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Mr. DELAHUNT, Ms. MILLENDER-MCDONALD, and Ms. EDDIE BERNICE JOHNSON of Texas changed their vote from ''yea'' to ''nay.''

Mr. GUTIERREZ and Mr. BECERRA changed their vote from ''nay'' to ''yea.''

So (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. EWING. Mr. Speaker, on rollcall No. 115, had I been present, I would have voted ''yes.''

Mr. GILMAN. Mr. Speaker, during rollcall No. 115 I was unavoidably detained, while attending the funeral of Jack Brady, former Chief of Staff of the House International Relations Committee, and missed the vote. If I had been present I would have voted ''aye.''

VISA WAIVER PERMANENT PROGRAM ACT

Mr. SMITH of Texas. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3767) to amend the Immigration and Nationality Act to make improvements to, and permanently authorize, the visa waiver pilot program under section 217 of such Act, as amended.

The Clerk read as follows:

H.R. 3767

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 Permanent Program Act''.

TITLE I—PERMANENT PROGRAM AUTHORIZATION

SEC. 101. ELIMINATION OF PILOT PROGRAM STATUS.

(a) IN GENERAL.—Section 217 of the Immigration and Nationality Act (8 U.S.C. 1187) is amended—

(1) in the section heading, by striking ''PILOT'';

(2) in subsection (a)—

(A) in the subsection heading, by striking ''PILOT'';

(B) in the matter preceding paragraph (1), by striking ''pilot'' both places it appears;

(C) in paragraph (1), by striking ''pilot program period (as defined in subsection (e))'' and inserting ''program''; and

(D) in paragraph (2), in the paragraph heading, by striking ''PILOT'';

(3) in subsection (b), in the matter preceding paragraph (1), by striking ''pilot'';

(4) in subsection (c)—

(A) in the subsection heading, by striking ''PILOT'';

(B) in paragraph (1), by striking ''pilot'';

(C) in paragraph (2)—

(i) by striking ''subsection (g)'' and inserting ''subsection (f)''; and

(ii) by striking ''pilot''; and

(D) in paragraph (3)—

(i) in the matter preceding subparagraph (A), by striking ''(within the pilot program period)'';

(ii) in subparagraph (A), in the matter preceding clause (i), by striking ''pilot'' both places it appears; and

(iii) in subparagraph (B), by striking ''pilot'';

(5) in subsection (e)(1)—

(A) in the matter preceding subparagraph (A), by striking ''pilot''; and

(B) in subparagraph (B), by striking ''pilot'';

(6) by striking subsection (f) and redesignating subsection (g) as subsection (f); and

(7) in subsection (f) (as so redesignated)—

(A) in paragraph (1)(A) by striking ''pilot'';

(B) in paragraph (1)(C), by striking ''pilot'';

(C) in paragraph (2)(A), by striking ''pilot'' both places it appears;

(D) in paragraph (3), by striking ''pilot''; and

(E) in paragraph (4)(A), by striking ''pilot''.

(b) CONFORMING AMENDMENTS.—

(1) DOCUMENTATION REQUIREMENTS.—Clause (iv) of section 212(a)(7)(B) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(7)(B)(iv)) is amended—

(A) in the clause heading, by striking ''PILOT''; and

(B) by striking ''pilot''.

(2) TABLE OF CONTENTS.—The table of contents for the Immigration and Nationality Act is amended, in the item relating to section 217, by striking ''pilot''.

TITLE II—PROGRAM IMPROVEMENTS

SEC. 201. EXTENSION OF RECIPROCAL PRIVILEGES.

Section 217(a)(2)(A) of the Immigration and Nationality Act (8 U.S.C. 1187(a)(2)(A)) is amended by inserting '', either on its own or in conjunction with one or more other countries that are described in subparagraph (B) and that have established with it a common area for immigration admissions,'' after ''to extend)''.

SEC. 202. MACHINE READABLE PASSPORT PROGRAM.

(a) REQUIREMENT ON ALIEN.—Section 217(a) of the Immigration and Nationality Act (8 U.S.C. 1187(a)) is amended—

(1) by redesignating paragraphs (3) through (7) as paragraphs (4) through (8), respectively; and

(2) by inserting after paragraph (2) the following:

''(3) MACHINE READABLE PASSPORT.—On and after October 1, 2006, the alien at the time of application for admission is in possession of a valid unexpired machine-readable passport that satisfies the internationally accepted standard for machine readability.''.

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

''(B) MACHINE READABLE PASSPORT PROGRAM.—

''(i) IN GENERAL.—Subject to clause (ii), the government of the country certifies that it issues to its citizens machine-readable passports that satisfy the internationally accepted standard for machine readability.

''(ii) DEADLINE FOR COMPLIANCE FOR CERTAIN COUNTRIES.—In the case of a country designated as a program country under this subsection prior to May 1, 2000, as a condition on the continuation of that designation, the country—

''(I) shall certify, not later than October 1, 2000, that it has a program to issue machine-readable passports to its citizens not later than October 1, 2003; and

''(II) shall satisfy the requirement of clause (i) not later than October 1, 2003.''.

SEC. 203. DENIAL OF PROGRAM WAIVER BASED ON GROUND OF INADMISSIBILITY.

(a) IN GENERAL.—Section 217(a) of the Immigration and Nationality Act (8 U.S.C. 1187(a)), as amended by section 202, is further amended by adding at the end the following:

''(9) AUTOMATED SYSTEM CHECK.—The identity of the alien has been checked using an automated electronic database containing information about the inadmissibility of aliens to uncover any grounds on which the alien may be inadmissible to the United States, and no such ground has been found.''.

(b) VISA APPLICATION SOLE METHOD TO DISPUTE DENIALS OF WAIVER BASED ON GROUND OF INADMISSIBILITY.—Section 217 of the Immigration and Nationality Act (8 U.S.C. 1187), as amended by section 101(a)(6) of this Act, is further amended by adding at the end the following:

''(g) VISA APPLICATION SOLE METHOD OF DISPUTING GROUND OF INADMISSIBILITY FOUND IN AUTOMATED SYSTEM.—In the case of an alien denial a waiver under the program by reason of a ground of inadmissibility uncovered through a written or verbal statement by the alien or a use of an automated electronic database required under subsection (a)(9), the alien may apply for a visa at an appropriate consular office outside the United States. There shall be no other means of administrative or judicial review of such a denial, and no court or person otherwise shall have jurisdiction to consider any claim attacking the validity of such a denial.''.

(c) PAROLE AUTHORITY.—Section 212(d)(5) of the Immigration and Nationality Act (8 U.S.C. 1182(d)(5)) is amended—

(1) in subparagraph (A), by striking ''subparagraph (B)'' and inserting ''subparagraph (B) or (C)''; and

(2) by adding at the end the following:

''(C) The Attorney General may not parole into the United States an alien who has applied under section 217 for a waiver of the visa requirement, and has been denied such waiver by reason of a ground of inadmissibility uncovered through a written or verbal statement by the alien or a use of an automated electronic database required under section 217(a)(9), unless the Attorney General determines that compelling reasons in the public interest, or compelling health considerations, with respect to that particular alien require that the alien be paroled into the United States.''.

SEC. 204. EVALUATION OF EFFECT OF COUNTRY'S PARTICIPATION ON LAW ENFORCEMENT AND SECURITY.

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

''(C) LAW ENFORCEMENT AND SECURITY INTERESTS.—The Attorney General, in consultation with the Secretary of State—

''(i) evaluates the effect that the country's designation would have on the law enforcement and security interests of the United States (including the interest in enforcement of the immigration laws of the United States);

''(ii) determines that such interests would not be compromised by the designation of the country; and

''(iii) submits a written report to the Committee on the Judiciary of the United States House of Representatives and of the Senate regarding the country's qualification for designation that includes an explanation of such determination.''.

(b) CONTINUATION OF DESIGNATION.—Section 217(c) of the Immigration and Nationality Act (8 U.S.C. 1187(c)) is amended by adding at the end the following:

''(5) WRITTEN REPORTS ON CONTINUING QUALIFICATION; DESIGNATION TERMINATIONS.—

''(A) PERIODIC EVALUATIONS.—

''(i) IN GENERAL.—The Attorney General, in consultation with the Secretary of State, periodically (but not less than once every 5 years)—

''(I) shall evaluate the effect of each program country's continued designation on the law enforcement and security interests of the United States (including the interest in

enforcement of the immigration laws of the United States);

''(II) shall determine whether any such designation ought to be continued or terminated under subsection (d); and

''(III) shall submit a written report to the Committee on the Judiciary of the United States House of Representatives and of the Senate regarding the continuation or termination of the country's designation that includes an explanation of such determination and the effects described in subclause (I).

''(ii) EFFECTIVE DATE.—A termination of the designation of a country under this subparagraph shall take effect on the date determined by the Attorney General, but may not take effect before the end of the 30-day period beginning on the date on which notice of the termination is published in the Federal Register.

''(iii) REDESIGNATION.—In the case of a termination under this subparagraph, the Attorney General shall redesignate the country as a program country, without regard to subsection (f) or paragraph (2) or (3), when the Attorney General, in consultation with the Secretary of State, determines that all causes of the termination have been eliminated.

''(B) AUTOMATIC TERMINATION.—

''(i) REQUIREMENT.—On and after October 1, 2005, the designation of any program country with respect to a report described in subparagraph (A)(i)(III) has not been submitted in accordance with such subparagraph during the preceding 5 years shall be considered terminated.

''(ii) EFFECTIVE DATE.—A termination of the designation of a country under this subparagraph shall take effect on the last day of the 5-year period described in clause (i).

''(iii) REDESIGNATION.—In the case of a termination under this subparagraph, the Attorney General shall redesignate the country as a program country, without regard to subsection (f) or paragraph (2) or (3), when the required report is submitted, if the report includes a determination by the Attorney General that the country should continue as a program country.

''(C) EMERGENCY TERMINATION.—

''(i) IN GENERAL.—In the case of a program country in which an emergency occurs that the Attorney General, in consultation with the Secretary of State, determines threatens the law enforcement or security interests of the United States (including the interest in enforcement of the immigration laws of the United States), the Attorney General shall immediately terminate the designation of the country as a program country.

''(ii) DEFINITION.—For purposes of clause (i), the term 'emergency' means—

''(I) the overthrow of a democratically elected government;

''(II) war (including undeclared war, civil war, or other military activity);

''(III) disruptive social unrest;

''(IV) a severe economic or financial crisis; or

''(V) any other extraordinary event that threatens the law enforcement or security interests of the United States (including the interest in enforcement of the immigration laws of the United States).

''(iii) REDESIGNATION.—The Attorney General may redesignate the country as a program country, without regard to subsection (f) or paragraph (2) or (3), when the Attorney General determines that—

''(I) at least 6 months have elapsed since the effective date of the termination;

''(II) the emergency that caused the termination has ended; and

''(III) the average number of refusals of nonimmigrant visitor visas for nationals of that country during the period of termination under this subparagraph 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 such period.

''(D) TREATMENT OF NATIONALS AFTER TERMINATION.—For purposes of this paragraph—

''(i) nationals of a country whose designation is terminated under subparagraph (A), (B), or (C) shall remain eligible for a waiver under subsection (a) until the effective date of such termination; and

''(ii) a waiver under this section that is provided to such a national for a period described in subsection (a)(1) shall not, by such a designation termination, be deemed to have been rescinded or otherwise rendered invalid, if the waiver is granted prior to such termination.''.

SEC. 205. USE OF INFORMATION TECHNOLOGY SYSTEMS.

(a) IN GENERAL.—Section 217 of the Immigration and Nationality Act (8 U.S.C. 1187), as amended by section 203(b), is further amended by adding at the end the following:

''(h) USE OF INFORMATION TECHNOLOGY SYSTEMS.—

''(1) AUTOMATED ENTRY-EXIT CONTROL SYSTEM.—

''(A) SYSTEM.—Not later than October 1, 2001, the Attorney General shall develop and implement a fully automated entry and exit control system that will collect a record of arrival and departure for every alien who arrives by sea or air at a port of entry into the United States and is provided a waiver under the program.

''(B) REQUIREMENTS.—The system under subparagraph (A) shall satisfy the following requirements:

''(i) DATA COLLECTION BY CARRIERS.—Not later than October 1, 2001, the records of arrival and departure described in subparagraph (A) shall be based, to the maximum extent practicable, on passenger data collected and electronically transmitted to the automated entry and exit control system by each carrier that has an agreement under subsection (a)(4).

''(ii) DATA PROVISION BY CARRIERS.—Not later than October 1, 2002, no waiver may be provided under this section to an alien arriving by sea or air at a port of entry into the United States on a carrier unless the carrier is electronically transmitting to the automated entry and exit control system passenger data determined by the Attorney General to be sufficient to permit the Attorney General to carry out this paragraph.

''(iii) CALCULATION.—The system shall contain sufficient data to permit the Attorney General to calculate, for each program country and each fiscal year, the portion of nationals of that country who are described in subparagraph (A) and for whom no record of departure exists, expressed as a percentage of the total number of such nationals who are so described.

''(C) REPORTING.—

''(i) PERCENTAGE OF NATIONALS LACKING DEPARTURE RECORD.—Not later than January 30 of each year (beginning with the year 2003), the Attorney General shall submit a written report to the Committee on the Judiciary of the United States House of Representatives and of the Senate containing the calculation described in subparagraph (B)(iii) for each program country for the previous fiscal year.

''(ii) SYSTEM EFFECTIVENESS.—Not later than October 1, 2004, the Attorney General shall submit a written report to the Committee on the Judiciary of the United States House of Representatives and of the Senate containing the following:

''(I) The conclusions of the Attorney General regarding the effectiveness of the automated entry and exit control system to be developed and implemented under this paragraph.

''(II) The recommendations of the Attorney General regarding the use of the calculation described in subparagraph (B)(iii) as a basis for evaluating whether to terminate or continue the designation of a country as a program country.

''(2) AUTOMATED DATA SHARING SYSTEM.—

''(A) SYSTEM.—The Attorney General and the Secretary of State shall develop and implement an automated data sharing system that will permit them to share data in electronic form from their respective records systems regarding the admissibility of aliens who are nationals of a program country.

''(B) REQUIREMENTS.—The system under subparagraph (A) shall satisfy the following requirements:

''(i) SUPPLYING INFORMATION TO IMMIGRATION OFFICERS CONDUCTING INSPECTIONS AT PORTS OF ENTRY.—Not later than October 1, 2002, the system shall enable immigration officers conducting inspections at ports of entry under section 235 to obtain from the system, with respect to aliens seeking a waiver under the program—

''(I) any photograph of the alien that may be contained in the records of the Department of State or the Service; and

''(II) information on whether the alien has ever been determined to be ineligible to receive a visa or ineligible to be admitted to the United States.

''(ii) SUPPLYING PHOTOGRAPHS OF INADMISSIBLE ALIENS.—The system shall permit the Attorney General electronically to obtain any photograph contained in the records of the Secretary of State pertaining to an alien who is a national of a program country and has been determined to be ineligible to receive a visa.

''(iii) MAINTAINING RECORDS ON APPLICATIONS FOR ADMISSION.—The system shall maintain, for a minimum of 10 years, information about each application for admission made by an alien seeking a waiver under the program, including the following:

''(I) The name of each immigration officer conducting the inspection of the alien at the port of entry.

''(II) Any information described in clause (i) that is obtained from the system by any such officer.

''(III) The results of the application.''.

(b) CONFORMING AMENDMENT.—Section 217(e)(1) of the Immigration and Nationality Act (8 U.S.C. 1187(e)(1)) is amended—

(1) in subparagraph (B), by striking ''and'' at the end;

(2) in subparagraph (C), by striking the period at the end and inserting '', and''; and

(3) by adding at the end the following:

''(D) to collect, provide, and share passenger data as required under subsection (h)(1)(B).''.

SEC. 206. CONDITIONS FOR VISA REFUSAL ELIGIBILITY.

Section 217(c) of the Immigration and Nationality Act (8 U.S.C. 1187(c)), as amended by section 204(b) of this Act, is further amended by adding at the end the following:

''(6) COMPUTATION OF VISA REFUSAL RATES.—For purposes of determining the eligibility of a country to be designated as a program country, the calculation of visa refusal rates shall not include any visa refusals which incorporate any procedures based on, or are otherwise based on, race, sex, sexual orientation, or disability, unless otherwise specifically authorized by law or regulation.''.

The SPEAKER pro tempore (Mr. PEASE). Pursuant to the rule, the gentleman from Texas (Mr. SMITH) and the gentlewoman from Texas (Ms. JACKSON-LEE) each will control 20 minutes.

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

GENERAL LEAVE

Mr. SMITH of Texas. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks, and to include extraneous material on H.R. 3767, the bill under consideration.

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

There was no objection.

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

Mr. Speaker, the Visa Waiver Pilot Program allows aliens traveling from certain designated countries to come to the United States as temporary visitors for business or pleasure without having to obtain the nonimmigrant visa normally required. The program authorizes the Attorney General to waive the ''B'' visa requirement for traveling aliens coming from those certain countries that have qualified. There are currently 29 countries participating in this program.

Since its initial enactment as a temporary program in 1986, the Visa Waiver Pilot Program, often referred to as the VWPP, has been regularly extended by Congress. The current legislation expires on April 30. Fourteen years is a long time for a pilot program. It is time to make the VWPP permanent. H.R. 3767, the Visa Waiver Permanent Program Act, will make the visa waiver program permanent, more secure, and end the need to permanently reauthorize the program.

H.R. 3767 is a bipartisan bill. It was passed unanimously by the Subcommittee on Immigration and Claims and the Committee on the Judiciary. The tourism and travel industry strongly supports this legislation. Visa-free travel under the program has increased tourism in the United States from participating countries. More than 17 million visitors enter the United States under the visa waiver program each year. A permanent program will be a long-term benefit to the tourism industry and remove the uncertainty caused by the periodic expiration of the program.

While a permanent visa waiver program would be good for the American travel industry, a permanent program should not be authorized if the program posed a threat to the safety and well-being of the United States or exposed our country to situations in which large numbers of aliens could use the program to circumvent our immigration laws.

The current requirement that participating countries have a machine readable passport has been strengthened by establishing a date certain for all countries in the program to implement such a machine readable passport. Some countries that have been in the program for nearly 10 years still have not introduced the machine readable passport they committed to develop as a condition of their entry into the program. Setting a deadline that is firm is reasonable and fair.

H.R. 3767 also addresses what has been a major concern about the visa waiver program, the inability of the INS to monitor overstays by visa waiver travelers. Because the INS has failed to establish a credible system for calculating or estimating overstay rates, the only mechanism in the current statute for monitoring the compliance of countries in the program does not work. Thus, there has been a concern that once a country entered the program, it would be in forever, even if conditions in the country deteriorated and nationals of the country began to abuse the program.

H.R. 3767 requires the INS to develop a fully automated system for tracking the entry and departure of visa waiver travelers entering by air and sea, which is approximately 98 percent of all visa waiver pilot program travelers. Such a system could easily build on existing technology used to develop the advanced passenger information system, which INS has developed in cooperation with the airlines. Once the automated tracking system is in place, the information it produces can be used to calculate overstay rates and visas.

H.R. 3767 also establishes procedures for periodic reviews of countries already in the program and for dealing with emergency situations should they arise. Such procedures are an absolute necessity to ensure a permanent visa waiver program does not pose a threat to the law enforcement and security interests of the United States.

Once again, Mr. Speaker, I urge my colleagues to support this permanent program of the visa waiver and, to make sure that we have a good program, we need to include the provisions that I have mentioned.

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

Ms. JACKSON-LEE of Texas. Mr. Speaker, I yield myself such time as I may consume.

(Ms. JACKSON-LEE of Texas asked and was given permission to revise and extend her remarks.)

Ms. JACKSON-LEE of Texas. Mr. Speaker, I am pleased to be an original cosponsor of the Visa Waiver Permanent Program Act. I want to commend the subcommittee chairman, the gentleman from Texas (Mr. SMITH) and his staff for working with me and my staff to make the appropriate changes that will encourage and expand tourism to the United States while at the same time protecting our Nation and its citizens.

The Visa Waiver Pilot Program was created by Congress to allow short-term visitors to travel to the United States without having to obtain a visitor visa, thereby encouraging and facilitating international tourism to the United States. This program is not only about immigration, it is about jobs and trade. International tourism to the U.S. in 1999 resulted in 47 million visitors, $95 billion in expenditures, and produced 1 million direct U.S. jobs.

The positive economic impact of this bill can be seen in my home State and in my district. Texas ranks fourth in the Nation in overall visitor spending and also ranks fourth in the Nation for having the greatest number of visitors who included an historical place or event on their trip. Nearly 19 million visitors traveled to the greater Houston area in 1997; and in 1996, visitors spent just under $5 billion, which resulted in 85,000 tourism-related jobs in the area. Many of those include our international travelers.

I also feel it is very important to remind my colleagues that as home to NASA's Johnson Space Center, Six Flags AstroWorld, the world's first domed stadium, and now Enron Field, we hope Texas, along with every other State in the Union, will continue to draw international visitors. I am confident that I have the support of the subcommittee chairman on that statement, being that he is from Texas.

It is time to take the pilot out of this program. H.R. 3767 makes this program permanent. A permanent program will give our international program participants the certainty and continuity they deserve. The State Department, the Travel Industry Association of America, and the National Governors' Association all support a permanent visa waiver program.

In the full committee markup, I was able to add language that would substitute the word terminate wherever the word rescind appears. This would make the loss of the visa waiver privilege prospective from the date on which the termination goes into effect. The bill also provides any national who is in the United States when the privilege is terminated would be permitted to remain lawfully until the end of the period for which he or she was admitted. This would be less disruptive to the individual who actually came into this country legally and something occurred that would intervene and cause their nation not to be part of the program anymore.

Another unintended consequence could occur if the provisions for reinstatement of the visa privilege are not modified. If renewal of the privilege is sought after it has been taken away for cause, H.R. 3767 would require the country to meet the same standards that have to be met for an initial grant of the privilege. This includes showing that the average number of refusals for nonimmigrant visitor visas for the previous two fiscal years was less than 3 percent of the total number of visas that was requested for that period.

A country that has just had the visa waiver privilege taken away would not have a record of visa requests to base such a statistic on. Its nationals would have been entering the United States without visas pursuant to the privilege. Consequently, such a country would not be able to satisfy this requirement for at least 2 years.

This bill authorizes the Attorney General to redesignate the country when 6 months has elapsed since the effective date of the termination, the emergency that caused the termination has ended, and the average number of refusals of nonimmigrant visitor visas for nationals of that country during the termination period was less than 3.0 percent of the total number of nonimmigrant visitor visas for the nationals of that country which were granted or refused during such period.

H.R. 3767 also provides that the designation of any country shall be considered terminated if a report on whether the privilege should be continued is not submitted every 5 years. The bill would require the Attorney General to reinstate the country when the required report is submitted. Of course, this would only apply if the report concludes that the country should continue as a program country.

In committee, Mr. Speaker, we had a very, very strong and vigorous debate about the various conditions for admission to the visa waiver program. No more than 3 percent of a country's applications for U.S. nonimmigrant visas can be refused. Currently, no countries in the Caribbean or Africa meet this threshold. I am troubled by this reality and will continue to work with the State Department and my colleagues, including the gentleman from North Carolina (Mr. WATT), to remedy this problem. We must still study why all the applicants for the visa waiver program in Africa and the Caribbean are being refused.

The bill now prohibits the inclusion of any visa denied by the Department of State on certain other criteria such as race, sex, sexual orientation or disability when calculating the visa refusal rate to determine a country's eligibility.

The committee report language notes that it would be a violation of deeply-rooted American principles of equality of treatment and fair play to make determinations regarding visa eligibility based upon existing discriminatory criteria. We need to fix that.

Lastly, I am also very pleased to learn that an emerging and increasingly important trading partner, South Africa, already complies with one of the new provisions H.R. 3767 has in it, in that the country already issues machine readable passports to its citizens. As recently as 4 years ago, South Africa had a visa refusal rate of less than 3 percent.

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I would like to encourage the Department of State and the INS, through its Interagency Working Group, to consider South Africa as a possible candidate in the near future, I might add, in the very near future.

Interest into the Visa Waiver Program could help in attracting many more visitors from that great nation, and we should look at the concerns I have with respect to other developing world countries. And it would help to demonstrate our commitment to be a strong trade partner and a friend of South Africa.

In conclusion, Mr. Speaker, as we work through this legislation to fix other aspects of it, I urge Members to support H.R. 3767 in order to make the Visa Waiver Pilot Program permanent.

Mr. Speaker, I am pleased to be an original co-sponsor of H.R. 3767, the Visa Waiver Permanent Program Act. I want to commend Subcommittee Chairman SMITH and his staff for working with me and my staff to make the appropriate changes that will encourage and expand tourism to the United States while at the same time protecting our nation and its citizens.

The Visa Waiver Pilot Program was created by Congress to allow short-term visitors to travel to the U.S. without having to obtain a visitor visa, thereby encouraging and facilitating international tourism to the United States. This program is not only about immigration, it is about jobs and trade. International tourism to the U.S. in 1999 resulted in 47 million visitors, $95 billion in expenditures, and produced 1 million direct U.S. jobs.

The positive economic impact of this bill can be seen in my home state and in my district. Texas ranks 4th in the nation in overall visitor spending, and also ranks 4th in the nation for having the greatest number of visitors who included a historical place or cultural event on their trip. Nearly 19 million visitors traveled to the Greater Houston area in 1997, and in 1996 visitors spent just under $5 billion, which resulted in 85,000 tourism-related jobs in the area. I also feel it is very important to remind my colleagues that as home to NASA's Johnson Space Center, Six flags Astro World, and the world's first domed stadium—Houston and Texas—will continue to be a strong draw for international visitors. I am confident that I have Chairman SMITH's support on this statement.

It is time to take the ''pilot'' out of this program. H.R. 3767 makes this program permanent. A permanent program will give our international program participants the certainty and continuity they deserve. The State Department, the Travel Industry Association of America, and the National Governors' Association, all support a permanent Visa Waiver Program.

In the Full Committee mark-up I was able to add language that would substitute the word ''terminate'' wherever the word ''rescind'' appears. This would make the loss of the visa waiver privilege prospective from the date on which the termination goes into effect. The bill also provides that any national who is in the United States when the privilege is terminated would be permitted to remain lawfully until the end of the period for which he or she was admitted.

Another unintended consequence could occur if the provisions for reinstatement of the visa waiver privilege are not modified. If renewal of the privilege is sought after it has been taken away for cause, H.R. 3767 would require the country to meet the same standards that have to be met for an initial grant of the privilege. This includes showing that the average number of refusals for nonimmigrant visitor visas for the previous two fiscal years was less than 3% of the total number of visas that were requested for that period. A country that has just had the visa waiver privilege taken away would not have a record of visa requests to base such a statistic on. Its nationals would have been entering the United States without visas pursuant to the privilege. Consequently, such a country would not be able to satisfy this requirement for at least two years.

This bill authorizes the Attorney General to redesignate the country when six months have elapsed since the effective date of the termination; the emergency that caused the termination has ended; and the average number of refusals of nonimmigrant visitor visas for nationals of that country during the termination period was less than 3.0% of the total number of nonimmigrant visitor visas for nationals of that country which were granted or refused during such period.

H.R. 3767 also provides that the designation of any country shall be considered terminated if a report on whether the privilege should be continued is not submitted every five years. The bill would require the Attorney General to reinstate the country when the required report is submitted. Of course, this would only apply if the report concludes that the country should continue as a program country.

In committee, Mr. Speaker, we had a heavy debate about the various conditions for admission to the visa waiver program. No more than 3% of a country's applications for U.S. non-immigrant visas can be refused. Currently, no countries in the Caribbean or Africa meet this threshold. I am troubled by this reality, and will continue to work with the Department of State to try to remedy this problem. We must still study why all the applicants for the visa waiver program in Africa and the Caribbean are being refused. The bill now prohibits the inclusion of any visa denied by the Department of State on the basis of race, sex, sexual orientation or disability—when calculating the visa refusal rate for determining the eligibility of a country for the waiver program. The Committee report language notes that it would be a violation of deeply-rooted American principles of equality of treatment and fair play to make determinations regarding visa eligibility based on discriminatory criteria.

Lastly, I am also very pleased to learn that an emerging and increasingly important trading partner, South Africa, already complies with one of the new provisions in H.R. 3767, in that the country already issues machine readable passports to its citizens. As recently as four years ago, South Africa had a visa refusal rate of less than 3%, and I would like to encourage the Department of State and the INS, through its Inter-Agency Working Group, to consider South Africa as a possible candidate in the near future. Entrance into the Visa Waiver Program could help in attracting many more visitors from that great nation, and would help to demonstrate our commitment to be a strong trade partner and friend.

In conclusion, Mr. Speaker, I urge Members to support H.R. 3767 in order to make the Visa Waiver Pilot Program permanent.

Mr. SMITH of Texas. Mr. Speaker, I have no other speakers, and I reserve the balance of my time.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I yield 4 minutes to the gentleman from North Carolina (Mr. WATT).

Mr. WATT of North Carolina. Mr. Speaker, I thank the gentlewoman for yielding me the time.

Mr. Speaker, let me say up front that I intend to vote for this bill. I voted for

it in the committee, and I will vote for it on the floor.

The notion of having a Visa Waiver Program is a good and honorable notion that I think all of us support. But I think we would be less than fair with our colleagues if we did not say up front that the criteria which is currently being used for countries to get into the Visa Waiver Program are not the right criteria.

Right now we are letting countries into the Visa Waiver Program based on the visa refusal rate that countries have experienced. And, unfortunately, there are a number of instances where that refusal rate is colored by considerations that ought not go into the evaluation: the race of applicants, the economic status of applicants, various biases that people who are considering whether to grant a visa or not are being taken into account. This is not the correct criteria.

The criteria which should be being used is whether people who come to our country overstay their visa authority in our country. We are trying to move to a system that evaluates that, and we do not have that system in place.

Now, the gentleman from Texas (Chairman SMITH) said 14 years is a long time to have a pilot program. The reason we have had a pilot program for 14 years is we have been working on this system, the valid reliable system that we ought to be using to determine whether countries are included in the Visa Waiver Program, for 14 years; and we still do not have the system in place.

The problem that I have with calling this a permanent program is that we, in effect, then are sanctioning the process or impliedly sanctioning the process of considering visa denials, which then sanctions the biases that are in that whole denial and approval process. And that is troubling to me.

So while I will support this bill, it is with the express understanding that we are moving to a system of evaluating visa overstays which ought to be the criteria for determining whether a country gets into this program or not, not some arbitrary race bias or economic bias or other biased process that quite often is the basis for refusing a visa in a source country in the first place.

That having been said, this is a program that is worthwhile. We hope we get the criteria right at some point, and I do encourage my colleagues to vote for the program even though I still have reservations about the criteria that we will be using on a short-term basis.

Ms. JACKSON-LEE. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I simply say that I associate myself with the comments of the distinguished gentleman from North Carolina (Mr. WATT) and acknowledge that we must continue to work through these issues that play into the discriminatory aspects of the law.

I would hope that, as we have cleared up discrimination in the United States with legislation and not cleared it up in totality but cleared it up with at least a statement of being in opposition to discrimination on race, sex, sexual orientation, disability, that we would find the ability to do so and carry through on this issue of visas.

I would hope that we will continue the discussion on this legislation and, as well, that we will see the implementation of this program as a permanent program to be of value economically to the United States as well as to increase the very positive relations that we have with many of those nations who are on this visa list.

I would see us improving relations even more with our friends in the Caribbean, with our friends in Africa, and our friends additionally in South America and other parts who have not had this privilege if we can make determinations on overstays along with the issues of refusal rates.

With that, I would ask my colleagues to support this legislation.

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

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

Mr. Speaker, I just want to acknowledge the legitimate point made by our colleague, the gentleman from North Carolina (Mr. WATT), a minute ago. We do, in fact, need a better program to determine the visa overstay rates.

Mr. MCCOLLUM. Mr. Speaker, I rise today to support the travel and tourism industry and to support legislation to make permanent the Visa Waiver Pilot Program. I am fortunate to represent one of the most popular tourist destinations in the country, Orlando, Florida. Over 38 million people visit the Orlando area each year, creating a total economic impact of more than $17 billion. Nearly 3 million of these visitors are from overseas, coming to Florida from Western Europe, South America and the Far East. Those visitors are essential to the local economy and well-being of the state of Florida.

Travel and tourism is one of the nation's top three industries providing jobs spanning across our communities, from employees at theme parks, museums, airlines, car rental companies, food service and hotels. The Visa Waiver program, which encourages international travel to the United States by waiving the visitor visa requirements for 29 countries, has added to the growth in overseas tourism. Frequent reauthorization of the pilot program creates confusion for those who work in the tourism industry and for individual travelers. H.R. 3767 makes this critical program permanent and also adds security enhancements that will make the program even more secure. Passage of this bill is a win-win for Congress and makes winners of the millions of constituents who work in the travel and tourism industry.

Mr. SMITH of Texas. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. PEASE). The question is on the motion offered by the gentleman from Texas (Mr. SMITH) that the House suspend the rules and pass the bill, H.R. 3767, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

CIVIL ASSET FORFEITURE REFORM ACT OF 2000

Mr. HYDE. Mr. Speaker, I move to suspend the rules and concur in the Senate amendment to the bill (H.R. 1658) to provide a more just and uniform procedure for Federal civil forfeitures, and for other purposes.

The Clerk read as follows:

Senate amendment:

Strike out all after the enacting clause and insert:

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''Civil Asset Forfeiture Reform Act of 2000''.

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

SEC. 2. CREATION OF GENERAL RULES RELATING TO CIVIL FORFEITURE PROCEEDINGS.

(a) IN GENERAL.—Chapter 46 of title 18, United States Code, is amended by inserting after section 982 the following:

''§ 983. General rules for civil forfeiture proceedings

''(a) NOTICE; CLAIM; COMPLAINT.—

''(1)(A)(i) Except as provided in clauses (ii) through (v), in any nonjudicial civil forfeiture proceeding under a civil forfeiture statute, with respect to which the Government is required to send written notice to interested parties, such notice shall be sent in a manner to achieve proper notice as soon as practicable, and in no case more than 60 days after the date of the seizure.

''(ii) No notice is required if, before the 60-day period expires, the Government files a civil judicial forfeiture action against the property and provides notice of that action as required by law.

''(iii) If, before the 60-day period expires, the Government does not file a civil judicial forfeiture action, but does obtain a criminal indictment containing an allegation that the property