citizens to secure visas

Most countries do not require visitors from other countries to secure visas

Some of the few remaining countries requiring U.S. citizens to have visas do so only because of the U.S. requirement

Presidential Commissions in each of the last two Administrations strongly recommended legislation to waive the visitor visa requirement

Many thousands of overseas visitors will be in Canada next year without visas to attend the Olympics, but will be deterred from visiting here if a U.S. visa is required

Many thousands of additional overseas visitors are expected to attend our bicentennial celebration next year, but many more potential visitors will be discouraged if a U.S. visa is required.

Relaxation of our visitor visa requirement will increase travel to the United States.

Increased travel to this country will promote a better understanding of America throughout the world, improve our balance of payments, and stimulate additional employment in the tourism industry of the United States.

H.R. 8059 would eliminate the visitor visa requirement during 1976. It would empower the Attorney General and the Secretary of State, acting jointly, to exempt citizens of other countries on the basis of reciprocity from the visa requirement for visits during our bicentennial celebration. This exemption would be applicable for visits of 90 days or less, and a visitor utilizing the exemption would be prohibited from seeking any adjustment of his non-immigrant status. While we would have preferred more permanent visa waiver authority, we nevertheless endorse H.R. 8059 and we urge the Subcommittee to give this proposal prompt and favorable consideration.

We believe it entirely fitting that citizens of other countries be encouraged to visit us during the 200th anniversary of our nation. In our view, enactment of H.R. 8059, the proposed "Visit U.S.A. Bicentennial Anniversary Act", would give real meaning to the invitation that has been extended to our friends abroad to visit us next year. Many potential visitors simply cannot understand why we, unlike most other countries, still insist upon a complicated, two-step "invitation acceptance" procedure—a procedure by which the host only acknowledges in the first step that the invited guest may come to the host's door to find out in the second step whether the invitation was genuine. H.R. 8059 would remove this "prejudice" against U.S. destined international travel, at least for a one-year period. We estimate that the anticipated number of arriving foreign visitors can be increased by up to 25 percent if this bill is enacted, with the largest numbers coming from the United Kingdom, Germany, the Scandinavian countries and Japan.

The airlines have a direct interest in expanding travel and tourism. The airlines transport about 95 percent of all common carrier passengers to and from the United States. They stand to gain from the enactment of H.R. 8059 and the increased travel business that it will generate. Such additional business, however, is important to the U.S. airline industry, and to other American industries, because it will help stimulate economic recovery and growth, and enhance travel and tourism employment opportunities throughout the nation.

Concern has been expressed that relaxing the visa requirement could lead to an increase in the number of aliens illegally employed in this country. We believe this risk to be minimal in view of the limited application of H.R. 8059, and because of U.S. Immigration Service regulations that will be required to carry out its intent. In this connection, we would expect such implementing regulations to require: 1) that tickets for transportation of visitors without visas be on a round-trip basis, or cover third country destinations; 2) that such tickets be non-refundable within the United States; and 3) that such visitors execute affidavits stating ineligibility for admission under other provisions of the Immigration and Nationality Act. These requirements will make certain that a visitor's ability to stay on as an illegal alien would be no greater than it is when he enters with a valid visa.

Moreover, another measure is now waiting House action which would help correct practices causing most of the illegal alien abuses in this area. H.R. 8713, soon to be reported by the Judiciary Committee, would make it unlawful for the first time for an employer to knowingly employ an alien in the United States who has not been lawfully admitted for permanent residence. Under this legislation, employers would be subject to a civil assessment, and would be subject on further violation to criminal conviction with punishment by fine or imprisonment.

Under the circumstances, the airlines believe that the national objective of promoting and facilitating travel to the United States can be attained consistent with other national needs and goals. Elimination of the visitor visa requirement will stimulate business, economic development and employment, and improve international relations. And this can be accomplished without in any way lessening security or undermining the basic principles of our immigration laws. We respectfully urge, therefore, the enactment of H.R. 8059.

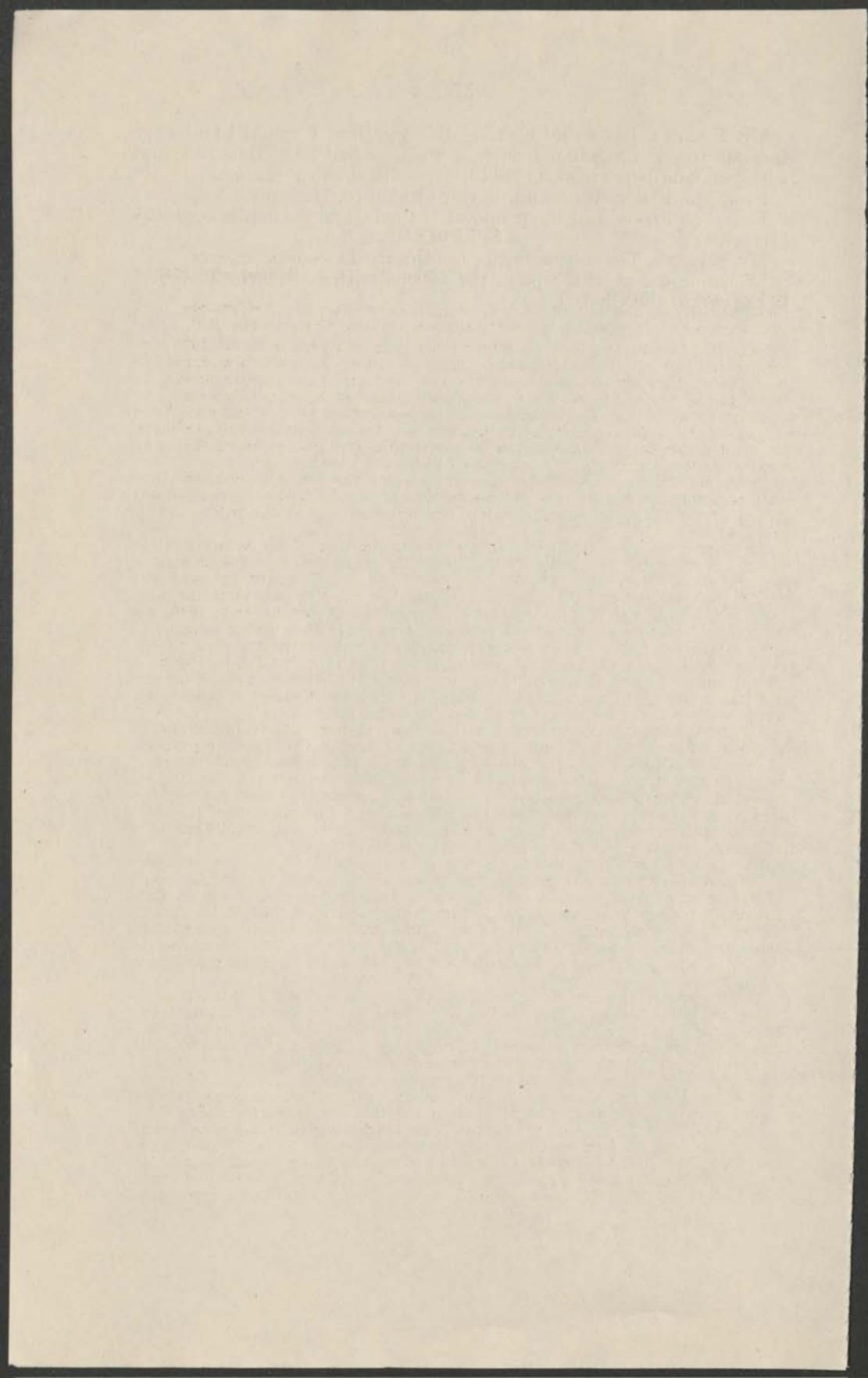
Mr. EILBERG. Before adjourning this meeting, I would like to say farewell to our Canadian friends. I wish we had more time to spend with you, and perhaps you could have testified this morning.

From the FLOOR. We could, if you wanted to. [Laughter.]

From the FLOOR. But the proposal of the bill might not be accurate. [Laughter.]

Mr. EILBERG. The subcommittee is adjourned.

[Whereupon, at 12:20 p.m., the subcommittee adjourned, subject to the call of the Chair.]



APPENDIX

AMERICAN EXPRESS,
New York, N.Y., November 18, 1975.

HON. JOSHUA EILBERG,
Chairman, House Committee on Judiciary, Subcommittee on Immigration, Citizenship and International Law, Rayburn Building, Washington, D.C.

DEAR MR. CHAIRMAN: May we refer to your letter of September 29, 1975 concerning the possibility of additional hearings on various bills which would eliminate the need for certain temporary visitors to obtain a non-immigrant visa to travel to the United States. We wish to assure you that American Express Company continues to urge you to hold additional hearings to receive testimony from us and others in the travel/tourism industry who believe that legislation should be enacted to eliminate this barrier to increased travel to the United States by foreign visitors, particularly during the Bicentennial year in 1976.

In the meantime, it seems opportune to provide you and your subcommittee with pertinent information and comments which have emerged as a result of our review of the testimony and statements submitted to your subcommittee on this proposal.

We have taken particular note of the revised position of the Administration as expressed by the Department of State which formerly favored visa waiver legislation. In this regard the Administrator-Bureau of Security and Consular Affairs has supplied us with additional information relative to the current position on the visa waiver proposal. In a letter to us dated October 7, 1975, the Administrator stated, "One of the principal arguments advanced in support of such a proposal is that the non-immigrant visa is a deterrent to travel to this country by legitimate tourists. This argument may in fact be valid, but we have made numerous requests over the past two years that those who make it present objective evidence to support it. No person or organization either in the government or the private sector has presented such evidence to date."

Coming from a Bureau concerned with security matters and visa issuing staff problems, this statement is not surprising, but it does reveal that the proposal is currently being looked at by the Administration only in context of the travel restrictive statutory scheme of the Immigration and Nationality Act of 1952, as amended. Unfortunately, this statement does not take into account the long history of this issue or recognize the implications of other expressions of U.S. government policy to facilitate international travel through the simplification or elimination of visa procedures among other measures.

The United States government knows that visa procedures and requirements act as definite deterrents to international travel. It has known this over the years by virtue of work on Facilitation Annex 9 to the Chicago Convention on Civil Aviation of 1944, working on the facilitation recommendations of the United Nations Conference on Travel & Tourism of 1963 and most recently as a participant in recommendations concerning visas contained in the 1975 Conference on Security and Cooperation in Europe, the Final Act of which was signed by the President.

The statement also does not give recognition to the provisions of the International Travel Act of 1961, as amended, which calls for action to facilitate travel of foreign visitors to the United States. Nor does this statement admit to the general agreement among those official government offices dealing with the promotion of international travel that of the many factors and problems deterring the development of international travel, visa requirements ranks high. Of course, that is one reason so many governments with a policy of encouraging travel to their countries have eliminated visa requirements for temporary visitors.

Specifically in the case of the United States, a survey of travel sales agents made by a research firm for the Department of Commerce United States Travel Service in 1968 listed twenty-one factors or serious problems of selling travel to the U.S. This survey established "Visa Requirements" as third on the list (after cost factors, i.e. High Transportation Fares, Currency Exchange Rate and High

Prices in the U.S., and "Language Problems") of items making sales difficult and thus deterring travel to the U.S.

We recognize that it is difficult to measure the deterring effect. However, during the hearings before your subcommittee Mr. Phillion of the Air Transport Association of America, in response to a question concerning the visa as deterrent to travel, stated that in the best business judgment of his members and associates travel to the United States could be increased up to twenty-five percent from selected foreign markets through the simplification of formalities and elimination of advance visa requirements.

To support our own judgment that visa requirements represent a real deterrent to legitimate visitor travel to the U.S.A., we initiated a survey through over 100 of our offices in forty-two foreign countries of the procedures followed, the time involved, and the conditions under which visas are obtained either by mail or at the Consulate. Included in our survey, was a request to furnish us with examples of cases where business was lost because of the requirement and their estimate of the increased visitor business which would result if procedures were simplified and advanced visas eliminated.

We have not entirely completed our analysis of the results of the survey, but we would like to give you the preliminary findings on the numbers of increased visitors based on 1974 totals which could be expected annually from specific foreign countries. We have grouped the findings by country into the areas utilized by the U.S. Department of Commerce in their publication "Foreign Visitor Arrivals to the U.S. by Country of Permanent Residence."

Europe

From the European area the U.S.A. could expect at least 63,600 additional visitors from nine countries as follows: Austria 2,100; France 8,300; Germany 11,800; Greece 6,200; Italy 2,400; Luxembourg 3,000; Norway 6,100; Portugal 1,200; United Kingdom 22,500. Offices in Belgium, Ireland, Finland, Netherlands, Spain, Sweden and Switzerland did not believe visa requirements had significant effect on sales of travel to the U.S.A.

South America

From the South American area the U.S.A. could expect 33,500 additional visitors from five countries as follows: Colombia 18,100; Ecuador 9,500; Paraguay 400; Peru 3,700; Venezuela 1,800. One country in the survey, Argentina, reported U.S. visa requirements had no deterrent effect on travel.

Central America

From the Central American area the U.S.A. could expect 20,500 additional visitors from three countries reporting as follows: Costa Rica 5,800; Guatemala 8,300; Honduras 6,400.

West Indies

Only one country was surveyed in this area, Haiti, which estimated an additional 2,600 visitors. Of interest in this report is the significance attached to the fact that Canada to our north does not now require visas for Haitian visitors.

Asia

From this area we could expect an additional 41,700 visitors from ten countries surveyed as follows: China Taiwan 2,100; Hong Kong 6,100; India 6,000; Iran 3,200; Israel 2,600; Japan 15,300; Philippines 3,700; Pakistan 1,000; Thailand 500; Turkey 1,200.

Oceania

Two countries report an additional 17,000 visitors could be expected. Australia 11,000 and New Zealand at least 6,000.

Africa

Only two countries were surveyed, South Africa and Egypt. South Africa (which requires visas for U.S. citizens) does not believe any additional visitors to the U.S. would result. Egypt reports that existing foreign currency control restrictions effectively prevent promotable visitor travel to the U.S.A.

You should understand the foregoing is based on information collected from those in the field dealing not only with making travel arrangements, but also interested in the promotion of tourism from their markets to many destinations, including the U.S.A. on a day-to-day basis. Their reports indicate four general ways travel is deterred.

First, where visas can be obtained by mail to avoid trips to a visa issuing office the length of time involved prevents "last minute" or "impulse" travel.

Second, long waits at consulates and requests for excessive supporting documentation lead to prospective visitors becoming annoyed or discouraged, often choosing other destinations to visit.

Third, the requirement of transit visas for travelers on extensive itineraries who wish, or could be persuaded, to stop over in the U.S.A. for short visits to sightsee, shop or visit friends and relatives cause much lost business. Many do not want to take the time involved or wish to put up with what is termed "the hassle" of obtaining a U.S. transit visa.

Fourth, group business of travelers on tours, or attending conferences, conventions and meetings with the U.S.A. as the destination or included in the itinerary is often cancelled because individuals do not have the time or cannot easily obtain a visa. There are reports indicating a reluctance by travel agents to promote such group travel, even where special promotional fares have been established by carriers, because of the uncertainties caused by the need to obtain a visa.

We hope the above field estimates of lost business will serve to assure your subcommittee that the procedures and conditions of obtaining visas in advance do in fact significantly deter travel by legitimate visitors to the U.S.A. and the promotional efforts by those who would increase such travel.

We are continuing our investigation of this matter and will provide you with additional material when it is completed. We would do this as a witness if additional hearings are scheduled or in the form of a statement for the record if that is the alternative.

We are looking forward to hearing further from you in this regard.

Sincerely yours,

JAMES A. HENDERSON.

AMERICAN HOTEL & MOTEL ASSOCIATION,
Washington, D.C., September 17, 1975.

HON. JOSHUA EILBERG,
Chairman, Subcommittee on Immigration, Citizenship, and International Law,
House Committee on the Judiciary, Rayburn House Office Building, Wash-
ington, D.C.

DEAR MR. CHAIRMAN: The American Hotel & Motel Association is a federation of hotel and motel associations located in the fifty states, the District of Columbia, Puerto Rico and the Virgin Islands, having a membership in excess of 8,000 hotels and motels, containing in excess of 900,000 rentable rooms. The American Hotel & Motel Association maintains offices at 888 Seventh Avenue, New York City, and at 777-14th Street, N.W., Washington, D.C.

We wish to use this opportunity to briefly express our views in support of a bill, H.R. 8059, that is pending before your Subcommittee. That bill, as we understand it, would waive the visa requirement during 1976 on a reciprocal basis for temporary visitors from friendly foreign countries. The exemption from visas would also be good for visits of 90 days or less, and a visitor, as construed under the bill, would be prohibited from seeking any adjustment of his non-immigrant status.

AH&MA feels that H.R. 8059 is certainly warranted at this time, in view of the upcoming Bicentennial celebration. We do not agree, however, with the Administration that H.R. 8059 would exacerbate the illegal alien situation or endanger the internal security of the United States. Surely, anyone bent on subverting the United States will find a way to surreptitiously enter the country. Respecting illegal aliens who are gainfully employed in the United States, we do recognize that that is a problem and one deserving of attention. But, that problem ought not be used to totally destroy another good idea. Visa waiver had been endorsed by Presidential Commissions in each of the last two administrations. It was a good idea then and remains a good one now.

We would ask this Subcommittee that if it can't see fit to report out H.R. 8059 intact, remembering it is only a "one-year" bill, then at the very least, this Congress should require the Departments of State and Immigration to develop procedures *immediately* to alleviate the long delays at most custom areas. Especially, efforts should be made now to facilitate entry into the United States

from Canada by the many thousands of foreign nationals who will be attending the 1976 Olympics.

Sincerely,

ALBERT L. McDERMOTT,
Washington Representative.

STATEMENT BY HON. FRANK ANNUNZIO, A REPRESENTATIVE IN CONGRESS
FROM THE STATE OF ILLINOIS

Mr. Chairman, thank you for this opportunity to testify before your Subcommittee on H.R. 190, the bill I introduced to ease the entry requirements for foreign tourists visiting the United States.

With hundreds of thousands of families across the country pinching pennies, and unemployment ranging upwards of 8.2 percent, not as many people are considering an overseas holiday this year. Not as many are even traveling around the country; some are relocating to try and find new jobs.

Yet over 200 million trips were taken by people all over the world last year, creating a highly profitable tourist market on which other countries actively capitalize. In the last Congress, the National Tourism Resources Commission submitted its report on the tourism needs and resources of the United States through 1980. It clearly outlined the magnitude of tourism and its potential. In 1970, for example, tourism expenditures in the United States totaled \$50 billion, and the Commission report projected expenditures of \$127 billion in 1980.

These expenditures could in turn significantly affect the general economy—our economy, that desperately needs bolstering. For every \$4 of income earned directly by tourism, another \$3 is generated indirectly. Each \$20,000 spent by foreign tourists in the United States creates one new job.

This is why I reintroduced H.R. 190, a bill I sponsored in past Congresses. H.R. 190 would amend the Immigration and Nationality Act to facilitate the entry of foreign tourists into the United States. It would grant the Secretary of State and the Attorney General authority to exempt visitors coming for 90 days or less from all but the most serious of the 30-odd grounds of ineligibility, as well as from the visa requirement. Only a passport would be necessary. This privilege would apply only to nationals of foreign countries designated by the Secretary of State on the basis of reciprocity or on the basis of a determination that such a designation would promote the foreign policy of the United States. Approximately 35 nations do not require visas from American tourists; we require them from nationals of all countries except Canada and Mexico.

There is no danger that this bill would create loopholes in our immigration law or escape hatches for illegal aliens. Sections 6 and 7 are specifically aimed at curbing the employment of illegal aliens by establishing penalties both for their employers and for nonimmigrants who accept employment in violation of their status.

Thorough safeguards are also provided to prevent abuse of the foreign visitor provisions. Aliens entering under this program would have no option either to extend their 90-day time limit or to adjust their status. They would be required to possess a valid passport and a nonrefundable round trip ticket. Any alien who willfully remained beyond the 90-day period would be penalized by a delay of 2 years in his priority date for issuance of an immigrant visa. Those who threaten danger to our people would continue to be totally excluded—the confirmed criminal, the insane, those afflicted with contagious diseases, anarchists, and violators of our narcotics laws, to give example. In brief, the bill would simplify the procedure for granting a visitor's permit without in any way jeopardizing the security of our country.

By relaxing some of the dispensable, cumbersome requirements visitors must now face, we would, at least, be providing a welcome mat for our foreign guests and visitors. As it is now, we do have a U.S. Travel Service that has been trying to promote the allure of our country in foreign lands, but they work on a very

limited budget. Jamaica, the size of our State of Connecticut, has four times as large a budget.

Once and for all, we would turn around the travel deficit—the difference between what U.S. travelers spend abroad and what foreigners spend here, and create new jobs for our own citizens as well.

Our Bicentennial is coming up next year, and surely visitors from foreign lands will want to come and help us celebrate. They will want to see and experience our great country with their own eyes and ears. As it is now, the Communist countries of the world are about the only ones who require a visa from American tourists. We are really a far friendlier nation than that; our free press and media proclaim that around the world. So what better way, to truly welcome our foreign friends on our 200th birthday, than by relaxing the regulations for their arrival.

I strongly urge my Colleagues on this Subcommittee to give their approval to H.R. 190.

STATEMENT OF HERBERT H. KAISER, JR., DEPUTY ASSISTANT SECRETARY OF
TRANSPORTATION, FOR ENVIRONMENT, SAFETY AND CONSUMER AFFAIRS

The Department appreciates this opportunity to submit its views on legislation to facilitate the entry of tourists and businessmen into the United States by waiver of non-immigrant visitor visa requirements. While the Department supports the objective of increased tourism advanced in H.R. 190, H.R. 8059, we believe that the legislation fails to provide proper safeguards to deal with the problems of overstays by aliens seeking employment and potential threats to our security by terrorists. We have no objection to enactment of H.R. 2771 subject to the technical suggestions being made by the Departments of State and Justice.

Since our inception in the spring of 1967, the Department of Transportation has supported legislation that would make it easier for tourists and businessmen from abroad to visit the U.S. We have examined the visa waiver as one of the ways in which the number of passengers using U.S. flag international and domestic carriers can be increased. Increased tourism is of substantial importance to the transportation industry. It has a substantial economic impact on the countries involved. Worldwide tourist expenditures in 1974, exclusive of fare payments, totaled \$29 billion, an increase of 5.1 percent over 1973.

Because Americans travel abroad in increasing numbers and tend to spend more abroad than their foreign counterparts visiting the U.S., we consider it an important goal to increase the number of foreigners visiting the U.S. to help keep our travel payments deficit in check as well as to stimulate the U.S. transportation and tourism industries. Commerce Department data indicate that the U.S. travel deficit was \$3.1 billion in 1974, of which \$1.2 billion related to transportation.

Our efforts to promote travel to the U.S. have included "Visit-USA" fares, an "Americans at Home" program, and other efforts to welcome foreign visitors. Reciprocal visa waivers have been examined as an additional tool to increase travel and tourism here. But while the visa waiver concept is appealing, we are unable to support enactment of H.R. 190 or H.R. 8059 until proper safeguards can be found to significantly reduce the illegal alien problem and the threat of terrorism. We recognize the value visas may have in screening potential visitors prior to arrival at ports of entry to eliminate those visitors who may pose a risk in either of these areas.

For these reasons, we cannot support enactment of H.R. 190 and H.R. 8059 at this time in deference to reasons which are being set forth more fully by the

Departments of State and Justice. Similarly, we defer to their views on the desirability of enacting H.R. 2771.

WESTERN TRAVEL MERCHANTS,
Cody, Wyo., October 20, 1975.

HON. JOSHUA EILBERG,
Chairman, Subcommittee on Immigration, Citizenship, and International Law,
U.S. House of Representatives, Washington, D.C.

How do you do, Mr. Eilberg!

Legislation now before your Subcommittee would relax visa barriers during the Bicentennial year. It's with respect to that legislation and further reform of visa issuance procedures that I come to you today.

First, I'd like you and your committee to know that our company supports legislation that would drop visa barriers during the Bicentennial year. Second, it's the position of this company that the entire matter of visa issuance be revised and REFORMED.

I know that you and other Subcommittee members recognize that some 80 foreign nations do not require visas of U.S. citizens visiting their countries for purposes of business or pleasure travel on a short term basis. At a time when distances are shrinking and . . . more and more . . . we see a world community of travel developing, it would seem appropriate that the United States reciprocate for the short term business or pleasure traveler.

Western Travel Merchants joins with Discover America Travel Organizations (DATO) and all of its members in urging you and your Subcommittee to review and recommend reform of regulations pertaining to the issuance of visas to enter the United States.

DICK LUDEWIG, Proprietor.

STATEMENT OF WILLIAM MUSTER, PUBLISHER, THE RAND McNALLY TRAVELER'S ALMANAC, MEMBER, BOARD OF DIRECTORS, DELTA QUEEN STEAMBOAT CO.

DEAR MR. CHAIRMAN: Until recently most of us in the travel industry have been preoccupied with the annual exodus of Americans to foreign shores. We seldom gave much thought to the economic impact of the in-bound foreign tourist.

All of that is now changing quickly—especially in view of our Bicentennial celebration. Today the U.S. is the world's most popular tourist destination.

We Americans have a spectacular nation to show off to the world. Our scenic wonders are incomparable, our amusement parks are world famous and our treasure of historic sites, monuments, landmarks and museums offer a remarkable display of man's history and his works.

We have officially welcomed the world to help us celebrate our 200th anniversary next year. It is a gracious and well-intended invitation, but unfortunately it is difficult, if not impossible, for many foreign nationals to accept.

Our visa restrictions are very stringent and the foreign tourist frequently encounters considerable difficulty, delay and personal inconvenience to get a visa to enter our country.

H.R. 8059 and other bills which serve to reduce visa restrictions in the Bicentennial year have the enthusiastic support of my publication, the *Traveler's Almanac* and the Steamboat Delta Queen. We especially favor granting reciprocity to those nations who for so many years have made it easier for Americans to travel abroad by eliminating their visa requirements for U.S. tourists. They have profited well by their decision and I believe we can realize comparable benefits.

I should add that the Society of American Travel Writers, whose officers are now on a round-the-world junket to officially welcome foreign press to the U.S.,

has unanimously endorsed this legislation. The President of our Society, Mrs. Carolyn Patterson, regrets that she could not be here to submit a statement in behalf of the Travel Writers.

We sincerely hope the Committee on the Judiciary will favorably report out this legislation.

WILLIAM MUSTER.

AMERICAN AUTOMOBILE ASSOCIATION,
Falls Church, Va., September 30, 1975.

HON. JOSHUA EILBERG,
Chairman, Subcommittee on Immigration, Citizenship, and International Law,
House Judiciary Committee, U.S. House of Representatives, Rayburn House
Office Building, Washington, D.C.

DEAR CHAIRMAN EILBERG: The American Automobile Association, whose membership of more than 17 million is vitally interested in removing barriers to travel, supports the objective and calls for the enactment of legislation to ease visa requirements for foreign visitors who wish to visit the United States.

As we approach the 200th birthday of our country, AAA feels it is important that outdated visa restrictions be eliminated and replaced with new regulations that will enable citizens of other countries to see what their countrymen of another era created with their foresight and courage.

We feel that our position is well stated in our resolution on this subject which reads as follows:

RE-2. ESTABLISHMENT OF A U.S. TOURIST VISA

In order to assure the success of efforts to increase tourist traffic from other countries to the United States, we, as a nation, must develop an atmosphere of hospitality which begins the moment the prospective tourist arrives at the U.S. Embassy or Consulate abroad for his visa. Every means must be sought, consistent with our national security, to make it as simple and convenient as possible for foreign nationals to enter our country as temporary visitors. The AAA recommends amendment to the Immigration and Nationality Act, establishing a new "tourist visa" category for "an alien or a resident in a foreign country who desires to enter the U.S.A. as a tourist for a period not to exceed ninety days." The amendment should provide for reciprocal privileges from other countries and for summary deportation in the event of violations.

We commend you and your colleagues on the subcommittee for your timely consideration of this matter and urge that the legislation be reported favorably to the full committee.

Yours sincerely,

JOHN DE LORENZI,
Managing Director,
Public Policy Division.

STATEMENT OF WILLIAM D. TOOHEY, PRESIDENT, DISCOVER AMERICA
TRAVEL ORGANIZATIONS, INC.

Mr. Chairman and Members. My name is William D. Toohey. I am President of Discover America Travel Organizations, Inc. (DATO). DATO is the national organization of the United States tourism industry.

Its membership includes over 820 organizations and agencies whose concern is the development and promotion of tourism to and within the United States by both residents and foreign visitors. Its membership also includes the state and

territorial government tourist offices and the convention and visitors' bureaus of America's principal cities.

The Discover America program to promote tourism to and within the United States was established in response to a Presidential Proclamation in 1965. In 1969, the present DATO was formed by a merger of Discover America, Inc. and the National Association of Travel Organizations, the latter of which had been established in 1941. DATO and its predecessors have long been active in constructive programs to increase the flow of foreign travelers to the United States. We have worked closely with the U.S. Travel Service and other government agencies in a highly successful government-industry "Visit USA" program.

We applaud your conducting hearings on legislation which would waive visitor visas. We believe that the realities of world tourism render long overdue modernization and the easing of visa requirements. DATO has consistently advocated the enactment of legislative authority to waive the visa requirements on a reciprocal basis for temporary visitors from friendly foreign countries. Our predecessor, the National Association of Travel Organizations, expressed its support of such legislation in the last hearings held on this subject, in 1968.

The visitor visa requirements presently imposed by the Immigration and Nationality Act are burdensome, unnecessary and discourage travel to our country. Because we believe this requirement should be eliminated for as many foreign visitors as possible, we strongly urge this Subcommittee to give favorable consideration to H.R. 190, H.R. 8059, and H.R. 2771. While we would prefer permanent visa waiver authority, we would regard favorable action on H.R. 8059 as a first important step toward reform of the present outmoded and cumbersome procedures imposed upon foreign visitors.

The economic dimensions of U.S. tourism are immense—the more than 4 million Americans employed in the industry represent approximately 5 percent of civilian employment. It is a labor intensive industry, employing more low-skill, hard-to-place workers than other types of industry. When laid off, tourism employees often have relatively few job alternatives. Tourism employment sustains more people per dollar of payroll than most other industries. Tourism, an industry grossing more than \$60 billion annually and in 1970 representing 5 percent of the nation's gross national product, generates a payroll of more than \$24 billion. Furthermore, at least 97 percent of the firms engaged in lodging, food service, travel arrangement and gasoline station services are classified as small businesses. Tourism contributes \$4.4 billion a year in taxes to federal, state and local treasuries. Tourism is generally recognized as the number one industry in terms of receipts and employment in Nevada, Florida and Hawaii and is either the second or third largest industry in most remaining states. In 1972, the U.S. Travel Data Center estimated that travel expenditures on trips 100 miles or more away from home produced expenditures topping \$1 billion in each of eight states: California, Florida, Texas, New York, Pennsylvania, Illinois, Michigan and Ohio.

The question is asked: is visa waiver legislation necessary when larger numbers of foreign visitors are coming to the United States each year? The answer is yes. Our share of the world tourism market has not been increasing at the rate it would have been had we removed visa barriers and improved certain admission practices. There are 85 million individuals throughout the world who have the financial ability to travel to the United States. Only a small portion of these have visited our country. In simple economic terms, bringing a visitor to the United States is equivalent to exporting an item worth about \$400 because, on the average, each overseas visitor spends that amount of money while in the United States. And the U.S. Travel Service estimates that each \$15,000 spent by visitors creates one new job. In 1974, according to their figures, an estimated 323,000 American jobs were supported through international tourism. Indeed, in 1974, receipts from foreign visitors reached an estimated \$4.7 billion, thus ranking tourism as this country's sixth largest export. But, in 1974, of the total international tourist arrivals—209 million—the United States had only 6.7 percent. While worldwide tourist receipts reached \$29 billion in 1974, the United States share was only 16.7 percent.

International payments problems—specifically negative trade balance—have plagued the U.S. for some time. A major factor contributing to the situation has been a persistent, and large, deficit in our balance of international travel. For each one dollar spent by U.S. citizens for travel in foreign countries, only 56 cents is spent by foreigners visiting in the U.S. In 1974, the result was a \$3.0 billion deficit in the total travel account. It is apparent that increased earnings from foreign visitors are needed to cover this travel deficit. Foreign visitor receipts

have a major impact on the U.S. external position as well as on rates of exchange.

The present visa procedures are outmoded and in urgent need of improvement. Our capability of admitting visitors has not kept pace with the increase in numbers of business and pleasure visitors. We require foreign visitors to go through essentially the same process to obtain permission to enter this country as we did 50 years ago. In 1917, as a World War I security measure, an Executive order was issued requiring each foreign visitor to the United States to obtain a non-immigrant visa from an American consul abroad. This procedure has survived over the past half century and has become part of our immigration law. It needs to be restructured consistent with the international travel realities of the 1970's.

Air Transport Association of America (ATA) has concluded that passage of H.R. 8059 would increase the anticipated number of arriving foreign visitors by up to 25 percent with the largest numbers coming from the United Kingdom, Germany, Japan, and the Scandinavian countries. ATA also emphasizes that in 1975 there has been a drop in international visitors and that the U.S. share of the international travel market has declined so far.

One 1971 study, prepared by the Office of Facilitation of the Department of Transportation and based on 1969 arrivals, estimated that 100,000 more visitors would come to the United States if visa requirements were eliminated.

As foreign visitors spend for lodging, food, clothing, transportation, entertainment and other outlays incidental to traveling, the expenditures are multiplied into higher levels of employment and income in the tourism and tourism-supporting industries. Increased expenditures would stimulate our sluggish economy and help the hotel-motel, transportation and recreation components of the tourism industry which have been particularly hard hit by the recent recession and inflation and by the high cost of fuel which has had a dampening effect on travel.

Enactment of visa waiver legislation will encourage more foreign importers to come to the U.S. to purchase U.S. products, services and franchises. Transportation companies, the travel trade and the U.S. Travel Service could promote the new waiver procedures. Promotion of conventions and business meetings in the U.S. could be increased. Alien employees of American firms abroad could readily attend seminars, conferences, and technical or sales meetings.

DATO urges that Congress pass visa waiver legislation to eliminate unnecessary and cumbersome barriers which inhibit foreign tourists and businesspeople in traveling to the United States. This will improve our foreign relations and promote a better understanding of America throughout the world. It will improve our balance of payments and strengthen the dollar. It will reduce the manpower requirements at foreign service posts in designated countries. It will facilitate the Immigration Service's implementation of preclearance. It will stimulate the U.S. tourism industry and result in additional employment. It will allow us to treat travelers from abroad more efficiently and more hospitably. In cooperation with private industry and state and city governments, the U.S. government is seeking to attract more visitors to our shores in 1976. This new legislation can be a vital part of that effort.

Citizens of friendly countries should be encouraged to visit us during the celebration of our 200th anniversary. The "Visit USA Bicentennial Anniversary Act" (H.R. 8059) invites our friends from abroad to visit next year. Many would-be visitors neither understand nor accept our complicated, two-step visa procedures. Under this procedure, first the host approves one's coming to his door, then through a second step, one is invited to enter the country. Under these circumstances, a visa is not a "welcome" to the country.

Enactment of H.R. 8059 will put the United States into the mainstream of the international trend to eliminate unnecessary barriers to international travel. Most countries in Western Europe—as well as some in Eastern Europe, Asia, Africa, and South America—have modernized travel procedures by eliminating the requirement that a visa be obtained.

An American citizen today is free to travel throughout Western Europe with his passport as his only required travel document. This legislation would permit the United States to reciprocate to the citizens of Western Europe with the same treatment that those countries now afford Americans. This legislation will avoid procedures we are presently constrained to follow which often suggest an unfriendly attitude and engender feelings of suspicion. In fact, the present complex procedures sometimes appear as if they were designed to discourage the potential traveler, which is not their intention.

The impression we give to each individual tourist who comes to the United States is an important part of our long-range foreign policy. We have always

encouraged tourism from abroad not merely for balance-of-payments purposes but because we are confident that exposure to our country and our way of life will win us friends.

In dealing with individuals, even more than in dealing with governments, it is important that we be open and careful to avoid barriers which this legislation could eliminate.

It is difficult to understand why the present Administration has decided not to support visa waiver legislation. This would seem to be a major historical shift from a long-standing national policy. The three previous Administrations supported visa waiver legislation. Presidential commissions in the last two Administrations—Industry-Government Special Task Force On Travel (1967-1968) and the National Tourism Resources Review Commission (1970-1973)—have strongly recommended enactment of such laws. Congress in the International Travel Act of 1961 (Public Law 87-63) articulated that the nation's policy was to provide and facilitate tourism to this country from abroad.

The recently adopted Helsinki Accord declares that the participating states intend "gradually to simplify and to administer flexibly the procedures for exit and entry", and "to ease regulations concerning movement of citizens from the other participating States in their territory". In September the Department of Transportation issued its first comprehensive statement of national transportation policy. The Department pledges to "work vigorously to simplify entry and departure clearance procedures for passengers". The newly-formed World Tourism Organization, of which the United States is a member, supports the easing and elimination of visa barriers. And, at the last United Nations Conference on International Travel and Tourism, held in 1963, delegates concluded that "government should extend to the maximum number of countries the practice of abolishing . . . the requirement of entry visas for temporary visitors." In a letter dated March 17, 1975 and directed to Congressman Fred B. Rooney, Secretary of the Treasury William E. Simon said: "The U.S. exports of travel and transportation will grow in an orderly manner only if the development of inbound tourism continues to be a national priority." For the past 15 years enactment of visa waiver legislation has received broad support from the executive branch of our government, and we see no reason for change in that policy.

We would like to respond to the two principal objections of the Immigration and Naturalization Service (INS) and the Bureau of Security and Consular Affairs (Visa Office) to H.R. 190 and H.R. 8059. Their objections are based on their fears of illegal aliens and of terrorism. We do not deny the severity of the illegal alien problem and we in no way wish to undermine the basic principles of our immigration law. There are sound reasons to deny admission to the United States either as permanent residents or as long-term visitors nearly all of the classes enumerated in Section 212 of the Immigration and Nationality Act. But we believe that many criteria for ineligibilities should not be applied in the case of short-term tourists or business visitors; and moreover, that the procedures for admitting these visitors should be simplified by recognizing them as a distinct category.

H.R. 8059 is, in effect, a one-year experiment. In order to prevent abuse by illegal aliens seeking employment in this country, the bill provides that a temporary visit is limited to 90 days and that the status of the visitor may not be adjusted to that of an immigrant during the visit. It is further contemplated that the implementing regulations of the bill will specify certain requirements, such as possession of a non-refundable round trip ticket and a valid passport in order to reduce the illegal alien problem. Furthermore, enactment of H.R. 8713, banning the hiring of illegal aliens, would do much to remove the economic incentive to illegally enter and stay. We think H.R. 8059 offers a unique opportunity to suspend visa barriers during the Bicentennial and by so doing, to encourage international visitors to celebrate the birth of our nation.

We do not agree with INS and the Visa Office that passage of H.R. 190 and H.R. 8059 would increase the likelihood of terrorism by aliens. Any alien intent on committing terrorism in the United States will find a surreptitious way to enter the country. The Department of State can provide its information on terrorists to INS officials for their use at the port of entry. Also countries known for terrorist activities could be excluded from the visa waiver program. Finally, the consular officer relies on answers furnished him by the alien. If he has no information to the contrary, he issues a visa. It is not clear what he relies upon or that he has extensive access to the security files of the Central Intelligence Agency or other security and intelligence agencies.

H.R. 2771 addresses itself to a unique situation. We support the bill and urge prompt consideration.

The tourism industry has waited seven years for hearings on visa waiver legislation. We very much appreciate the consideration being given by this Subcommittee to this important subject. One result will certainly be a better understanding of the problem and the complexity of the issue. We hope, however, that certain concrete results will also emanate from these hearings. If it is the Subcommittee's judgment that H.R. 8059 not be reported, we hope that it will take other actions on visa requirements. It seems appropriate at this time for the Subcommittee to request the INS and the Visa Office to take prompt and positive actions to improve present visa programs. We urge the Subcommittee to do so, since it is not clear to us that these agencies perceive the inadequacies of the present visa system nor are willing to undertake necessary reforms.

Citizens of friendly foreign countries who today wish to visit the United States for brief periods find it within their means and ability to do so. And they have come in ever-increasing numbers. In 1937, we admitted approximately 65,000 tourists to the United States. In 1947, that number rose to approximately 155,000. In 1957 it was almost 350,000. In 1967 the figure on trips for business and pleasure from countries other than Canada and Mexico had grown to almost 1½ million visitors. And the upward spiral continues. In 1974 nonimmigrant visas totalled over 3 million. More than 2 million tourists received visas to visit the United States in Fiscal Year 1974. Technology is not standing still. With mammoth aircraft and faster-than-sound flight, we may expect the annual number of tourists to the United States to increase by geometric proportions.

We do not understand why more has not been done to improve the cumbersome process of obtaining visas and why this country has not been able to develop a category of qualified foreign tourists to bypass the U.S. Consulate altogether. When the great majority of overseas business and pleasure visitors come from six countries, it would seem that much more could be done to ease clearance processes and alleviate long delays. Almost everybody who is a tourist or a business person in Europe has a valid passport. Some progress has been made in liberalizing and modernizing visa procedures—particularly through the mail-order visa, instituted in 1963, through the indefinite visa and transit-without-visa regulations adopted in 1967, and through the joint authority delegated consular officers and immigration officials to issue waivers in certain cases in the field. But much more can be and needs to be done at the administration level by the Departments of State and Justice.

New and better procedures are needed to improve the admission process. More can be done with pre-screening abroad to facilitate admission of tourists upon arrival at the U.S. ports of entry. INS officials could be stationed in such cities as London, Frankfurt and Rome and have in their lookout books the additional information which has been developed by the State Department. Immigration officials could be stationed aboard the larger planes to conduct inspections. Modern technology must be utilized more efficiently to secure passenger manifests well in advance of a plane's arrival and thus to eliminate much of the security paperwork.

The logic of preclearance leads to the eventual consolidation of the functions of the Immigration and Naturalization Service, and the Bureau of Security and Consular Affairs. U.S. taxpayers are presently paying for a double-check system for the processing of visitors' visas. A 1971 estimate of visitor visa issuance activity for the previous fiscal year placed the cost at \$2,241,000. A similar estimate projected the cost for fiscal 1976 at \$3,941,000. Cannot the information that the Bureau of Security and Consular Affairs develops be furnished to the immigration inspectors? What is needed is less overlapping of functions and more efficient procedures. If a consular officer can issue a visa on the basis of an application submitted by mail, it would seem that an immigration officer could do the same. And for that matter, if the consular procedure can be handled by mail, is it actually necessary? We raise these questions because we believe the time has come for a thorough reconsideration of the entire visa procedure. We have suggested that the initial burden of reevaluation be placed on the State Department because visa reform must begin at the point of departure, necessarily involving our relations with foreign countries.

Much has been made of the need for reliable data on foreign visitors to the United States. It is argued that, notwithstanding visa obstacles, foreign visitors continue to come in larger numbers every year. Further, the argument goes, visa obstacles are not a deterrent to the free flow of business and pleasure

visitors from friendly countries. Concern about the need for reliable figures on the problem of overstay has also been expressed. Empirical evidence on these questions would be useful, but we do not believe such answers would settle the fundamental issues involved in existing visa practices. The question is whether these practices can be improved either legislatively or administratively or both. We believe improvements can be made. Some experimentation with 90 day waivers in a few friendly countries seem justified. Moreover, it certainly seems that much more could be done administratively to facilitate entry into the United States by foreign visitors. Simply put, the issue is whether the Congress and the present Administration are satisfied with the current visa system. If they are not, are they prepared to take constructive steps to improve the system?

On the question of developing reliable data, we request that the Subcommittee asks INS and the Visa Office to undertake the development of such data. The relevant statutes charge them with the responsibility for visa procedures. Their position in carrying out the visa laws puts them in a unique position to provide reliable statistics. For data concerning overstays, their own records are the best source. While they have indicated that nonimmigrant overstays range from five to ten percent, there is nothing in the present record about the basis for this figure, possible procedures to reduce it or projections for the future. On the question of how many potential visitors are deterred from travel to the United States because of the visa obstacle, INS and the Visa Office again are best situated to provide the answer. They have the face to face dealings with potential foreign travellers. They receive the correspondence. They are best able to study this question and report their findings to this Subcommittee.

The Subcommittee might also deem it appropriate to ask the U.S. Travel Service and the Department of Transportation's Office of Facilitation to lend their services to further study these questions. The U.S. Travel Service regularly conducts surveys through its six offices which are located in major international markets.

By making these requests, the industry does not seek to relieve itself of the responsibility for developing better data on these and other questions which bear on the visa waiver issue. Discover America Travel Organizations and representatives of tourism industry components have already investigated how these figures and others might be developed. In 1968, a DATO European fact-finding mission learned from those engaged in selling travel to the United States that visa requirements were a major deterrent to travel to the U.S.A. These sellers reported that their clients felt they were being simply tolerated, rather than warmly welcomed, by U.S. visa officials.

It is clear that the tourism industry regards the visa obstacle as a deterrent to inbound travel from overseas. While executives of tourism industry components may not have conducted systematic surveys on the adverse effect of visa barriers, they have their varied experience in the industry as well as their business judgment on such matters. It is their unanimous judgment that visa requirements are a deterrent and that the federal government should ease or eliminate them so that the U.S. tourism industry can compete more effectively in the world market. In the final analysis, whatever is done to make travel to this country simpler and easier is likely to increase the volume of inbound visitor travel.

Many potential visitors feel it takes considerable time, effort and planning to get a visa. The proposed legislation would make it possible for citizens of designated countries to simply possess a passport, a vaccination certificate and a nonrefundable round trip ticket. U.S. citizens traveling abroad to approximately 80 countries as short-term visitors are not required to obtain visas for either business or pleasure travel. Americans would be able to travel to additional countries without visas if the United States would reciprocate. The few countries that continue to require visas from U.S. citizens do so because of visa requirements in U.S. law. Elimination of these requirements would improve our international image and make it easier to sell our services, products and vacation areas. Accordingly, we urge favorable action on the three bills.

In closing, we urge the Subcommittee to suggest formation of a government-industry task force on visa practices. Representatives of INS, the Visa Office, the U.S. Travel Service and the Office of Facilitation of the Department of Transportation could be asked to work with representatives of interested tourism industry components to improve current visa practices. Subjects such as revised practices, modernized procedures, the development of better statistics, special

arrangements for the Bicentennial, 1976 Olympics in Canada, and similar events, could be considered and the activities of the task force could be set out in a report which would be furnished to the Subcommittee within six months.

Discover America Travel Organizations again thanks the Subcommittee for its consideration of nonimmigrant visa legislation. We stand ready to assist you whenever you might request it.

AIR TRANSPORT ASSOCIATION OF AMERICA,
Washington, D.C., October 3, 1975.

HON. JOSHUA EILBERG,
Chairman, Subcommittee on Immigration, Citizenship, and International Law,
U.S. House of Representatives, Washington, D.C.

DEAR CHAIRMAN EILBERG: During the course of the recent hearings held by your Subcommittee on proposed visa waiver legislation, it was pointed out by the Commissioner of the Immigration and Naturalization Service that H.R. 8059, as presently drafted, would have the effect of applying the ninety-day restriction and the renewal, extension or adjustment prohibition to nationals of contiguous territories and adjacent islands, as well as to nationals of other countries. Since this is an unintended result, H.R. 8059 could be slightly modified in the following manner:

"(B) on the basis of reciprocity with respect to nationals of foreign contiguous territory or of adjacent islands and residents thereof having a common nationality with such nationals, or nationals of other foreign territories during calendar year 1976 (for periods not to exceed ninety days and with no further renewal, extension or adjustment in status allowed), or".

If revised in this way, it becomes clear that the existing authority permitting waiver of the visa requirement remains unaffected, and the ninety-day restriction and the renewal, extension of adjustment prohibition apply only to nationals of countries other than contiguous territories and adjacent islands.

We would appreciate the opportunity to comment on this matter, and respectfully request that this letter be made a part of the hearing record.

Sincerely,

NORMAN J. PHILION.

PAN AMERICAN WORLD AIRWAYS,
Washington, D.C., October 22, 1975.

HON. JOSHUA EILBERG,
Chairman, Subcommittee on Immigration, Citizenship, and International Law,
Committee on the Judiciary, U.S. House of Representatives, Washington, D.C.

DEAR MR. CHAIRMAN: I would like to thank you in behalf of Pan Am for holding hearings on H.R. 9252, the "Visit U.S.A. Bicentennial Anniversary Act", designed to ease visa requirements during our Bicentennial Year.

Pan Am strongly supports enactment of this bill, because it would greatly encourage foreigners to participate in our country's Bicentennial and facilitate international traffic.

At a time when the U.S. is suffering a severe travel deficit (over \$400 million in the first six months of 1975), it is incongruous that travel to this country be discouraged. Not only do we make it difficult for foreign visitors to make temporary visits, but our stringent visa requirements as imposed by the Immigration and Nationality Act are in direct opposition to the U.S. national policy of promoting tourism to our country, as stated by the International Fair Competitive Practices Act.

The following are examples of problems which would be alleviated with passage of H.R. 9252:

(1) In 1976, the Olympic Games will be held in Canada. Many visitors to this event will be tempted to combine their trips with a visit to the U.S.A., if they do not need visas. Pan Am does not serve Canada and would have limited access to this market, but, should the visa requirement be lifted, Pan Am would benefit from considerable additional traffic.

(2) Pan Am's network of routes converge from all over the world to major U.S. gateways from which passengers may proceed to other continents on Pan Am flights. Passengers would avail themselves of U.S. stopovers if they could do so easily without needing a visa and thus generate excellent revenue and assist the balance of payments. Similarly, travel between Europe and Japan,

Australia and New Zealand via the U.S.A. would be made far more attractive.

(3) Foreign passengers arriving in the U.S.A. without visas are usually admitted to accomplish the purpose of their trips; however, the carrier inadvertently allowing this travel is fined \$1,000 per passenger. Visa Waiver legislation would preclude such fines on our financially-suffering international airlines.

(4) Passengers who are refused carriage at flight departure time because they do not possess valid U.S. visas will often cancel the trip entirely or else obtain visas and travel on other carriers and are thus lost to Pan Am.

Should the Visa Waiver legislation be passed, U.S. immigration preclearance at major foreign gateways could be a great asset in tightening up required U.S. security and avoiding possible deportations which are costly to the airlines. Thus, passage of H.R. 9252 clearly will promote better understanding of America, improve our balance of payments, and increase employment in the U.S. tourism industry.

Mr. Chairman, I appreciate the opportunity of having this statement included in the record of hearings for H.R. 9252.

Cordially,

S. G. TIPTON,
Senior Vice President,
Federal Affairs.

THIRTEENTH GUAM LEGISLATURE 1975 (FIRST) REGULAR SESSION

RESOLUTION NO. 158

(Introduced by J. F. Ada)

Relative to requesting the House Subcommittee on Immigration to give its speedy approval to H.R. 2771 relative to waiver of visa requirements.

Be it resolved by the Legislature of the Territory of Guam.

Whereas the Territory of Guam is an important destination for Japanese tourists; and

Whereas Japanese tourists visiting Guam constitute a major part of the economy of the island; and

Whereas Guam's tourist trade has suffered both from the worldwide recession and also from the bad publicity emanating from the Vietnamese refugee and repatriate situation on the island; and

Whereas the waiver of visa requirements for Japanese tourists visiting Guam would tend to increase the number of said tourists visiting the island; and

Whereas an increase in the number of tourists to Guam would have a salutary effect on the economy of the island; and

Whereas a waiver of visa requirements would be in the best interests of both the United States and the people of Guam; now, therefore, be it

Resolved, That the House Subcommittee on Immigration is respectfully requested to give its speedy endorsement to H.R. 2771; and be it further

Resolved, That the Speaker certify to and the Legislative Secretary attest the adoption hereof and that copies of the same be thereafter transmitted to the Chairman, House Subcommittee on Immigration; to Representative Antonio B. Won Pat and to the Governor of Guam.

Duly and regularly adopted on the 24th day of September, 1975.

CONCEPTION CRUZ BARRETT,
Legislative Secretary,
JOSEPH F. ADA,

Speaker.

