needed, with an emphasis on the provision of visitor services. On this matter, the committee directs the BLM to work cooperatively with Kane and Garfield Counties and the State of Utah in accommodating the diverse range of visitor expectations. The agency should look first to the capabilities and expertise of local citizens, private and government entities in addressing the issue of safety, access, and maintenance of the areas visited by the public. The two impacted counties have already signed cooperative agreements with the BLM outlining the goals, expectations and deliverables and defining the counties' participation in the planning process. The reports I have received of this cooperative effort have been encouraging.

The committee is appropriating ample funds to continue the development of a management plan and allow the continuation of the existing cooperative agreements with Kane and Garfield Counties. However, the committee has expressed that the cooperative relationship must not be limited to the management plan, as it has been already expanded to include some short-range search and rescue and other related concerns.

Mr. President, regarding the ever critical matter of schools, President Clinton assured the people of Utah that ''the creation of this monument will not come at expense of Utah's children'' and that once land exchanges were underway, ''the differences in valuation will be resolve in favor of the school Trust.'' However, the committee rightly so, has expressed its concern that the Department of Interior may be undervaluating school trust lands within the monument. We have been very specific in our instructions to the BLM that this is unacceptable.

In closing, I would like again to thank my distinguished colleagues, Senators GORTON and BYRD and their staff for their assistance in forging the directives that will guide the BLM and the Department of Interior in the planning and management of the Grand Staircase-Escalante National Monument in the next fiscal year.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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 President, I ask unanimous consent that the order for the quorum call be rescinded.

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

MORNING BUSINESS

Mr. BENNETT. Mr. President, I ask unanimous consent that there now be a period for the transaction of morning business with Senators permitted to speak therein for up to 5 minutes each.

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

THE VERY BAD DEBT BOXSCORE

Mr. HELMS. Mr. President, at the close of business Friday, September 12, 1997, the Federal debt stood at $5,415,082,668,733.48. (Five trillion, four hundred fifteen billion, eighty-two million, six hundred sixty-eight thousand, seven hundred thirty-three dollars and forty-eight cents)

One year ago, September 12, 1996, the Federal debt stood at $5,216,902,000,000 (Five trillion, two hundred sixteen billion, nine hundred two million)

Twenty-five years ago, September 12, 1972, the Federal debt stood at $436,267,000,000 (Four hundred thirty-six billion, two hundred sixty-seven million) which reflects a debt increase of nearly $5 trillion—$4,978,815,668,733.48 (Four trillion, nine hundred seventy-eight billion, eight hundred fifteen million, six hundred sixty-eight thousand, seven hundred thirty-three dollars and forty-eight cents) during the past 25 years.

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. ROTH, from the Committee on Finance, without amendment:

S. 343. A bill to authorize the extension of nondiscriminatory treatment (most-favored-nation treatment) to the products of Mongolia (Rept. No. 105–81).

S. 747. A bill to amend trade laws and related provisions to clarify the designation of normal trade relations (Rept. No. 105–82).

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. LAUTENBERG (for himself and Mr. TORRICELLI):

S. 1175. A bill to reauthorize the Delaware Water Gap National Recreation Area Citizen Advisory Commission for 10 additional years; to the Committee on Energy and Natural Resources.

By Mr. THOMAS (for himself and Mr. CRAIG):

S. 1176. A bill to guarantee that Federal agencies identify State agencies and counties as cooperating agencies when fulfilling their environmental planning responsibilites under the National Environmental Policy Act; to the Committee on Environment and Public Works.

By Mr. WARNER:

S. 1177. A bill to prohibit the exhibition of B–2 and F–117 aircraft in public air shows not sponsored by the Armed Forces; to the Committee on Armed Services.

By Mr. ABRAHAM (for himself, Mr. KENNEDY, Mr. HATCH, Mr. LEAHY, Mr. MURKOWSKI, Mr. DURBIN, Mr. STEVENS, Mr. REED, Mr. GORTON, Mr. INOUYE, and Mr. TORRICELLI):

S. 1178. A bill to amend the Immigration and Nationality Act to extend the visa waiver pilot program, and for other purposes; read twice.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. ENZI (for himself, Mr. ABRAHAM, Mr. AKAKA, Mr. ALLARD, Mr. ASHCROFT, Mr. BENNETT, Mr. BIDEN, Mr. BINGAMAN, Mrs. BOXER, Mr. BREAUX, Mr. BROWNBACK, Mr. BRYAN, Mr. BURNS, Mr. BYRD, Mr. CAMPBELL, Mr. CHAFEE, Mr. CLELAND, Mr. COATS, Ms. COLLINS, Mr. CONRAD, Mr. COVERDELL, Mr. CRAIG, Mr. D'AMATO, Mr. DASCHLE, Mr. DEWINE, Mr. DODD, Mr. DOMENICI, Mr. DORGAN, Mr. FAIRCLOTH, Mr. FEINGOLD, Mrs. FEINSTEIN, Mr. FORD, Mr. GLENN, Mr. GORTON, Mr. GRAMM, Mr. GRAMS, Mr. GRASSLEY, Mr. GREGG, Mr. HAGEL, Mr. HATCH, Mr. HELMS, Mrs. HUTCHISON, Mr. HUTCHINSON, Mr. INHOFE, Mr. JEFFORDS, Mr. KEMPTHORNE, Mr. KENNEDY, Mr. KERRY, Mr. LAUTENBERG, Mr. LEAHY, Mr. LOTT, Mr. LUGAR, Mr. MACK, Mr. MCCAIN, Mr. MCCONNELL, Ms. MOSELEY-BRAUN, Mr. MURKOWSKI, Mrs. MURRAY, Mr. NICKLES, Mr. REED, Mr. ROBB, Mr. ROBERTS, Mr. ROCKEFELLER, Mr. ROTH, Mr. SESSIONS, Mr. SHELBY, Mr. SMITH of Oregon, Ms. SNOWE, Mr. SPECTER, Mr. STEVENS, Mr. THOMAS, Mr. THURMOND, Mr. TORRICELLI, and Mr. WELLSTONE):

S. Res. 122. A resolution declaring September 26, 1997, as ''Austrian-American Day''; to the Committee on the Judiciary.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. THOMAS (for himself and Mr. CRAIG):

S. 1176. A bill to guarantee that Federal agencies indentify State agencies and counties as cooperating agencies when fulfilling their environmental planning responsibilites under the National Environmental Policy Act; to the Committee on Environment and Public Works.

THE STATE AND LOCAL GOVERNMENT PARTICIPATION ACT OF 1997

Mr. THOMAS. Madam President, I come to the floor to introduce a piece of legislation which I will submit. It is called the State and Local Participation Act of 1997.

What I would like to do, Madam President, is to introduce a bill that would provide for the opportunity for State, local, and county agencies to participate in the National Environmental Policy Act [NEPA]. This bill is to guarantee that local agencies have

an opportunity to be identified as cooperating agencies in the NEPA process, as it takes place in the various locations throughout the country. All of us know that NEPA was passed in the late 1960's, designed to provide for full study before activities are undertaken which affect the environment, and I support that idea. It has been an interesting topic over the years. NEPA, of course, is a relatively small, simple piece of legislation—less than three pages, which is unusual in this place, to have a bill that is that short. But fortunately or unfortunately, over the period of the 20 years or more that have gone since the introduction and passage of this bill, a great many changes have been made, not by amendment, not even by regulation, but in fact by court decisions. So now we have a very complicated, very expensive, very time-consuming process that is still designed, as it was originally, to make sure that studies are completed, EIS's are completed—environmental impact statements or environmental assessments, whichever is appropriate. I support that idea. But we have been very involved, in our committee, Energy and Natural Resources—been very involved in my State of Wyoming in the use of NEPA to provide for mineral exploration, to provide for roads in the public areas, to provide for grazing, to provide for the number of uses that take place on public lands.

As you can imagine, when you have a State that is 50 percent public lands, these kinds of processes are particularly important. We want to maintain them. We want to strengthen them, in fact. After 20 years of experience, there are some things that we can change. So NEPA was designed to ensure the environmental impacts of proposed actions are considered and minimized by the Federal agency that is responsible for taking the action.

It is also designed to provide for adequate public participation in that decision, in the decision process that is undertaken by the Federal agencies. This sounds pretty simple. As a matter of fact, it sounds pretty basic and reasonable. And it is. Unfortunately, the regulations—have caused it to be something other than simple.

For example, we had the question of exploring for gas in an area north of Casper, WY—a relatively small area. It would have made a great deal of difference to that county in terms of employment, a great deal of difference to that county in terms of tax base and all the things that affect a community. So the county commissioners felt as if they ought to be a part of this process, and I certainly agreed with them. They had more knowledge about that than any other agency, they had more caring about that than any other agency, yet this area was in their county so they also cared, of course, equally as much about taking care of the environment and the natural resources.

Unfortunately the BLM, in this instance, would not make this county commission a cooperating agency. And they turned to the current law which says, basically, ''Prior to making any detailed statement, the responsible Federal official shall consult and obtain the comments of Federal agencies which have jurisdiction.''

We are simply suggesting that there be added the words, ''and State and county agencies.'' So it would read, ''. . . obtain the comments of Federal and State agencies and counties which have jurisdiction.'' We think that is a reasonable thing to do. I think it is a reasonable thing to do. As a matter of fact, most people think it is a reasonable thing to do.

We also had a forest study that is now underway, in the Medicine Bow Forest, in Wyoming. I talked to the regional forester. And we had another forest in the Black Hills where the counties and local people were not made a cooperating agency. So the regional director said, ''Yes, this one we will.'' Unfortunately, when it came to it, they didn't. And they put them in, in some other category, but not as a cooperating agency. And as a cooperating agency you can participate with the Federal agencies, put your comments in the report rather than just submitting them as any other citizen.

So that is basically what we do with this legislation. It is designed to provide for greater input of State and local governments in the NEPA process. This measure will be known as the State and Local Government Participation Act of 1997. It will simply guarantee that States and counties are given an opportunity to participate, and participate in the decisions that affect the areas over which they have jurisdiction, whether it be in New York, whether it be in Wyoming, whether it be in Texas.

Madam President, I would like also to have unanimous consent that Senator CRAIG, from Idaho, be listed also as a sponsor.

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

Mr. THOMAS. I thank the Chair very much for the time. I certainly urge my associates in the Senate to take a look at this opportunity to provide for one of the things that we talk about as much as anything in this Senate, and that is providing local input into the decisions that are made by the Federal Government. Let me tell you, that is particularly important to those of us from the West—Idaho, Nevada. In Nevada, some 80 percent of the land in Nevada belongs to the Federal Government. So the decisions that are made on Federal lands by Federal agencies have a tremendous impact on the future of those States and the future of the economy, and on the future of citizens. It is my belief, and the belief of many others, that local governments, the people that have been elected from these areas, should be participating, cooperating agencies in the determination of the NEPA arrangement. We think that is what this bill will do and we certainly urge support for it.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1176

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

SHORT TITLE

SECTION 1. This Act may be cited as the ''State and Local Government Participation Act of 1997.''

SEC. 2. Section 102(2)(C) of the National Environmental Policy Act of 1969 (43 U.S.C. 4332(2)(C)) is amended—

(1) by striking ''any Federal agency which has'' in the first full sentence after subparagraph (v); and

(2) inserting in lieu thereof ''Federal and state agencies, and county governments which have''.

By Mr. WARNER:

S. 1177. A bill to prohibit the exhibition of B–2 and F–117 aircraft in public air shows not sponsored by the Armed Forces; to the Committee on Armed Services.

THE PUBLIC AIR SHOW EXHIBITION PROHIBITION ACT OF 1997

Mr. WARNER. Madam President, I am going to momentarily send a bill to the desk which will prohibit the use of F–117 aircraft and B–2 aircraft in public shows.

Madam President, I was stunned to learn last night of this tragic accident, and in no way does my action reflect any discredit on the pilot or in any way prejudge the outcome of this tragic accident. Indeed, there are facts at this moment which indicate this pilot took a risk of life to possibly avoid a greater degree of risk to others. As I listened to that report, I thought back to my own experience in Korea in 1951. My commanding officer—I remember him very well—Lt. Col. Al Gordon, U.S. Marine Corps, took off in his AD–1 bomber, and he experienced fire over a community. He stayed with his aircraft in order to avoid that aircraft going into a community, and as a consequence it lost altitude. When he finally bailed out, there was insufficient distance between the aircraft and the ground. His chute streamed and he lost his life. I remember it so well because I was detailed to go out into the mountains and collect that brave officer.

I believe that we as a nation should not be using this type of military asset in this type of show. This airplane, on a unit program cost, costs the taxpayers $100 million a copy. We only have 53 remaining, and they are needed for special missions in the national security interests of this country. I just do not believe that type of asset can be put at this type of risk. The B–2 bomber is $2 billion a copy.

Madam President, I stand with some embarrassment because I realize my office and others are besieged with requests from communities and constituents to provide these aircraft for air shows. The aircraft do enhance an air

show a great deal, but I feel it is a matter of principle that this Nation cannot subject that costly an aircraft, one that is essential to the performance of specialized missions, in this type of circumstance. As a result, I will submit this bill. Further, I am going to consider this issue in the course of the conference between the House and the Senate on the 1998 authorization bill. It will undoubtedly provoke some comment which I will listen to very carefully. I just wanted to express the heartfelt feelings of one Senator that we have to look more carefully at the use of these very costly systems in connection with public air shows such as this.

I yield the floor and thank my colleagues.

By Mr. ABRAHAM (for himself, Mr. KENNEDY, Mr. HATCH, Mr. LEAHY, Mr. MURKOWSKI, Mr. DURBIN, Mr. STEVENS, Mr. REED, Mr. GORTON, Mr. INOUYE and Mr. TORRICELLI):

S. 1178. A bill to amend the Immigration and Nationality Act to extend the visa waiver pilot program, and for other purposes; read twice.

THE VISA WAIVER PILOT PROGRAM REAUTHORIZATION ACT OF 1997

Mr. ABRAHAM. Mr. President, today I am introducing legislation that would reauthorize the current Visa Waiver Pilot Program, which is scheduled to expire on September 30, 1997. Senator KENNEDY has joined me in developing this reauthorizing legislation, and I am pleased to be introducing it with him. I am also pleased to have Senators HATCH, LEAHY, MURKOWSKI, DURBIN, STEVENS, REED, GORTON, INOUYE and TORRICELLI as original cosponsors.

The Visa Waiver Pilot Program permits aliens from designated countries to enter the United States as temporary visitors for up to 90 days with a passport, but without the additional visa that normally would also be required to enter our country. The program became effective in 1988, and was originally limited to eight countries and for a duration of three years. Twenty-five countries now participate, and the program's authorizing statute has been amended and extended five times—a clear tribute to the program's success. Last year's immigration reform law, the Illegal Immigration Reform and Immigrant Responsibility Act of 1996, extended the Visa Waiver Pilot Program through September 30, 1997. The program was extended for only 1 year so that we could consider related issues in more detail and apart from the multitude of immigration issues Congress was considering last year.

Visa waiver countries are now selected by the Attorney General in consultation with the Secretary of State, a change that was instituted through last year's immigration reform law. In order to be eligible for the program, countries must meet a number of statutory requirements, which aim to ensure that aliens admitted under the program are generally low risk and will not overstay their authorized period of stay in the United States.

Mr. President, this program has proven a great success. It has significantly furthered international travel and tourism. Nonetheless, I believe the program's authorizing statute can be improved in a number of ways to address administrative failings and, more generally, some of our Nation's very serious illegal immigration problems.

For instance, under the program, any country designated a Visa Waiver Program participant may be placed in probationary status if it does not maintain a low disqualification rate and may eventually be removed from the program. The disqualification rate represents the percentage of nationals from a particular country who applied for admission to the United States. at a port of entry as non-immigrants and who violated the terms of their nonimmigrant visas, were excluded from admission upon trying to enter or withdrew their applications for admission. But, due to problems in the administration of the program, no country has ever been removed from the program, and countries' continuing eligibilities have not even been assessed.

What can we do to improve this situation? First, we simply must improve the current abysmal record of tracking—and even counting—visa overstayers. Estimates released earlier this year by the INS put the number of illegal aliens in the United States at 5 million; 41 percent of these illegal aliens entered the United States legally but overstayed their authorized period of stay.

Moreover, we recently learned that the INS cannot even accurately assess overall numbers of those who enter legally and overstay, despite the current use of an entry-exit matching system through the I–94 cards. The current paper-based entry-exit control system relies on a card, the I–94 form, half of which is collected upon entry and the other half of which is collected by the airline or other carrier on exit. Ideally, the INS then would match up the two halves of the card. This system should permit the INS to identify individual overstayers. Yet the INS has used it only to collect aggregate numbers of overstayers. Even for that limited purpose the system has failed. We recently learned that INS data based on the I–94's has been virtually unusable since 1992.

The inspector general of the Department of Justice recently issued an alarming report on the subject of nonimmigrant visa overstayers. In that report, which was issued on September 4, the inspector general found that INS's primary information system on nonimmigrants, is not producing reliable overstay data, either in the aggregate, or on individual nonimmigrants, and noted that INS is unable to perform its responsibilities for monitoring the Visa Waiver Pilot Program, including determining whether a country should be placed on probation or terminated from the program. We need to take immediate action to correct these failings and require INS to carry out its responsibilities.

Mr. President, on July 17 I held a subcommittee hearing to examine this program. In addition to learning about weaknesses in the INS's monitoring of visa overstayers, we also learned that, in the view of many nations, the visa refusal rates countries must meet to gain admission to the program are set too low given the somewhat subjective nature of the visa awards process. Since the program's inception, efforts to modify numerical criteria have continually resurfaced. Some narrow efforts have been successful for a time, but none have resolved the issue on a more permanent basis. Rather than have any sort of special probationary status reappear from time to time or create any special status for particular countries, in my view it is better to set these criteria at a more fair level once and for all and to apply the requirements of the Visa Waiver Pilot Program rigorously to newly admitted countries and to countries already in the program.

This legislation addresses the problem of numerical criteria by slightly broadening potential eligibility for the Visa Waiver Program. At the same time, this legislation contains three provisions tightening the program, along with a provision improving administration and one extending the program for 5 years.

Allow me to be specific:

First: The bill would modify the refusal rate countries must meet to be eligible for the Visa Waiver Pilot Program. Under current law, 8 U.S.C. 1187(c), in order to be eligible for pilot program status, a country must have a low nonimmigrant visa refusal rate of 2 percent per year on average over the previous 2 fiscal years, and its refusal rate must not exceed 2.5 percent in either year. The refusal rate is the percentage of nonimmigrant visa applications that are rejected at U.S. Embassies and consulates overseas. Our legislation would change those numbers to 3 percent and 3.5 percent, respectively.

Our goal here in changing the numbers should not be to guarantee that any particular countries will be admitted into the program or to increase participation generally for its own sake. Rather, we should seek to make the criteria more fair and as a whole more reflective of reasons for which a country should be entitled to visa waiver status. A number of witnesses testified at our hearing that the Republic of Korea—commonly referred to as South Korea, should be admitted to the program. While I am confident that South Korea will eventually be admitted to the Visa Waiver Pilot Program, I should note that, since South Korea's refusal rate numbers may exceed 3 percent for the current fiscal year, South

Korea may not be eligible for admission to the Visa Waiver Pilot Program immediately.

Mr. President, increasing the refusal rate numerical cutoffs from 2 percent/2.5 percent to 3 percent/3.5 percent will not have a dramatic effect on the number of countries eligible for the Visa Waiver Pilot Program. Fourteen countries meet the current refusal rate criteria but have not been admitted to the program for other reasons. Four others—Botswana, Chile, Greece, and South Korea, do not meet the current criteria, but may meet a modified cutoff of 3 percent/3.5 percent, depending on what happens with their FY97 numbers. Changing the numerical cutoff by 1 percent would thus mean that 18 rather than 14 countries not admitted to the Visa Waiver Pilot Program might now meet the refusal rate criteria. Of those four additional countries, only South Korea is likely to meet other program requirements in the near future.

The second reform in this legislation will improve reporting of visa overstayer numbers and disqualification rates. Current law provides that countries can be removed from the Visa Waiver Pilot Program if their visa overstay and disqualification rates—i.e., the rate of those turned away at ports of entry as inadmissible, exceed 2 percent of those seeking admission as nonimmigrants under the Visa Waiver Pilot Program. Yet the INS has produced no data on overstay numbers since 1992 and has accordingly been unable to fulfill its statutory duties.

To address this serious shortcoming in administration of the Visa Waiver Pilot Program, the bill would require that the Attorney General: First, make precise numerical estimates for each pilot program country of that country's visa overstay and disqualification rates, and second, report those estimates to Congress within 30 days after the end of each fiscal year. In addition, for any new country to be admitted under the slightly revised refusal rate criteria, the Attorney General would have to certify that the country's visa overstay and disqualification rates had been within the statutory limits.

Third, this legislation provides for enhanced passport security requirements. Under current program requirements, a country may not be admitted to the Visa Waiver Pilot Program unless it certifies that it has or is in the process of developing a program to issue machine-readable passports to its citizens. At the subcommittee hearing we held on this issue in July, the INS suggested that participant countries also be required to issue fraud resistant passports. This legislation actually builds on the INS's proposed requirement. It would require that countries seeking admission to the program issue machine-readable and highly fraud-resistant passports. It would no longer be enough for countries to certify that they were moving toward issuing these passports.

The proposed bill would also extend this requirement to countries already in the program. Despite the requirement in current law that countries at least be developing machine-readable passport programs, there is no requirement that they follow through. Likewise, there has been no follow-up by the State Department to ensure that they eventually meet the requirement. For countries in the program as of September 30, 1997, the bill provides that the Attorney General may not redesignate a country as a pilot program country unless the country certifies that it has issued or will issue as of a date certain machine-readable and highly fraud-resistant passports and unless the country subsequently complies with any such certification commitments.

Fourth, this legislation links expansion of Visa Waiver Pilot Program with INS development of an automated entry-exit control system. The illegal immigration reform bill requires the Attorney General to develop, by September 30, 1998, an automated entry-exit control system that will match arrival and departure records and make possible identification of individual aliens who overstay their visas. INS indicates that they will have this system up and running on time for ports of entry other than our land borders. To ensure that the Visa Waiver Pilot Program will not be expanded before INS complies with those requirements—and to add some incentive for them to do so—the Abraham-Kennedy bill would require that no new country be admitted to the program until 30 days after the Attorney General certifies to Congress that the automated entry-exit control system mandated by the illegal immigration reform law is operational at all ports of entry excluding the land borders. I note that there may be some question as to whether last year's law intended to have the automated entry-exit control system apply to the land borders, and I will be working separately to clarify that Congress intended the provision to apply only to entry and exit at ports of entry excluding the land borders.

Fifth, this legislation provides modified roles for the Secretary of State and Attorney General to reflect their respective Agency's expertise. Last year's immigration reform law also altered the relationship between the Secretary of State and the Attorney General with respect to decisions under the Visa Waiver Pilot Program. That program previously provided that relevant determinations would be made jointly by the Secretary and the Attorney General. The illegal immigration bill provided that such determinations are to be made by the Attorney General in consultation with the Secretary. Under the Abraham-Kennedy bill, the Secretary, in consultation with the Attorney General, would have the lead role only in terms of initially allowing a country into the Visa Waiver Pilot Program.

The Secretary is given this role because she compiles the refusal rates and is in a better position to assess a country's passport program than the Attorney General. Once countries are admitted to the program, however, the Attorney General would play the lead agency role in determining whether a country will remain in the program or be placed on probation for having excessive overstay and disqualification rates. This is in keeping with the Attorney General's responsibility for determining these figures and over aliens once they arrive at a port of entry to the United States.

Finally, the proposed bill includes a 5-year extension of the Visa Waiver Pilot Program, setting an expiration date of September 30, 2002.

Mr. President, I urge my colleagues to support the extension of this important program in conjunction with the changes that Senator KENNEDY and I have developed. This legislation will rationalize an important program that has brought significant benefits to our Nation, while instituting important safeguards to protect that program's integrity.

I ask unanimous consent that the full text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1178

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

SECTION 1. SHORT TITLE.

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

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

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

''(c) DESIGNATION OF PILOT PROGRAM COUNTRIES.—

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

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

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

''(B) LOW NONIMMIGRANT VISA REFUSAL RATE FOR EACH OF 2 PREVIOUS YEARS.—The average number of refusals of nonimmigrant visitor visas for nationals of that country during either of such two previous full fiscal years

was less than 3.5 percent of the total number of nonimmigrant visitor visas for nationals of that country which were granted or refused during that year.

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

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

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

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

''(II) the total number of nationals for that country who were admitted as nonimmigrant visitors during such previous fiscal year and who violated the terms of such admission,

is less than 2 percent of the total number of nationals of that country who applied for admission as nonimmigrant visitors during such previous fiscal year.

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

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

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

''(II) the total number of nationals of that country who were admitted as nonimmigrant visitors during such previous fiscal year and who violated the terms of such admission,

was less than 2 percent of the total number of nationals of that country who applied for admission as nonimmigrant visitors during such previous fiscal year.

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

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

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

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

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

''(4) INITIAL PERIOD.—For purposes of paragraph (3), the term 'initial period' means the period beginning at the end of the 30-day period described in section 2(c)(1) of the Visa Waiver Pilot Program Reauthorization Act of 1997 and ending on the last day of the first fiscal year which begins after such 30-day period.''.

(b) AUTHORIZED PILOT PROGRAM PERIOD.—Section 217(f) of that Act is amended by striking ''September 30, 1997'' and inserting ''September 30, 2002''.

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

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

Mr. KENNEDY. Mr. President, I am honored to join Senator ABRAHAM, the chairman of the Immigration Subcommittee, in introducing legislation to extend the Visa Waiver Program for 5 additional years. The programs serves the Nation well, and deserves to be extended.

I am particularly pleased that the bill we introduce today would create a pilot program to expand the number of countries able to participate in the Visa Waiver Program. I am optimistic that Portugal, for example, will qualify for the waiver program under the legislation which Senator ABRAHAM and I propose today. I have advocated Portugal's inclusion in this program for several years because of the close ties between the people of Massachusetts and that country. Its inclusion in this program will allow Portuguese citizens to come to the United States to visit relatives or conduct trade and business without facing the often time-consuming task of obtaining a visa.

This Visa Waiver Program started as a pilot program in 1988 with only one country, the United Kingdom. Today, it has grown into an important part of overall U.S. immigration policy. Twenty-five countries now qualify for the program, and it brings significant benefits to the United States as well as to visitors from those nations.

Almost half of those who visit the United States for business or tourism now enter under this program. Billions of dollars in international transactions are facilitated by the ease of travel that it makes available. According to the Travel Industry Association of America, tourists coming to this country under the program contribute $84 billion to the economy and help support 947,000 American jobs in the tourist industry.

The Visa Waiver Program also strengthens immigration enforcement. Rather than spending tax dollars to conduct needless visa interviews, the program enables us to concentrate scarce resources on the serious immigration problems of keeping criminals and terrorists out and dealing more effectively with visa fraud. As a result of the program, millions of dollars and hundreds of consular personnel have been reallocated to target the most serious immigration threats.

Countries must meet strict criteria before they are eligible to participate in the waiver program, in order to prevent illegal immigration to the United States. The Attorney General may cancel a country's participation at any time if she believes a waiver compromises law enforcement or national security.

Travelers from participating countries may come to the United States without visas, but they still must be interviewed by U.S. immigration officials at the airport or other points of entry before they are admitted to this country. According to INS statistics, few travelers abuse the program to enter the United States illegally. INS has turned away less than 1 percent of those seeking entry under the Visa Waiver Program.

The bill we introduce today makes a good waiver program even better. It builds on the success of the current waivers by establishing a small pilot program to enable certain countries that do not currently qualify to participate if they meet certain strict requirements. A precondition for the pilot program is for INS to develop and implement an automated entry-exit control system. Today, we know who comes to America, but we do not always know who leaves. We need this information in order to track down visitors who remain in this country illegally after their visas expire, and to ensure that countries are abiding by the requirements of the program, and

are not contributing to illegal immigration.

In order to participate in the new pilot program, a country must have a low visa refusal rate at our consulates abroad. Under the normal Visa Waiver Program, qualifying countries must have a refusal rate of less than 2 percent over the past 2 years. The Abraham-Kennedy pilot program would set the requirement at 3 percent for countries to enter the program on a pilot basis. In recent times, Portugal's refusal rate has been below the 3-percent threshold, so unless Portugal's refusal rate rises, I would look forward at long last to welcoming Portugal into this program.

Mr. President, the Visa Waiver Program works, and I urge Congress to extend it. I commend Senator ABRAHAM for offering this timely legislation, and I am proud to be a sponsor.

Mr. MURKOWSKI. Mr. President, I rise today to support Senator ABRAHAM and Senator KENNEDY's efforts to amend and reauthorize the Visa Waiver Pilot Program [VWPP]. The Visa Waiver Pilot Program has been highly successful program, freeing up embassy staff, promoting tourism and trade, and fostering closer ties between our country and her allies. Chairman ABRAHAM has made a number of important changes to the VWPP which I believe will make this program even more successful. The changes include tightening controls so that there will not be abuse of the program, and adjusting the admission criteria to include deserving countries.

As many of my colleagues know, I have been a strong advocate of including South Korea in the Visa Waiver Pilot Program. I believe no other country, not currently included in the pilot program, represents as close an ally as South Korea. As our fifth largest export market, home to 37,000 of our troops, and with an economy larger than all but 5 of the current visa waiver countries, this democratic country deserves the right to participate in this program. With a 1996 unemployment rate of 2 percent, lower than all but one of the VWPP countries, the burgeoning middle class in South Korea should be able to travel to the United States without the cumbersome restraints associated with citizens traveling from high-risk countries.

The Abraham legislation is a positive step, but it is unclear if South Korea will be eligible for the VWPP in the short term because of the bill's continued reliance on refusal rates as the defining criteria for admission. However, under this legislation Korea stands a much better chance of becoming eligible than under current law. For this reason and the fact that Senator ABRAHAM and Senator KENNEDY have strengthened the safeguards in the VWPP, I am supporting this legislation.

This bill expands along the concept of promoting tourism and trade and fostering closer ties between our country and our allies by increasing the refusal rates needed to become eligible for inclusion into the Visa Waiver Pilot Program. The bill also addresses many of the concerns raised by the Immigration and Naturalization Service and the Justice Department by including additional safeguards to ensure that the program is not abused and becomes a vehicle for illegal immigration.

For instance, in order for a visa waiver country to be redesignated as a visa waiver country, under this legislation the Attorney General must make precise estimates, based upon data collected from an automated entry-exit control system, of the overstay rates of each country. If the Attorney General cannot make an estimate for a country, that country will lose its privilege to travel to the United States visa free.

In the past, Congress could not adequately monitor the effectiveness of the Visa Waiver Pilot Program. With the requirements for overstay rates, Congress will have analytical evidence that countries are not abusing this privilege and that the Visa Waiver Pilot Program works. Coupled with the additional safeguards, including the requirement for machine readable and highly fraud resistant passports for countries entering the program, the entry-exit control system, already being implemented by INS, will ensure that the VWPP continues to be successful.

I would like to see further changes. For example, changing the reliance on arbitrary refusal rates decided in many cases by overworked staff in our embassies and consulate offices abroad. Examples where embassy staff have mistakingly denied visas, abound. They include:

President Kim Young Sam's sister rejected the first time she applied for a tourist visa.

The daughter of the chairman of the multibillion-dollar company, Hyundai, was rejected for a student visa based on insufficient financial resources.

The son of the president of IBM Korea was rejected because the consular office did not believe the son would be a good student. He had already been accepted in the school in the United States.

For South Korea, where our United States Embassy processes more nonimmigrant visa applications than any other country in the world, the use of the refusal rate automatically puts South Korea at a disadvantage. This needs to be corrected. Perhaps with the establishment of a working entry-exit control system required in this bill, the overstay rate coupled with other objective criteria can be used to determine eligibility.

I would like to commend Senator ABRAHAM and Senator KENNEDY for taking such an active role regarding Korea and the Visa Waiver Pilot Program. The Subcommittee on Immigration on the Judiciary Committee has worked closely with my staff to try to accommodate my concerns. I look forward to working closely with both Senators in the future regarding this issue.

ADDITIONAL COSPONSORS

S. 61

At the request of Mr. LOTT, the name of the Senator from Vermont [Mr. JEFFORDS] was added as a cosponsor of S. 61, a bill to amend title 46, United States Code, to extend eligibility for veterans' burial benefits, funeral benefits, and related benefits for veterans of certain service in the United States merchant marine during World War II.

S. 219

At the request of Mr. LUGAR, his name was added as a cosponsor of S. 219, a bill to amend the Trade Act of 1974 to establish procedures for identifying countries that deny market access for value-added agricultural products of the United States.

S. 606

At the request of Mr. HUTCHINSON, the name of the Senator from Minnesota [Mr. GRAMS] was added as a cosponsor of S. 606, a bill to prohibit discrimination in contracting on federally funded projects on the basis of certain labor policies of potential contractors.

S. 648

At the request of Mr. GORTON, the name of the Senator from Oregon [Mr. SMITH] was added as a cosponsor of S. 648, a bill to establish legal standards and procedures for product liability litigation, and for other purposes.

S. 723

At the request of Mr. LAUTENBERG, the name of the Senator from New York [Mr. MOYNIHAN] was added as a cosponsor of S. 723, a bill to increase the safety of the American people by preventing dangerous military firearms in the control of foreign governments from being imported into the United States, and for other purposes.

S. 781

At the request of Mr. HATCH, the name of the Senator from Georgia [Mr. COVERDELL] was added as a cosponsor of S. 781, a bill to establish a uniform and more efficient Federal process for protecting property owners' rights guaranteed by the fifth amendment.

S. 927

At the request of Ms. SNOWE, the name of the Senator from South Carolina [Mr. THURMOND] was added as a cosponsor of S. 927, a bill to reauthorize the Sea Grant Program.

S. 1066

At the request of Mr. WELLSTONE, the names of the Senator from Illinois [Ms. MOSELEY-BRAUN], and the Senator from Illinois [Mr. DURBIN] were added as cosponsors of S. 1066, a bill to amend the Internal Revenue Code of 1986 to allow the alcohol fuels credit to be allocated to patrons of a cooperative in certain cases.

SENATE JOINT RESOLUTION 6

At the request of Mr. KYL, the name of the Senator from New Hampshire [Mr. SMITH] was added as a cosponsor