

A motion to reconsider was laid on the table.

MOTION TO ADJOURN

Mrs. CAPPS. Mr. Speaker, I move that the House do now adjourn.

The SPEAKER pro tempore. The question is on the motion to adjourn offered by the gentlewoman from California (Mrs. CAPPS).

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

Mrs. CAPPS. Mr. Speaker, on that, I demand the yeas and nays.

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 7, nays 398, answered “present” 4, not voting 24, as follows:

	[Roll No. 678]	
	YEAS—7	
DeFazio	Johnson, E. B.	Peterson
Farr	Labrador	
Harris	Massie	
	NAYS—398	
Abraham	Collins (NY)	Garrett
Adams	Comstock	Gibbs
Aderholt	Conaway	Gibson
Allen	Connolly	Gohmert
Amash	Conyers	Goodlatte
Ashford	Cook	Gosar
Babin	Cooper	Gowdy
Barletta	Costa	Graham
Barr	Costello (PA)	Granger
Barton	Courtney	Graves (GA)
Bass	Cramer	Graves (LA)
Beatty	Crawford	Graves (MO)
Becerra	Crenshaw	Grayson
Benishek	Crowley	Green, Al
Bera	Cuellar	Green, Gene
Beyer	Culberson	Griffith
Billirakis	Cummings	Gruthman
Bishop (GA)	Curbelo (FL)	Guinta
Black	Davis (CA)	Guthrie
Blackburn	Davis, Danny	Gutiérrez
Blum	Davis, Rodney	Hahn
Blumenauer	DeGette	Hanna
Bonamici	Delaney	Hardy
Bost	DeLauro	Harper
Boustany	DelBene	Hartzler
Boyle, Brendan	Denham	Hastings
F.	Dent	Heck (NV)
Brady (PA)	DeSantis	Heck (WA)
Brady (TX)	Desaulnier	Hensarling
Brat	DesJarlais	Herrera Beutler
Bridenstine	Deutch	Hice, Jody B.
Brooks (AL)	Diaz-Balart	Higgins
Brooks (IN)	Doggett	Hill
Brown (FL)	Dold	Himes
Brownley (CA)	Doyle, Michael	Hinojosa
Buchanan	F.	Holding
Buck	Duckworth	Honda
Bucshon	Duffy	Hoyer
Burgess	Duncan (SC)	Hudson
Bustos	Duncan (TN)	Huelskamp
Butterfield	Edwards	Huffman
Byrne	Ellison	Huizenga (MI)
Calvert	Ellmers (NC)	Hultgren
Capps	Emmer (MN)	Hunter
Capuano	Engel	Hurd (TX)
Carney	Eshoo	Hurt (VA)
Carson (IN)	Esty	Israel
Carter (GA)	Farenthold	Issa
Carter (TX)	Fattah	Jackson Lee
Cartwright	Fincher	Jeffries
Castor (FL)	Fitzpatrick	Jenkins (KS)
Castro (TX)	Fleischmann	Jenkins (WV)
Chabot	Fleming	Johnson (GA)
Chaffetz	Flores	Johnson (OH)
Chu, Judy	Forbes	Jolly
Cicilline	Fortenberry	Jones
Clark (MA)	Foster	Jordan
Clarke (NY)	Fox	Joyce
Clawson (FL)	Frankel (FL)	Kaptur
Clay	Franks (AZ)	Katko
Cleaver	Frelinghuysen	Keating
Clyburn	Fudge	Kelly (IL)
Coffman	Gabbard	Kelly (MS)
Collins (GA)	Gallego	Kelly (PA)

Kennedy	Neal	Sewell (AL)
Kildee	Neugebauer	Sherman
Kilmer	Newhouse	Shimkus
Kind	Noem	Shuster
King (IA)	Nolan	Sinema
King (NY)	Norcross	Sires
Kinzinger (IL)	Nugent	Slaughter
Kirkpatrick	Nunes	Smith (MO)
Kline	O'Rourke	Smith (NE)
Knight	Olson	Smith (NJ)
Kuster	Palazzo	Smith (TX)
LaHood	Pallone	Smith (WA)
LaMalfa	Palmer	Speier
Lamborn	Pascrell	Stefanik
Lance	Paulsen	Stewart
Langevin	Payne	Stivers
Larson (CT)	Pearce	Stutzman
Latta	Pelosi	Swalwell (CA)
Lawrence	Perry	Takano
Lee	Peters	Thompson (CA)
Levin	Pingree	Thompson (MS)
Lieu, Ted	Pittenger	Thompson (PA)
LoBiondo	Pitts	Thornberry
Loeb	Pocan	Tiberi
Lofgren	Poe (TX)	Tipton
Long	Poliquin	Titus
Loudermilk	Polis	Tonko
Love	Pompeo	Torres
Lowenthal	Posey	Trott
Lowe	Price (NC)	Tsongas
Lucas	Price, Tom	Turner
Luetkemeyer	Quigley	Upton
Lujan Grisham	Rangel	Valadao
(NM)	Ratcliffe	Van Hollen
Lujan, Ben Ray	Reed	Vargas
(NM)	Reichert	Veasey
Lynch	Renacci	Vela
MacArthur	Ribble	Velázquez
Maloney,	Rice (NY)	Visclosky
Carolyn	Rice (SC)	Wagner
Maloney, Sean	Rigell	Walberg
Marchant	Roby	Walden
Marino	Roe (TN)	Walker
Matsui	Rogers (AL)	Walorski
McCarthy	Rogers (KY)	Walters, Mimi
McCaul	Rohrabacher	Walz
McClintock	Rokita	Wasserman
McCollum	Rooney (FL)	Schultz
McDermott	Ros-Lehtinen	Waters, Maxine
McGovern	Ross	Watson Coleman
McHenry	Rothfus	Weber (TX)
McKinley	Rouzer	Webster (FL)
McMorris	Roybal-Allard	Welch
Rodgers	Royce	Wenstrup
McNerney	Ruiz	Westerman
McSally	Ruppersberger	Westmoreland
Meadows	Ryan (OH)	Whitfield
Meehan	Salmon	Williams
Meeks	Sánchez, Linda	Wilson (FL)
Meng	T.	Wilson (SC)
Messer	Sanchez, Loretta	Wittman
Mica	Sanford	Womack
Miller (FL)	Sarbanes	Woodall
Miller (MI)	Scalise	Yarmuth
Moolenaar	Schakowsky	Yoder
Moore	Schiff	Yoho
Moulton	Schweikert	Young (IA)
Mullin	Scott (VA)	Young (IN)
Murphy (FL)	Scott, Austin	Zeldin
Murphy (PA)	Sensenbrenner	Zinke
Nadler	Serrano	
Napolitano	Sessions	

ANSWERED “PRESENT”—4

Cohen	Richmond
Lipinski	Young (AK)

NOT VOTING—24

Aguilar	Garamendi	Perlmutter
Amodei	Grijalva	Roskam
Bishop (MI)	Johnson, Sam	Rush
Bishop (UT)	Larsen (WA)	Russell
Cárdenas	Lewis	Schrader
Cole	Lummis	Scott, David
Dingell	Mooney (WV)	Simpson
Donovan	Mulvaney	Takai

□ 1535

Mr. GRAVES of Georgia changed his vote from “yea” to “nay.”

Mr. MASSIE changed his vote from “nay” to “yea.”

So the motion to adjourn was rejected.

The result of the vote was announced as above recorded.

VISA WAIVER PROGRAM IMPROVEMENT AND TERRORIST TRAVEL PREVENTION ACT OF 2015

Mr. GOODLATTE. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 158) to clarify the grounds for ineligibility for travel to the United States regarding terrorism risk, to expand the criteria by which a country may be removed from the Visa Waiver Program, to require the Secretary of Homeland Security to submit a report on strengthening the Electronic System for Travel Authorization to better secure the international borders of the United States and prevent terrorists and instruments of terrorism from entering the United States, and for other purposes, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 158

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 Program Improvement and Terrorist Travel Prevention Act of 2015”.

SEC. 2. ELECTRONIC PASSPORT REQUIREMENT.

(a) REQUIREMENT FOR ALIEN TO POSSESS ELECTRONIC PASSPORT.—Section 217(a)(3) of the Immigration and Nationality Act (8 U.S.C. 1187(a)(3)) is amended to read as follows:

“(3) PASSPORT REQUIREMENTS.—The alien, at the time of application for admission, is in possession of a valid unexpired passport that satisfies the following:

“(A) MACHINE READABLE.—The passport is a machine-readable passport that is tamper-resistant, incorporates document authentication identifiers, and otherwise satisfies the internationally accepted standard for machine readability.

“(B) ELECTRONIC.—Beginning on April 1, 2016, the passport is an electronic passport that is fraud-resistant, contains relevant biographic and biometric information (as determined by the Secretary of Homeland Security), and otherwise satisfies internationally accepted standards for electronic passports.”.

(b) REQUIREMENT FOR PROGRAM COUNTRY TO VALIDATE PASSPORTS.—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) PASSPORT PROGRAM.—

“(i) ISSUANCE OF PASSPORTS.—The government of the country certifies that it issues to its citizens passports described in subparagraph (A) of subsection (a)(3), and on or after April 1, 2016, passports described in subparagraph (B) of subsection (a)(3).

“(ii) VALIDATION OF PASSPORTS.—Not later than October 1, 2016, the government of the country certifies that it has in place mechanisms to validate passports described in subparagraphs (A) and (B) of subsection (a)(3) at each key port of entry into that country. This requirement shall not apply to travel between countries which fall within the Schengen Zone.”.

(c) CONFORMING AMENDMENT.—Section 303(c) of the Enhanced Border Security and Visa Entry Reform Act of 2002 is repealed (8 U.S.C. 1732(c)).

SEC. 3. RESTRICTION ON USE OF VISA WAIVER PROGRAM FOR ALIENS WHO TRAVEL TO CERTAIN COUNTRIES.

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

“(12) NOT PRESENT IN IRAQ, SYRIA, OR ANY OTHER COUNTRY OR AREA OF CONCERN.—

“(A) IN GENERAL.—Except as provided in subparagraphs (B) and (C)—

“(i) the alien has not been present, at any time on or after March 1, 2011—

“(I) in Iraq or Syria;

“(II) in a country that is designated by the Secretary of State under section 6(j) of the Export Administration Act of 1979 (50 U.S.C. 2405) (as continued in effect under the International Emergency Economic Powers Act (50 U.S.C. 1701 et seq.)), section 40 of the Arms Export Control Act (22 U.S.C. 2780), section 620A of the Foreign Assistance Act of 1961 (22 U.S.C. 2371), or any other provision of law, as a country, the government of which has repeatedly provided support of acts of international terrorism; or

“(III) in any other country or area of concern designated by the Secretary of Homeland Security under subparagraph (D); and

“(ii) regardless of whether the alien is a national of a program country, the alien is not a national of—

“(I) Iraq or Syria;

“(II) a country that is designated, at the time the alien applies for admission, by the Secretary of State under section 6(j) of the Export Administration Act of 1979 (50 U.S.C. 2405) (as continued in effect under the International Emergency Economic Powers Act (50 U.S.C. 1701 et seq.)), section 40 of the Arms Export Control Act (22 U.S.C. 2780), section 620A of the Foreign Assistance Act of 1961 (22 U.S.C. 2371), or any other provision of law, as a country, the government of which has repeatedly provided support of acts of international terrorism; or

“(III) any other country that is designated, at the time the alien applies for admission, by the Secretary of Homeland Security under subparagraph (D).

“(B) CERTAIN MILITARY PERSONNEL AND GOVERNMENT EMPLOYEES.—Subparagraph (A)(i) shall not apply in the case of an alien if the Secretary of Homeland Security determines that the alien was present—

“(i) in order to perform military service in the armed forces of a program country; or

“(ii) in order to carry out official duties as a full time employee of the government of a program country.

“(C) WAIVER.—The Secretary of Homeland Security may waive the application of subparagraph (A) to an alien if the Secretary determines that such a waiver is in the law enforcement or national security interests of the United States.

“(D) COUNTRIES OR AREAS OF CONCERN.—

“(i) IN GENERAL.—Not later than 60 days after the date of the enactment of this paragraph, the Secretary of Homeland Security, in consultation with the Secretary of State and the Director of National Intelligence, shall determine whether the requirement under subparagraph (A) shall apply to any other country or area.

“(ii) CRITERIA.—In making a determination under clause (i), the Secretary shall consider—

“(I) whether the presence of an alien in the country or area increases the likelihood that the alien is a credible threat to the national security of the United States;

“(II) whether a foreign terrorist organization has a significant presence in the country or area; and

“(III) whether the country or area is a safe haven for terrorists.

“(iii) ANNUAL REVIEW.—The Secretary shall conduct a review, on an annual basis, of any determination made under clause (i).

“(E) REPORT.—Beginning not later than one year after the date of the enactment of this paragraph, and annually thereafter, the Secretary of Homeland Security shall submit to the Committee on Homeland Security,

the Committee on Foreign Affairs, the Permanent Select Committee on Intelligence, and the Committee on the Judiciary of the House of Representatives, and the Committee on Homeland Security and Governmental Affairs, the Committee on Foreign Relations, the Select Committee on Intelligence, and the Committee on the Judiciary of the Senate a report on each instance in which the Secretary exercised the waiver authority under subparagraph (C) during the previous year.”

SEC. 4. DESIGNATION REQUIREMENTS FOR PROGRAM COUNTRIES.

(a) REPORTING LOST AND STOLEN PASSPORTS.—Section 217(c)(2)(D) of the Immigration and Nationality Act (8 U.S.C. 1187(c)(2)(D)), as amended by this Act, is further amended by striking “within a strict time limit” and inserting “not later than 24 hours after becoming aware of the theft or loss”.

(b) INTERPOL SCREENING.—Section 217(c)(2) of the Immigration and Nationality Act (8 U.S.C. 1187(c)(2)), as amended by this Act, is further amended by adding at the end the following:

“(G) INTERPOL SCREENING.—Not later than 270 days after the date of the enactment of this subparagraph, except in the case of a country in which there is not an international airport, the government of the country certifies to the Secretary of Homeland Security that, to the maximum extent allowed under the laws of the country, it is screening, for unlawful activity, each person who is not a citizen or national of that country who is admitted to or departs that country, by using relevant databases and notices maintained by Interpol, or other means designated by the Secretary of Homeland Security. This requirement shall not apply to travel between countries which fall within the Schengen Zone.”

(c) IMPLEMENTATION OF PASSENGER INFORMATION EXCHANGE AGREEMENT.—Section 217(c)(2)(F) of the Immigration and Nationality Act (8 U.S.C. 1187(c)(2)(F)), as amended by this Act, is further amended by inserting before the period at the end the following: “, and fully implements such agreement”.

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

“(6) FAILURE TO SHARE INFORMATION.—

“(A) IN GENERAL.—If the Secretary of Homeland Security and the Secretary of State jointly determine that the program country is not sharing information, as required by subsection (c)(2)(F), the Secretary of Homeland Security shall terminate the designation of the country as a program country.

“(B) REDESIGNATION.—In the case of a termination under this paragraph, the Secretary of Homeland Security shall redesignate the country as a program country, without regard to paragraph (2) or (3) of subsection (c) or paragraphs (1) through (4), when the Secretary of Homeland Security, in consultation with the Secretary of State, determines that the country is sharing information, as required by subsection (c)(2)(F).

“(7) FAILURE TO SCREEN.—

“(A) IN GENERAL.—Beginning on the date that is 270 days after the date of the enactment of this paragraph, if the Secretary of Homeland Security and the Secretary of State jointly determine that the program country is not conducting the screening required by subsection (c)(2)(G), the Secretary of Homeland Security shall terminate the designation of the country as a program country.

“(B) REDESIGNATION.—In the case of a termination under this paragraph, the Secretary of Homeland Security shall redesignate

the country as a program country, without regard to paragraph (2) or (3) of subsection (c) or paragraphs (1) through (4), when the Secretary of Homeland Security, in consultation with the Secretary of State, determines that the country is conducting the screening required by subsection (c)(2)(G).”

SEC. 5. REPORTING REQUIREMENTS.

(a) IN GENERAL.—Section 217(c) of the Immigration and Nationality Act (8 U.S.C. 1187(c)), as amended by this Act, is further amended—

(1) in paragraph (2)(C)(iii)—

(A) by striking “and the Committee on International Relations” and inserting “, the Committee on Foreign Affairs, and the Committee on Homeland Security”; and

(B) by striking “and the Committee on Foreign Relations” and inserting “, the Committee on Foreign Relations, and the Committee on Homeland Security and Governmental Affairs”; and

(2) in paragraph (5)(A)(i)—

(A) in subclause (III)—

(i) by inserting after “the Committee on Foreign Affairs,” the following: “the Permanent Select Committee on Intelligence;”

(ii) by inserting after “the Committee on Foreign Relations,” the following: “the Select Committee on Intelligence”; and

(iii) by striking “and” at the end;

(B) in subclause (IV), by striking the period at the end and inserting the following: “; and”; and

(C) by adding at the end the following:

“(V) shall submit to the committees described in subclause (III), a report that includes an assessment of the threat to the national security of the United States of the designation of each country designated as a program country, including the compliance of the government of each such country with the requirements under subparagraphs (D) and (F) of paragraph (2), as well as each such government’s capacity to comply with such requirements.”

(b) DATE OF SUBMISSION OF FIRST REPORT.—The Secretary of Homeland Security shall submit the first report described in subclause (V) of section 217(c)(5)(A)(i) of the Immigration and Nationality Act (8 U.S.C. (c)(5)(A)(i)), as added by subsection (a), not later than 90 days after the date of the enactment of this Act.

SEC. 6. HIGH RISK PROGRAM COUNTRIES.

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

“(12) DESIGNATION OF HIGH RISK PROGRAM COUNTRIES.—

“(A) IN GENERAL.—The Secretary of Homeland Security, in consultation with the Director of National Intelligence and the Secretary of State, shall evaluate program countries on an annual basis based on the criteria described in subparagraph (B) and shall identify any program country, the admission of nationals from which under the visa waiver program under this section, the Secretary determines presents a high risk to the national security of the United States.

“(B) CRITERIA.—In evaluating program countries under subparagraph (A), the Secretary of Homeland Security, in consultation with the Director of National Intelligence and the Secretary of State, shall consider the following criteria:

“(i) The number of nationals of the country determined to be ineligible to travel to the United States under the program during the previous year.

“(ii) The number of nationals of the country who were identified in United States Government databases related to the identities of known or suspected terrorists during the previous year.

“(iii) The estimated number of nationals of the country who have traveled to Iraq or Syria at any time on or after March 1, 2011 to engage in terrorism.

“(iv) The capacity of the country to combat passport fraud.

“(v) The level of cooperation of the country with the counter-terrorism efforts of the United States.

“(vi) The adequacy of the border and immigration control of the country.

“(vii) Any other criteria the Secretary of Homeland Security determines to be appropriate.

“(C) **SUSPENSION OF DESIGNATION.**—The Secretary of Homeland Security, in consultation with the Secretary of State, may suspend the designation of a program country based on a determination that the country presents a high risk to the national security of the United States under subparagraph (A) until such time as the Secretary determines that the country no longer presents such a risk.

“(D) **REPORT.**—Not later than 60 days after the date of the enactment of this paragraph, and annually thereafter, the Secretary of Homeland Security, in consultation with the Director of National Intelligence and the Secretary of State, shall submit to the Committee on Homeland Security, the Committee on Foreign Affairs, the Permanent Select Committee on Intelligence, and the Committee on the Judiciary of the House of Representatives, and the Committee on Homeland Security and Governmental Affairs, the Committee on Foreign Relations, the Select Committee on Intelligence, and the Committee on the Judiciary of the Senate a report, which includes an evaluation and threat assessment of each country determined to present a high risk to the national security of the United States under subparagraph (A).”.

SEC. 7. ENHANCEMENTS TO THE ELECTRONIC SYSTEM FOR TRAVEL AUTHORIZATION.

(a) **IN GENERAL.**—Section 217(h)(3) of the Immigration and Nationality Act (8 U.S.C. 1187(h)(3)) is amended—

(1) in subparagraph (C)(i), by inserting after “any such determination” the following: “or shorten the period of eligibility under any such determination”;

(2) by striking subparagraph (D) and inserting the following:

“(D) **FRAUD DETECTION.**—The Secretary of Homeland Security shall research opportunities to incorporate into the System technology that will detect and prevent fraud and deception in the System.

“(E) **ADDITIONAL AND PREVIOUS COUNTRIES OF CITIZENSHIP.**—The Secretary of Homeland Security shall collect from an applicant for admission pursuant to this section information on any additional or previous countries of citizenship of that applicant. The Secretary shall take any information so collected into account when making determinations as to the eligibility of the alien for admission pursuant to this section.

“(F) **REPORT ON CERTAIN LIMITATIONS ON TRAVEL.**—Not later than 30 days after the date of the enactment of this subparagraph and annually thereafter, the Secretary of Homeland Security, in consultation with the Secretary of State, shall submit to the Committee on Homeland Security, the Committee on the Judiciary, and the Committee on Foreign Affairs of the House of Representatives, and the Committee on Homeland Security and Governmental Affairs, the Committee on the Judiciary, and the Committee on Foreign Relations of the Senate a report on the number of individuals who were denied eligibility to travel under the program, or whose eligibility for such travel was revoked during the previous year, and the

number of such individuals determined, in accordance with subsection (a)(6), to represent a threat to the national security of the United States, and shall include the country or countries of citizenship of each such individual.”.

(b) **REPORT.**—Not later than 30 days after the date of the enactment of this Act, the Secretary of Homeland Security, in consultation with the Secretary of State, shall submit to the Committee on Homeland Security, the Committee on the Judiciary, and the Committee on Foreign Affairs of the House of Representatives, and the Committee on Homeland Security and Governmental Affairs, the Committee on the Judiciary, and the Committee on Foreign Relations of the Senate a report on steps to strengthen the electronic system for travel authorization authorized under section 217(h)(3) of the Immigration and Nationality Act (8 U.S.C. 1187(h)(3)) in order to better secure the international borders of the United States and prevent terrorists and instruments of terrorism from entering the United States.

SEC. 8. PROVISION OF ASSISTANCE TO NON-PROGRAM COUNTRIES.

The Secretary of Homeland Security, in consultation with the Secretary of State, shall provide assistance in a risk-based manner to countries that do not participate in the visa waiver program under section 217 of the Immigration and Nationality Act (8 U.S.C. 1187) to assist those countries in—

(1) submitting to Interpol information about the theft or loss of passports of citizens or nationals of such a country; and

(2) issuing, and validating at the ports of entry of such a country, electronic passports that are fraud-resistant, contain relevant biographic and biometric information (as determined by the Secretary of Homeland Security), and otherwise satisfy internationally accepted standards for electronic passports.

SEC. 9. CLERICAL AMENDMENTS.

(a) **SECRETARY OF HOMELAND SECURITY.**—Section 217 of the Immigration and Nationality Act (8 U.S.C. 1187), as amended by this Act, is further amended by striking “Attorney General” each place such term appears (except in subsection (c)(11)(B)) and inserting “Secretary of Homeland Security”.

(b) **ELECTRONIC SYSTEM FOR TRAVEL AUTHORIZATION.**—Section 217 of the Immigration and Nationality Act (8 U.S.C. 1187), as amended this Act, is further amended—

(1) by striking “electronic travel authorization system” each place it appears and inserting “electronic system for travel authorization”;

(2) in the heading in subsection (a)(11), by striking “ELECTRONIC TRAVEL AUTHORIZATION SYSTEM” and inserting “ELECTRONIC SYSTEM FOR TRAVEL AUTHORIZATION”; and

(3) in the heading in subsection (h)(3), by striking “ELECTRONIC TRAVEL AUTHORIZATION SYSTEM” and inserting “ELECTRONIC SYSTEM FOR TRAVEL AUTHORIZATION”.

SEC. 10. SENSE OF CONGRESS.

It is the sense of Congress that the International Civil Aviation Organization, the specialized agency of the United Nations responsible for establishing international standards, specifications, and best practices related to the administration and governance of border controls and inspection formalities, should establish standards for the introduction of electronic passports (referred to in this section as “e-passports”), and obligate member countries to utilize such e-passports as soon as possible. Such e-passports should be a combined paper and electronic passport that contains biographic and biometric information that can be used to authenticate the identity of travelers through an embedded chip.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Virginia (Mr. GOODLATTE) and the gentlewoman from California (Ms. LOFGREN) each will control 20 minutes.

The Chair recognizes the gentleman from Virginia.

□ 1530

GENERAL LEAVE

Mr. GOODLATTE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous materials on H.R. 158 currently under consideration.

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

There was no objection.

Mr. GOODLATTE. Mr. Speaker, I ask unanimous consent that debate on this motion be extended by 10 minutes on each side.

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

There was no objection.

Mr. GOODLATTE. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I support H.R. 158, the Visa Waiver Program Improvement and Terrorist Travel Prevention Act of 2015.

The Visa Waiver Program allows nationals of 38 countries to travel to the United States for a maximum of 90 days for business or tourism purposes without obtaining a visa. The travelers must present a valid machine-readable passport and meet certain other immigration and security requirements.

In order to be designated a VWP country, a nation must offer reciprocal visa-free travel to U.S. citizens, agree to share security-related information such as whether citizens of that country traveling to the U.S. represent a threat to U.S. security or welfare, agree to timely report lost and stolen passports, and have less than a 3 percent visa refusal rate in the year prior to designation years, among other requirements.

The VWP was created in 1986 as a way to promote and facilitate travel and tourism to the United States. It has done just that, with hundreds of millions of foreign nationals traveling to the U.S. since the program's implementation. So the positive effects of the VWP on the U.S. economy should not be understated.

Yet no amount of economic stimulation is worth risking the lives of our constituents, and recent events around the world necessitate changes to the VWP in order to help ensure its safety. Of particular concern is the rise of ISIS in the Middle East and the large number of Europeans and other nationalities who have gone to Syria, Iraq, and other countries of concern in order to train and fight alongside ISIS and the radical Islamist terrorists.

With their VWP country passports, those terrorists can board a plane

bound for the U.S. and can reach U.S. shores with relative ease. In VWP cases, there is no in-person interview with a U.S. consular officer, and there is no pretravel enhanced screening. So we must help make sure that the VWP is as secure as possible.

H.R. 158 takes constructive steps in this direction with provisions preventing dual nationals of, or those who have recently traveled to, Iraq, Syria, or other countries of concern, from visa-free travel to the U.S. Among other security enhancements, the bill requires VWP countries to issue e-Passports to their nationals and continuously share terrorism and foreign traveler data with us.

The VWP is only one part of the national discussion that we should be having. There are Islamist terrorists looking at all aspects of our immigration policy to find any way possible to exploit it. We learned that lesson on 9/11, and we learned that lesson last week in San Bernardino.

Mr. Speaker, I hope this body continues to address deficiencies in U.S. immigration policy by taking up and passing additional House Judiciary Committee bills, including those reported out of the Judiciary Committee to reform the U.S. asylum process, to change the way unaccompanied alien minors are treated when they cross the U.S. border so that there is no longer an incentive to run across the border, and to finally prevent the interior immigration enforcement switch from being turned off at the whim of whoever resides at 1600 Pennsylvania Avenue.

Mr. Speaker, I thank the gentlewoman from Michigan (Mrs. MILLER) and the chairman of the Homeland Security Committee, as well as their staff members, for their work on the bill.

Much more needs to be done to prevent exploitation of U.S. immigration policy by terrorists, but H.R. 158 is another good step in helping to ensure the safety of Americans, and I support it.

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

Ms. LOFGREN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, today we come together to address vulnerabilities in our Visa Waiver Program to make our country safer.

What is the Visa Waiver Program? It was established long before 9/11. In order for a country to be admitted to the Visa Waiver Program, fewer than 3 percent of its applicants for a visitor visa can be denied. Often, the denial of a visitor's visa has nothing to do with security. Rather, it is frequently based on a judgment of whether the applicant is likely to return to his home country.

It is fair to say that persons who are poor are often judged to be less likely to return to their home country than a more affluent applicant with extensive financial ties to his or her home. That is the reason why there are no impoverished countries in the Visa Waiver Program.

Most of Europe, Japan, Singapore, Australia, South Korea, and the like are in the program—38 countries in all. The 38 countries agree to share security information with the United States.

The Visa Waiver Program also is reciprocal, allowing Americans to travel to these 38 countries without getting a visitor's visa. For these 38 countries, visitors fill out a form in advance that is then checked against databases. An ePassport is required for travel, but no visa. However, at the point of entry, an intending visitor from a visa waiver country can be turned away if he is not found admissible under immigration law. For example, a visa waiver visitor who reveals he intends to study in the United States or to marry and remain in the U.S. will be denied entry at the airport by a Customs and Border Protection officer.

Mr. Speaker, people who do not reside in these 38 countries can still visit the United States, but they have to obtain a visitor's visa to do so, and this is exactly the same for those who are ineligible for the Visa Waiver Program under this bill.

The Visa Waiver Program enables millions of tourists and business travelers to come to the U.S. every year for short trips that altogether bring over \$190 billion a year in business and tax revenue. This program is important to our economy and the country.

At the same time, Mr. Speaker, in the wake of the November 13 terrorist attacks, we must review this program to make sure it meets our present-day security needs since it was designed prior to 9/11. This bipartisan bill incorporates simple changes to enhance security in the Visa Waiver Program.

The most important parts of the legislation provide for specific, concrete changes to ensure better information sharing among intelligence and law enforcement agencies.

□ 1545

It requires screening of all travelers against INTERPOL databases. It makes it harder to falsify identity by requiring fraud-resistant e-Passports that contain biometric information. It compels U.S. security agencies to conduct more frequent threat assessments of visa waiver countries, something not currently part of the law.

For those who have traveled to or are nationals of certain high-threat countries, a visa interview, rather than visa-free travel, will be required. These individuals are not barred from traveling to the United States.

We know that thousands of European citizens have traveled to Syria. Some are there on humanitarian missions, like Doctors Without Borders, and we thank them. Some went to fight with ISIS. The visa interview, conducted by a U.S. consular official, will establish the circumstances of the visit. If you are a German citizen who visited Syria last year, you will have the same visa process that every Israeli, every Pole,

every Ethiopian, and every Mexican has. None of us has said it is unreasonable that people in Thailand, India, or Brazil undergo interviews for visitor visas. And this change in the Visa Waiver Program is not unreasonable either.

This visa waiver legislation stands in stark contrast to the Republican-led refugee bill that was rushed to the floor 3 weeks ago. That ineffective and mean-spirited bill would shut down the U.S. refugee program for Syrians and Iraqis fleeing civil war and the brutality of ISIS. And it does so notwithstanding the fact that refugees are subject to 18 to 24 months of thorough screening before ever setting foot on U.S. soil, a more rigorous process than any other immigrant or traveler to the United States is subject to.

The refugee bill does absolutely nothing to make us safer, and it is a betrayal of our values. It would have us turn our back on refugee women and children and on our proud history as a country that provides safe haven to the world's most vulnerable. I will continue to do everything in my power to see that it never becomes law.

While the refugee bill showed our country and this body at its worst, today's bill makes sensible improvements to the security of the Visa Waiver Program. I thank my colleagues for working with me and the Department of Homeland Security, the State Department, and the White House to craft this targeted legislation. I strongly urge its support.

I reserve the balance of my time.

Mr. GOODLATTE. Mr. Speaker, I yield 5 minutes to the gentlewoman from Michigan (Mrs. MILLER), the chief sponsor of this legislation, who is also the chairman of the House Administration Committee.

Mrs. MILLER of Michigan. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, the 9/11 Commission said that "For terrorists, travel documents are as important as weapons." And I couldn't agree more. We simply cannot give people from other countries special access to our country if we don't have all of the information that we absolutely need to ensure that they are not a threat to our national security.

I believe that the bill that we are considering today is the first of many, quite frankly, aimed at improving our security protocols. We need to have a comprehensive, complete review of all of our visa programs, including K1 visas, the so-called "fiance visa," which was used by the female terrorist in the San Bernardino attack to enter the United States. As well, the issue of visa overstays also needs to be addressed.

Today, the House is taking a very important step forward by considering this bill, which is focused on those traveling to the U.S. without a visa.

As was said, the Visa Waiver Program actually was established back in

the eighties to expedite tourism and trade as well, and it has worked very, very well economically for our country. Today there are 38 companies that participate; and their citizens, although they are required to have a passport, are not required to go to a U.S. Embassy or to a consulate to obtain a visa.

Obviously, the world is a much different place today, and our security measures must evolve to meet any and all threats, which is why I introduced this bill.

This bill has gone through regular order. As chairman of the Border and Maritime Security Subcommittee, I have held two hearings on this. It actually passed out of the full Homeland Security Committee as well on a unanimous vote, every Republican, every Democrat. Because before we are anything else, we are all Americans first, and we all recognize the vulnerabilities of our current program.

Information sharing, especially with our European allies, is vital, absolutely vital to help combat the threat of foreign fighters bound for the United States. There is absolutely no second for having good information. We need to be certain that participating countries are giving us all of the information that we need from either their own terror watch list or travel manifests, and that all of the information protocols are being shared.

As we know, sometimes it is not until after the fact that some of the participating countries actually provide us the names of individuals who they knew were a terror threat. That is unacceptable.

This bill will change that because what this bill does is it gives the authority to the Secretary of Homeland Security to either suspend or terminate a country's participation in this program if we don't feel confident that we are getting all the critical information that we need to stop terrorists from exploiting this program to travel into the U.S.

So, at this time, we still have an information sharing problem with some of our closest allies. And as the 9/11 Commission also accurately noted, we need to move from the mindset of the need-to-know information to the need-to-share information.

Information sharing must happen, and this bill gives America the leverage that it needs to make sure that the information critical to our homeland security is being shared appropriately.

It will also disqualify anyone who has traveled to Syria, Iraq, Sudan, and Iran within the past 5 years from participating in this program. In an abundance of caution, we will now require those individuals to apply for a visa and go through the formal visa screening process.

It will also give the Secretary of Homeland Security the discretion to designate other countries that have significant terror concerns, or become terror safe havens in the future.

Additionally, we will be requiring all participating countries to adopt e-Passports, like we have here in the United States, so that we are able to eliminate passport fraud.

Mr. Speaker, as Americans, we live in a free and open society, and enemies of freedom are looking to use our freedoms against us. This bill will stop the enemies' ability to move internationally by strengthening the Visa Waiver Program. It is a critical component of keeping our homeland safe.

I want to thank the House leadership for ensuring prompt consideration of this bill on the floor. I certainly want to thank Chairman McCAUL and Chairman GOODLATTE for working as well. And I also want to give a special thanks as well to Representative KATKO from New York, who is the chairman of the Foreign Fighter Task Force, which really helped make this bill a much stronger product.

It is my hope that a very strong, bipartisan vote on this bill today will send a message to terrorists that America is prepared to take any and all measures to protect our homeland.

Ms. LOFGREN. Mr. Speaker, I yield such time as he may consume to the gentleman from Michigan (Mr. CONYERS), the ranking member of the full committee.

Mr. CONYERS. Mr. Speaker, Members of the House, as much as any Member in this body, I appreciate the unique situation our Nation is in as we struggle to effectively combat terrorism, while adhering to our Nation's commitment to freedom and liberty.

I fully recognize and appreciate that the bill before us today represents an effort to craft a more bipartisan response to recent terrorist incidents, particularly when compared to the seriously flawed refugee bill that this body voted on only several weeks ago.

I commend the office for including many commonsense improvements to the Visa Waiver Program that will improve the system in a neutral and non-discriminatory manner. However, I believe that provisions in the legislation restricting the use of the Visa Waiver Program to individuals who have traveled to Syria or Iraq or are dual nationals of these or other covered nations are discriminatory. I understand that these individuals are not banned from traveling to our Nation and are simply subject to increased questioning and scrutiny before they can travel here.

However, history has shown us that arbitrary across-the-board judgments based on broad characteristics such as these do nothing to enhance our security and only cast a cloud of suspicion over entire communities here in our country.

Equally problematic is the provision's overbreadth. It contains no exceptions for journalists, researchers, human rights investigators, or other professionals. This will make it harder, not easier, to document and respond to human rights violations and other

abuses. I also believe the provision should have included a sunset date so that we can assess its efficacy. I am further concerned that the new requirement will result in our partner nations placing new limits on travel by United States citizens to their own countries.

It is because of these problems that numerous civil rights and civil liberties groups have expressed serious concerns or outright opposition to the overall legislation, including the American Civil Liberties Union, the Leadership Conference on Civil and Human Rights, the NAACP, the American-Arab Anti-Discrimination Committee, the American Immigration Lawyers Association, the Council on American-Islamic Relations, the Arab-American Civil Rights League, Human Rights Watch, and the League of United Latin American Citizens, among others.

Mr. Speaker, I include in the RECORD letters from those groups.

DECEMBER 8, 2015.

Re: Visa Waiver Improvement and Terrorism Travel Prevention Act of 2015, H.R. 158

U.S. SENATE,

HOUSE OF REPRESENTATIVES.

DEAR LEGISLATOR: The Arab-American Civil Rights League ("ACRL") writes with grave concern regarding H.R. 158, the Visa Waiver Improvement and Terrorism Travel Prevention Act of 2015 ("HR 158"). HR 158 would amend the Visa Waiver Program by mandating that individuals who have traveled to Syria or Iraq in the past five years be barred from participation in the Visa Waiver Program. The ACRL strongly opposes such legislation on the grounds that it is both discriminatory and ineffective—an ill-conceived legislative backlash to recent tragedies.

HR 158's blanket ban upon persons who have visited the countries of Iraq and Syria in the past five years will only harm those who have legitimate reasons to visit the United States, and will not effectively deter or prevent terrorists and criminals from seeking to enter this country and do us harm. Simply put, nefarious individuals seeking to enter the United States to commit illegal acts of terror, will not be dissuaded by federal law. It is nothing less than absurd to think that an individual trying to enter the United States to commit acts of terror will abide by our laws.

On the other hand, HR 158 will ban individuals who have visited Syria and Iraq for legitimate reasons in the last five years, for no other reason than their physical presence in said countries. Consider the types of individuals that would be banned: journalists, members of the clergy, family visitors, and myriad others. HR 158 targets and punishes entire swathes of people who have done nothing wrong, while failing to effectively target those who seek to harm this country. In all essence, HR 158 presumes that there are no reasons for people to visit Syria and Iraq, and that anyone who has been to those two countries should be suspected of terrorism.

Far from enhancing our safety and security, HR 158 will only further isolate and alienate people of Arab, Middle Eastern, and South Asian descent. In this sense, HR 158 is a victory for the terrorists, whose true goal is to disrupt our society through acts of shocking violence and barbarism. Far from playing into their hands, we should reaffirm our national commitment to liberty, and continue to embrace pluralism. At our core, we remain a nation of many cultures,

ethnicities, and faiths, and are far stronger when we defend our core values and refuse to act in fear. Federal policy must be carefully drafted and deliberated given its wide-ranging scope and effect. As we have seen in the past with other pieces of national security legislation, such legislative acts can lead to slippery slopes. We at the ACRL urge you to oppose HR 158, and specifically its mandatory exclusion provisions, because they are ineffective, ill-conceived, and un-American.

Respectfully submitted,

ARAB-AMERICAN CIVIL
RIGHTS LEAGUE (ACRL).

**AILA: CONGRESS SHOULD REJECT H.R. 158
UNTIL ITS VISA WAIVER PROGRAM CHANGES
ARE MORE CAREFULLY WEIGHED**

WASHINGTON, DC.—The American Immigration Lawyers Association (AILA) expressed concerns regarding the Visa Waiver Program Improvement and Terrorist Prevention Act, H.R. 158, and recommended Congress vote “NO” on the bill unless modifications and clarifications are made.

“Protecting our nation from terrorists is absolutely essential, and AILA understands and supports efforts to strengthen the Visa Waiver Program, but Congress must consider any legislative proposal carefully, and this bill is getting rushed to the House floor without ever being reviewed in Committee. In fact, the bill was not even made public until just a day or two ago,” said AILA President Victor Nieblas Pradis.

“AILA has serious concerns that H.R. 158 would broadly target descendants of Syrian or Iraqi nationals, or those from other countries alleged to be supporting terrorism, who may have little or no connection to those countries except by parentage,” Mr. Nieblas continued, referring to the bill’s blanket termination of participation in the Visa Waiver Program (VWP) for anyone who is a “national” of Iraq or Syria, or other designated countries. “As written, the bill could result in discrimination that will exclude people without consideration of legitimate risk factors. For instance, a child who has never been to Syria, but was born in France to Syrian parents, would be ineligible for the VWP.”

H.R. 158 also excludes from the program anyone who travelled to countries alleged to be supporting terrorism within the past five years, without sufficient authority to waive revocation for those who clearly pose no threat. “This per se ban will hurt humanitarian workers and journalists who are traveling to Iraq and Syria or other designated countries to do life-saving work or to report on international events. The bill’s waiver will not help any of these people who have visited for legitimate, even compelling reasons,” Mr. Nieblas noted, referring to a provision that allows the Secretary of Homeland Security to waive the exclusion if the waiver is in the interest of law enforcement or national security, but makes no mention of humanitarian or other grounds.

“History has shown overbroad programs that target people based on nationality, race, ethnic origin or religion are not effective at combatting terrorism. After 9/11, our government forced thousands of people from Middle-Eastern countries, and countries with predominantly Arab and Muslim populations, to undergo special processes to register themselves with the federal immigration authorities,” Mr. Nieblas said, referring to the 2002 special-registration program under National Security Entry-Exit Registration System (NSEERS). The U.S. government described special-registration as an “inconvenience” in the same way some are now justifying H.R. 158’s exclusion from VWP. He continued, “Not a single known

terrorism-related conviction ever came out of NSEERS. NSEERS is a stain on our nation’s history that we should never repeat.”

H.R. 158 would also establish additional reporting requirements to Congress regarding use of the program, additional eligibility requirements for VWP countries, and enhancements to the Electronic System for Travel Authorization (ESTA). The agencies involved in the VWP have sought to continually improve and adapt the program as circumstances change. As Congress aims to enhance the program, it is essential that any changes are both workable and effective.

“Standing by our founding principles of freedom and liberty is what keeps us strong. AILA urges Congress to show leadership by ensuring any legislation it passes is consistent with our values as a nation, and is crafted in a way that is workable, sensible, and based on good policy, not political expediency,” Mr. Nieblas concluded.

THE LEADERSHIP CONFERENCE ON
CIVIL AND HUMAN RIGHTS,
Washington, DC, December 8, 2015.
Oppose H.R. 158, the Visa Waiver Program
Improvement Act of 2015

DEAR REPRESENTATIVE: On behalf of The Leadership Conference on Civil and Human Rights, a coalition of more than 200 national civil and human rights advocacy organizations, we urge you to oppose H.R. 158, the Visa Waiver Program Improvement Act of 2015. Section 3 of H.R. 158 would open the door to the use of profiling on the basis of national origin, while doing little, if anything, to promote national security.

While H.R. 158 calls for a number of bipartisan improvements to the visa waiver program (VWP), Section 3 would make two significant and unhelpful changes. First, it would bar travelers from utilizing the process if they are dual nationals of a VWP country and also of Iraq, Syria, or other countries that are named as state sponsors of terrorism. Its overly-broad language would apply to nationals of those countries even if they have never set foot there, and are only dual citizens because of the nationality of their parents.

Second, it would exclude visitors from the VWP if they have traveled to Iraq, Syria, or other designated countries, even if they did so to provide medical or humanitarian assistance or many other legitimate purposes. The effect of this on national security is negligible at best, because it would only affect people who entered those countries through legitimate channels and accurately reported their travels—not those who snuck in through the poorly-secured borders in those countries to work with terrorist groups. In other words, it would simply penalize travelers for being honest.

While Iraqi or Syrian dual nationals, or people who have visited those countries, could still apply at a U.S. consulate for a nonimmigrant visa, they would be subjected to a process that raises concerns about ethnic and national origin profiling and other arbitrary practices. Under current procedures, consular decisions are not reviewable, which raises the likelihood that low-risk individuals would be barred from traveling to the United States altogether, while high-risk individuals would simply find other ways of doing harm.

We would support amendments to Section 3 that add due process protections for affected travelers. Because the bill is coming up on the suspension calendar, however, no such amendments will be allowed. We recognize that Congress is highly motivated to enact greater national security protections in the wake of the Paris and San Bernadino terrorist attacks, but we hope that you will

reject this bill in its current form and demand that it be improved.

Thank you for your consideration. If you have any questions, please contact either of us or Rob Randhava, Senior Counsel.

Sincerely,

WADE HENDERSON,
President & CEO.
NANCY ZIRKIN,
Executive Vice President.

DECEMBER 7, 2015.

Re ACLU Concerns With the “Visa Waiver Program Improvement and Terrorist Travel Prevention Act of 2015” (H.R. 158)

DEAR REPRESENTATIVE: On behalf of the American Civil Liberties Union (ACLU), we urge you to amend the “Visa Waiver Program Improvement and Terrorist Travel Prevention Act of 2015” (H.R. 158).

I. H.R. 158 ARBITRARILY DISCRIMINATES AGAINST NATIONALS OF IRAQ, SYRIA, IRAN, OR SUDAN WHO ARE CITIZENS OF VISA WAIVER PROGRAM (“VWP”) COUNTRIES—BASED ON THEIR NATIONALITY AND PARENTAGE.

The VWP is a long-established program that permits nationals of certain countries to enter the U.S. as visitors (tourists or business) without a visa, for up to 90 days. H.R. 158 terminates travel privileges for all citizens of VWP countries who are dual nationals of Iraq, Syria, Iran, or Sudan. This revocation of VWP privileges would apply to all nationals of Iraq, Syria, Iran, or Sudan even if they have never resided in or traveled to Iraq or Syria. By singling out these four nationalities to the exclusion of other dual nationals in VWP countries, H.R. 158 amounts to blanket discrimination based on nationality and national origin without a rational basis.

There is no sufficient reason to justify the differential treatment of VWP citizens who are nationals of Iraq, Syria, Iran, or Sudan. There is no evidence to support assertion that citizens of VWP countries, who are dual nationals of these four are more likely to engage in terrorist acts against the U.S.

Not only is H.R. 158 discriminatory, it is arbitrary. Unlike the U.S. which grants citizenship to all children born on U.S. soil, birth within Syria does not automatically confer citizenship. Rather Syrian citizenship is conferred by naturalization or descent. With respect to descent, Syrian citizenship is conferred to children “born of a Syrian father, regardless of the child’s country of birth” or children “born of a Syrian mother and an unknown or stateless father.” The proposal would yield the untenable result of folding such gender-based distinctions into U.S. law.

Therefore, if H.R. 158 were to become law, the following types of travelers would automatically lose their VWP privileges, even if they have never been to Iraq or Syria:

Dual-national French citizen (born to Syrian father) traveling to U.S. for business conferences and meetings;

Dual-national German citizen (born to Syrian father) traveling to U.S. with vacation tour group;

Dual-national Austrian citizen (born to Syrian father) traveling to the U.S. to take care of grandchild.

It is wrong and un-American to punish groups without reason solely based on their nationality, national origin, religion, gender, or other protected grounds.

II. H.R. 158 WOULD END VWP PRIVILEGES FOR ALL RECENT TRAVELERS TO IRAQ OR SYRIA, INCLUDING THOSE WHO TRAVELED THERE FOR PROFESSIONAL PURPOSES

H.R. 158 would terminate VWP travel privileges for all who have been present in Iraq or Syria at any time on or after March 1, 2011. This broad travel restriction contains a very

narrow exception for certain military personnel and government officials. All other travelers would automatically lose their VWP privileges. Affected travelers would include journalists, scholars, refugee case-workers, humanitarian aid workers, human rights investigators, and many others.

Under H.R. 158, the following types of travelers would automatically lose their VWP privileges based on their travel to Syria or Iraq since March 2011:

British citizen, working as a reporter for the London-based Daily Telegraph who traveled to Syria to cover the civil war;

Swiss citizen, working as a social worker in a Kurdish refugee camp in northern Iraq;

Belgian citizen, working as a human rights investigator to document abuses committed by ISIL against Syrians.

Many of these VWP travelers have gone to Syria or Iraq for professional purposes and are producing reports and providing services that the U.S., indeed the whole world, depends upon, now more than ever. They should not lose their VWP travel privileges for their work in Syria or Iraq.

III. CONGRESS MUST PLACE A TIME LIMIT ON MEASURES TO REVOKE VWP TRAVEL PRIVILEGES

When Congress created the VWP years ago, Congress authorized the Attorney General, in consultation with the Secretary of State, to designate certain countries as VWP countries. Congress has never codified any nationality-based prohibitions for VWP program designation. If the House passes this bill, it will be enshrining into statute that VWP citizens, who happen to be Iraqi or Syrian nationals, are categorically ineligible for VWP travel privileges even if they have never been to Iraq or Syria.

In view of this extraordinary discriminatory measure, Congress should limit the duration of this VWP restriction and place a two-year sunset on this travel restriction. A sunset provision would require Congress to reassess in two years whether nationals of Iraq and Syria warrant such selective targeting for VWP travel restriction purposes.

IV. CONCLUSION

While the ACLU recognizes the importance of a Congressional response to the increase in recent terrorist attacks, we urge Congress to exercise caution and to avoid passing legislation that would broadly scapegoat groups based on nationality, and would fan the flames of discriminatory exclusion, both here and abroad. We, therefore, urge the House to amend H.R. 158 by: (1) Deleting the language that categorically strips VWP privileges from all Iraqi and Syrian nationals; (2) Expanding the exemption to include journalists, researchers, human rights investigators, and other professionals; and (3) Inserting a two-year sunset date to the travel restrictions on the use of VWP.

In the absence of such changes, we have grave reservations about this proposal.

For more information, please contact ACLU Legislative Counsel Joanne Lin or Policy Counsel Chris Rickerd.

Sincerely,

KARIN JOHANSON,
*Director, Washington
Legislative Office.*

JOANNE LIN,
Legislative Counsel.

CHRIS RICKERD,
Policy Counsel.

HOUSE OF REPRESENTATIVES,
December 7, 2015.

Re Visa Waiver Program Improvement and Terrorist Travel Prevention Act, H.R. 158.

DEAR REPRESENTATIVE: On behalf of the American-Arab Anti-Discrimination Com-

mittee (ADC), I write to strongly urge you to Vote No on the Visa Waiver Program Improvement and Terrorist Travel Prevention Act, H.R. 158. We have serious concerns on the application and enforcement of this bill if it were to become law, specifically Section 3 which 1) imposes a mandatory and categorically bar to the Visa Waiver Program (VWP) on any individual who is a dual citizen of Syria, Iraq, Sudan, and Iran; and 2) prohibits any person whom has traveled to Syria, Iraq, Iran, and Sudan since March 1, 2011.

We understand that the U.S. House of Representatives may push forward H.R. 158 through the omnibus appropriations bill, and strongly request you to Vote No to H.R. 158 and/or its inclusion in an omnibus bill because H.R. 158 is: 1) ineffective to actually secure safety; and 2) intentionally discriminates and profiles persons based on their national origin.

Section 3's blanket exclusion of visitors to Iraq and Syria would not be an effective security measure as it relies on self-reporting accurate tracking of who visits those countries that could be circumvented by someone intending to do harm—the persons who are intent on engaging in terror activities are not getting their passports stamped, they are sneaking into Syria and Iraq. The provision is more likely to screen out health and aid workers, clergymen, journalists, teachers, military personnel, translators, family visitors and others who are helping protect Americans or have legitimate or completely innocent reasons to visit Syria or Iraq—essentially penalizing them for their honesty and performing humanitarian work.

It is not black and white, nor simple to suggest that H.R. 158 just requires individuals to get a visa. H.R. 158 is not just a visa requirement, H.R. 158 is discriminatory. Section 3 imposes a mandatory bar to all persons whom are dual citizens of Syria, Iraq, Sudan, and Iran is blatant profiling on its face. Only nationals of particular countries regardless of whether they have traveled to a terrorist support country or not, have to meet additional requirements they would not otherwise have to go through if they were not Arab. It is premised on the unreliable assumption that Arabs are more prone to terrorism and to commit terrorist acts, and further perpetuates stereotypes that Arabs are terrorists. There is no separate assessment and/or security review is done that determines that specific person on a case by case basis is a security threat, non-related to their identity, place of birth, or country of national origin.

The fact is that terrorism is not limited to one particular race, country of national origin, or religion, nor bound by country borders. However, this bill paints Arabs as the enemy, and makes VWP Arab nationals second class citizens in their own country—they are not afforded the same benefits as their fellow nationals. Many VWP nationals will be arbitrarily denied entry by Customs and Border Patrol with little to no notice of change in VWP requirements and no review if that person actually presents a threat to national security. Currently, Arabs face enormous scrutiny and security checks to enter the U.S. and many have been denied entry even with valid non-immigrant and immigrant visas, based on no other reason but their national origin. You should not support the further arbitrary exclusion of a group of people based on nothing but that person's national origin.

Historically programs with sweeping powers to exclude people based on nationality, race, ethnic origin or religion have proven to be ineffective. In 2002, the U.S. government established the special-registration program under National Security Entry-Exit Reg-

istration System (NSEERS) requiring heightened registration and scrutiny of people in the U.S. who came from mostly Arab and Muslim countries. NSEERS was initially portrayed as an anti-terrorism measure which required male visitors to the U.S. from 25 Arab and Muslim countries to be fingerprinted, photographed, and questioned by immigration officers. Many whom complied with registration were arbitrarily detained and deported. NSEERS proved to be an ineffective counter-terrorism tool, and has not resulted in a single known terrorism-related conviction. We also should not forget the detrimental ramifications of blanket immigration exclusion and discrimination against Asians with the Chinese Exclusion Act.

Rather than imposing an ineffective ban from VWP on people who set foot in Syria and Iraq and excluding groups of people based on their national origin, Congress should consider other security measures that would more effectively enhance the Department of Homeland Security's screening process overall. We must also be weary of how VWP countries will treat Americans of Arab and Middle Eastern background, and may single out and exclude our citizens from entry in their respective immigration processes.

ADC strongly urges you to Vote No to H.R. 158 and stand up against profiling. The automatic exclusion of dual citizens of VWP countries and the designated Arab countries, and recent visitors to Iraq and Syria is discriminatory. The reactionary government actions following the Pearl Harbor attack—Japanese Internment camps and 9/11—arbitrary detention and surveillance of Arabs—are cautionary tales that we must heed to now and remember that we cannot let fear erode respect and protection of civil and human rights.

Respectfully Submitted,

SAMER KHALAF, Esq.;
ADC National President.

HOUSE OF REPRESENTATIVES,

December 4, 2015.

Re Visa Waiver Program Security Enhancement Act, S. 2337.

DEAR REPRESENTATIVE: The undersigned organizations write to express our concern regarding the Visa Waiver Program Security Enhancement Act, S. 2337, specifically Section 2 of the bill which imposes a mandatory and categorical bar to the Visa Waiver Program (VWP) on any individual who has traveled to Syria or Iraq within the previous five years. We understand that the House of Representatives may look to S. 2337 as it related to pushing forward on H.R. 158, the Visa Waiver Program Improvement Act. In any discussions regarding reforms to the VWP, including the omnibus appropriations bill, we urge you to remove provisions that specifically target people who visit or are from Syria or Iraq.

The bill's blanket exclusion of visitors to Iraq and Syria would not be an effective security measure as it relies on self-reporting accurate tracking of who visits those countries that could be circumvented by someone intending to do harm—the persons who are intent on engaging in terror activities are not getting their passports stamped, they are sneaking into Syria and Iraq. The provision is more likely to screen out health and aid workers, clergymen, journalists, military personnel, translators, family visitors and others who are helping protect Americans or have legitimate or completely innocent reasons to visit Syria or Iraq essentially penalizing them for their honesty.

The provision is premised on the unreliable assumption that people from those countries are more likely to commit terrorist acts, and

it makes anyone who visits those countries automatically suspect of terrorism. While the draft legislation on its face applies to all persons who have traveled to Syria or Iraq, in reality the legislation will have a disparate impact on people of Syrian and Iraqi descent. Historically programs with sweeping powers to exclude people based on nationality, race, ethnic origin or religion have proven to be ineffective. In 2002, the U.S. government established the special-registration program under National Security Entry-Exit Registration System (NSEERS) requiring heightened registration and scrutiny of people in the U.S. who came from mostly Arab and Muslim countries. NSEERS proved to be an ineffective counter-terrorism tool, and has not resulted in a single known terrorism-related conviction. Department of Homeland Security (DHS) suspended NSEERS in 2011.

Rather than imposing an ineffective ban from VWP on people who set foot in Syria and Iraq, Congress should consider other security measures that would more effectively enhance the Department of Homeland Security's ability to identify and screen out terrorists and dangerous individuals who pose threats to our nation.

The automatic exclusion of recent visitors to Iraq and Syria is discriminatory and will alienate Americans of Arab, Muslim, Middle Eastern and South Asian descent. The better way to combat terrorism in the U.S. is to ensure strong relations with these communities. With respect to Syrian refugees, former Sec. of State Madeleine Albright said "Our enemies have a plan. They want to divide the world between Muslims and non-Muslims, and between the defenders and attackers of Islam. In the aftermath of recent terrorist attacks, America must show its leadership by ensuring we remain an open society that welcomes people of all nationalities, faiths and backgrounds."

Respectfully Submitted,

American-Arab Anti-Discrimination Committee (ADC), American Immigration Lawyers Association (AILA), Asian Americans Advancing Justice (AAJC), Asian Law Caucus, Council on American-Islamic Relations (CAIR), Human Rights Watch, Iraq Veterans Against the War, Just Foreign Policy, League of United Latin American Citizens (LULAC), The Leadership Conference on Civil and Human Rights, NAACP, National Immigration Law Center, National Network for Arab American Communities, Student-Led Movement to End Mass Atrocities (STAND), SustainUS.

Mr. CONYERS. Mr. Speaker, while there are many positive aspects to the legislation, I believe, in the end, we cannot countenance anything in our laws that judges individuals based on their nationality rather than their character.

Mr. GOODLATTE. Mr. Speaker, I yield 3 minutes to the gentleman from Texas (Mr. McCAUL), the chairman of the Homeland Security Committee.

Mr. McCAUL. Mr. Speaker, I want to thank Chairman GOODLATTE and Chairman MILLER for their leadership.

I rise in support of this bill, the Visa Waiver Program Improvement and Terrorist Travel Prevention Act.

Our Nation faces the highest terror threat environment since 9/11, and we must do everything possible to shut down terrorist pathways into this country. We are working hard to do just that with this bill. Last month, the House voted overwhelmingly to pass bipartisan legislation I drafted to

prevent terrorists from entering the United States posing as refugees.

They have already done this to attack Paris. And this year, the Office of the Director of National Intelligence warned me that the National Counterterrorism Center has identified individuals with ties to terrorist groups in Syria attempting to gain entry to the U.S. through the U.S. refugee program.

I am concerned that terrorists are attempting to exploit the U.S. refugee program to enter our country and that we currently lack the ability to confidently vet Syria refugees to weed out individuals with potential terrorist ties. Top law enforcement and intelligence officials have testified before my Committee that terrorist groups have expressed a desire to infiltrate refugee programs to enter the United States and Europe, and ISIS has said in their own words that they intend to do so. In Paris, we saw them follow through on those pledges, sneaking at least two operatives into Europe posing as refugees. It also appears that individuals with extremist links have already tried to gain entry to our country as refugees. This year the Office of the Director of National Intelligence informed me in writing that the National Counterterrorism Center has identified "... individuals with ties to terrorist groups in Syria attempting to gain entry to the U.S. through the U.S. refugee program." This is deeply troubling. At this time, I am concerned that serious intelligence gaps preclude us from conducting comprehensive screening to detect all Syrian refugees with terrorist ties, and as a result I have proposed adding additional national security checks to the process before the United States approves any further admissions. Naturally, the States are concerned that the refugees being resettled in their communities may not have been effectively screened—especially given the volume of refugees the Administration has committed to accepting. Refugee resettlement is within the purview of the federal government. However, the Administration must be transparent in sharing information with the States about the people being resettled within their borders. The Refugee Act of 1980 requires that the federal government "shall consult regularly" with state and local governments and private nonprofit voluntary agencies concerning the intended distribution of refugees. In Texas, it appears the federal government has not fully held-up its end of the bargain.

But we must go further. More than 30,000 individuals from 100 countries have gone to Syria to join jihadist groups, and 5,000 of them have Western passports. This includes several of the Paris attackers, who could have traveled to the United States without a visa.

That is why this legislation is so important before us here today. It will close security gaps in the Visa Waiver Program to keep terrorists from entering our country undetected. It also includes several recommendations from the bipartisan Task Force on Combating Terrorist and Foreign Fighter Travel, which I created earlier this year.

This Member-led panel uncovered gaping security weaknesses overseas, including the fact that some countries are not sharing intelligence on terror-

ists, many are not screening travelers against critical counterterrorism databases, and too few of them are cracking down on passport fraud.

This bill would help close those security gaps to keep terrorists from crossing borders. And it would implement several of the task force's top recommendations to ensure Visa Waiver Program countries are living up to their obligations and ramping up security.

With that, Mr. Speaker, I want to thank the chairman of the Judiciary Committee. I also want to thank those on the other side of the aisle for working in a bipartisan spirit, in a cooperative nature on what I consider to be one of the biggest security gaps we have facing this country after the Paris attacks and after San Bernardino. And I want to thank our colleagues on the other side of the aisle.

□ 1600

Ms. LOFGREN. Mr. Speaker, I yield 3 minutes to the gentlewoman from Texas (Ms. JACKSON LEE), a member of the Judiciary Committee as well as of the Homeland Security Committee.

Ms. JACKSON LEE. Let me thank the gentlewoman for her leadership. As well, I thank the gentleman from Mississippi (Mr. THOMPSON), the chairman of the Border and Maritime Security Subcommittee, of which I am a member—Chairman MILLER—and Messrs. McCAUL and GOODLATTE.

Mr. Speaker, as I have indicated, in my having been on the floor today, America is looking for the homeland to be secure, and they are looking for it to be done in a thoughtful manner.

Just a week ago, I did not vote for a bill that would have stopped innocent refugees who had been in camps for 2 years or more—mothers and fathers and seniors and children—because I knew there was a 21-list vetting system that would ensure that those refugees who had languished in refugee camps and who had been suffering would be a small number—an infinitesimal number—coming into the United States.

We heard debate earlier today about another loophole that could be ended, and that is to stop terrorists from getting guns—a thoughtful proposal. Most Americans didn't realize the loophole existed.

Now we come to a program that is, likewise, a thoughtful program. It has nothing to do with refugees. It has nothing to do with ending the Visa Waiver Program of 38 nations. What it has to do with is, if you have been in the areas where the caliphate is, where the fight has been taken to, Syria and Iraq, we just ask for an added interview. I might imagine that, in the course of that, there will be human rights activists and journalists. I would imagine, as well, that our officials who will be doing the interviews will be sensitive to the fact of legitimate journalists who have gone to do their reporting.

I think it is very important that the American people know that we are working to craft a thoughtful approach. This is a thoughtful approach. It simply asks for individuals to go for an interview who are part of the Visa Waiver Program in the countries that they have them or who are dual nationals.

Likewise, I have introduced legislation, H.R. 48, No Fly for Foreign Fighters, that asks for an added vetting for the terrorist watch list to make sure that no one on that list who is coming from overseas gets on an airplane. This will protect the American people.

In the course of trying to be constructive, I think the hearings that we had in Homeland Security indicated another layer, another level, of just making sure that those who are trying to use the Visa Waiver Program are not abusing the Visa Waiver Program. That is our effort here today, that they not abuse it and, by some ill fate, allow someone who comes to this Nation to do us harm. Homeland security, protecting the national security, is a layer that is constructive and constitutional. This is constructive, and it is constitutional.

I ask my colleagues to support the underlying legislation.

Mr. Speaker, this has been a stressful year in our country and our world with past senseless gun violence and terroristic acts against Americans and citizens the world over.

I rise in support of H.R. 158—the Visa Waiver Program Improvement and Terrorist Travel Prevention Act—because it facilitates a rigorous vetting of tourists seeking to enter into our country.

In addition to the steps laid out by the President, I also believe there are additional steps the Congress should take, including bringing to the floor for debate and vote H.R. 48, the “No Fly for Foreign Fighters Act,” that I introduced earlier this year.

My legislation would require the TSA to check the Terrorist Screening Database and the terrorist watch list used in determining whether to permit a passenger to board a U.S.-bound or domestic flight and to take appropriate steps to ensure that those who pose a threat to aviation safety or national security are included in the Terrorism Database.

From San Bernardino to Paris, to Nigeria, to Mali, to Beirut, the carnage of violence has been perpetrated on the human family by those who should never be in possession of violent weapons or power.

But we cannot allow these atrocities to dissuade us from interacting with and welcoming those interested in traveling to and learning more about our country.

Mr. Speaker, as a Member of Congress and senior member on the homeland security and ranking member on the Judiciary subcommittee on Crime, Terrorism and Homeland, my top priority is the safety of the American people.

In times of conflict and stress and trauma, our natural inclination is to point fingers and seek to cast blame as we have seen Mr. Donald Trump do.

But we all know that deep down, this does us no good and that it runs afoul of our American ideals.

What we must do is focus our efforts on the most likely security threats to our homeland and not scapegoat the thoroughly screened individuals who seek to come to the U.S. through the Waiver Program.

We cannot throw a net of suspicion over an entire nation, even as the United States accepts more refugees—including Syrians.

Our system facilitates the most rigorous screening and security vetting of ANY category of traveler or immigrant to the United States before the refugee sets foot on U.S. soil.

Indeed, the Republican bill, H.R. 4038, that passed the House in November would immediately shut down refugee resettlement from the Syria and Iraq region and severely handicap refugee resettlement in the future.

To date, there is no reliable evidence that the individuals who committed the heinous attacks in Paris on November 13th were refugees.

Currently, the Visa Waiver Program allows citizens from 38 countries from around the world, including the United Kingdom, France, Belgium and Japan, to enter the United States without a visa.

One of the main intents of the Visa Waiver Program is to stimulate the U.S.’ economy by encouraging tourism, cultural exchange, business, and job growth between the United States and our international partners.

The travel industry estimates that the VWP contributed \$190 billion to our economy in 2014.

It should be noted that Visa waiver travelers cannot simply grab their passports and hop on the next flight to the United States.

Rather, under current law, citizens from participating Visa Waiver Program countries are required to complete a U.S government online security screening form prior to their admission to the United States.

These participants also undergo an additional level of screening at the port of entry by a Customs and Border Patrol official.

This bipartisan bill provides for specific, concrete changes that will ensure better information-sharing among intelligence and law enforcement agencies.

The Program requires screening of all travelers against INTERPOL databases to identify high-risk travelers.

The Program makes it challenging for extremists to falsify their identities by requiring fraud-resistant e-passports that contain biometric information.

The Program compels U.S. security agencies to conduct more frequent threat assessments of VWP countries.

The bill also requires nationals of Iraq, Syria, and other designated countries, or those who have visited such countries, to have an in-person interview with a U.S. Department of State Consular official and undergo more lengthy screenings prior to travel to the United States.

This bill employs intelligent measures to enhance the security of the American people by improving information sharing between VWP country partners and the United States, including a requirement that WP countries report theft/loss of their citizens’ passports to the United States within 24 hrs.

This bill is a more appropriate response than the Republican drafted the “American SAFE Act of 2015.”

It deserves a vote in the House.

Mr. GOODLATTE. Mr. Speaker, I yield 2 minutes to the gentleman from Louisiana (Mr. SCALISE), the majority whip.

Mr. SCALISE. I thank my colleague from Virginia for yielding.

Mr. Speaker, I rise in strong support of this important legislation by the gentlewoman from Michigan (Mrs. MILLER).

To defeat ISIS, it is going to take strong leadership, and it is going to take a strong strategy. I think it is clear that the President’s approach isn’t working. In fact, our intelligence officials tell us that ISIS is not only not being contained, but now we are seeing that they are coming to America, that they are attacking America, and that has been their stated goal. It is incumbent upon us to do everything we can. Frankly, the American people deserve to know that their government is doing everything in its power to protect them from the threat of terrorists. These are very real threats.

In the House, we have been taking decisive action. We have already passed a bill to address the problems of the lack of vetting in the refugee program, a program that ISIS, itself, has said it plans to exploit in order to bring terrorists into America. The FBI Director has even confirmed those concerns that we have expressed, and we have passed legislation to address that.

Today, Mr. Speaker, we are bringing forth strong, bipartisan legislation to reform the troubled Visa Waiver Program. We have seen that thousands of people with Western passports, including from the Visa Waiver Program nations, have been going to some of the troubled regions, like Syria, like Iraq, like other countries. There ought to be a higher level of scrutiny. This bill requires the Department of Homeland Security to work with those nations in order to have a higher level of scrutiny so as to ultimately lead to a more secure United States of America.

I encourage all of my colleagues to pass this legislation. Let’s continue to do what we need to do in the House of Representatives to protect the American people from the real threat that ISIS poses.

Ms. LOFGREN. Mr. Speaker, I yield 3 minutes to the gentleman from Mississippi (Mr. THOMPSON), the ranking member of the Homeland Security Committee.

Mr. THOMPSON of Mississippi. I thank the gentlewoman from California for yielding the time.

Mr. Speaker, I rise today in support of H.R. 158, the Visa Waiver Program Improvement and Terrorist Travel Prevention Act of 2015.

This bipartisan legislation will help better secure the Visa Waiver Program, which facilitates travel to the U.S. for 20 million visitors from 38 participating countries for both business and pleasure.

While the program provides important security benefits through information-sharing agreements between participating countries and significant

economic benefits from tourism, the potential security vulnerabilities of this program have been a concern.

I was a primary author of provisions in the Implementing Recommendations of the 9/11 Commission Act of 2007, which bolstered the security of the Visa Waiver Program by requiring an Electronic System for Travel Authorization, called ESTA. Through the ESTA program, Visa Waiver travelers are vetted prior to their departure to the U.S.

I applaud the Department of Homeland Security for its recent efforts to make further enhancements to the ESTA program. These improvements will better secure the Visa Waiver Program, but Congress needs to do its part. That is why I am pleased to support H.R. 158. The bill was reported unanimously by voice vote from the Committee on Homeland Security earlier this year, and additional security-related provisions were added on a bipartisan basis in recent days.

H.R. 158 would strengthen passport requirements for Visa Waiver travelers and require Visa Waiver participants to report lost or stolen passports within 24 hours. Enhanced information-sharing requirements would also be in place for Visa Waiver countries. In addition to that, it would mandate that Visa Waiver countries screen arriving and departing noncitizens against INTERPOL databases. Mr. Speaker, this is a good bill. Its time has come.

I thank Mrs. MILLER of Michigan for her diligence in bringing it before our committee, and I thank Ms. LOFGREN for her work in this effort. I look forward to the passage of this bill.

Mr. GOODLATTE. Mr. Speaker, I yield 2 minutes to the gentleman from Texas (Mr. POE), a member of the Judiciary Committee.

Mr. POE of Texas. Mr. Speaker, we all know that ISIS is not contained. ISIS, in fact, is expanding its reign of terror. Its fighters hold passports from different countries around the world. We know they are embedded in Western countries, are able to travel freely, and are hard to track down—and they want to do us harm.

Under the current Visa Waiver Program, individuals from 38 countries are exempt from the standard vetting process to get a visa and come to America. Hold a passport from one of these 38 countries, and you can just jump on a plane and come here. Those 38 countries are supposed to share their watch lists with us, but some of them don't. That makes it easier for the bad guys to fly to America.

So this bill fixes that real loophole in the current system. Those 38 countries will now be required to share their watch lists with us. If they don't, they are prohibited from being in the Visa Waiver Program. Foreign citizens who have recently traveled to Iraq and Syria will also be required to go through additional screening.

Mr. Speaker, terrorist fighters have America in their hateful, evil sights.

We must do all we can to stop them from coming here, and the status quo just won't keep us safe. As chairman of the Terrorism, Nonproliferation, and Trade Subcommittee of the House Foreign Affairs Committee, I totally support this commonsense legislation.

And that is just the way it is.

Ms. LOFGREN. Mr. Speaker, I yield 3 minutes to the gentleman from Maryland (Mr. HOYER), our whip.

Mr. HOYER. I thank the gentlewoman for yielding.

Mr. Speaker, I rise in support of this legislation.

I want to thank Ranking Member BENNIE THOMPSON, Ms. LOFGREN, who worked very hard on this, and Democrats on the Homeland Security Committee and on the immigration policy and enforcement Judiciary subcommittee for their hard work to ensure that this bill will protect Americans from the threat of terror while we remain true to our highest principles and ideals.

House Democrats and House Republicans have no greater priority than keeping Americans safe. That is neither a partisan issue nor is it a partisan difference.

Many Americans are frustrated with the pace of progress against ISIS in Iraq and Syria. I want to see the administration and Congress working together to protect our Nation. The reforms in this bill are an excellent start. What we have before us today, Mr. Speaker, is an example of what we can achieve when both sides work together to craft responsible reforms in a spirit of unity and common purpose, which is: in the face of the threats we challenge, we ought to summons.

I want to thank the majority leader, Mr. MCCARTHY, for working with me and our side of the aisle, and I want to thank those on the Republican side of the aisle for working together to get this bill done.

The Visa Waiver Program has long been a tool to promote business ties and tourism, both of which are vital to our economy. We cannot—nor should we—simply shut our doors to the world if we want to continue to lead the world. This legislation will make it easier for law enforcement to vet those visitors who are coming from Visa Waiver countries, such as in Europe, to ensure that we are not admitting those who have traveled to places like Iraq and Syria and link up with ISIS.

This is now the third major bipartisan piece of legislation to come to the floor in the past 2 weeks after the highway bill, which included a provision to reopen the Export-Import Bank, and the Elementary and Secondary Education Reauthorization Act. I hope—and I think the American people would expect—again, in light of the challenges that confront us, that we can build on this progress and complete a bipartisan agreement to keep government open before the week is done.

I want to thank, once more, Ranking Member ZOE LOFGREN, who knows so

much about this issue and who has been so faithful in her attention to both our values and the protection of the American people. I thank BENNIE THOMPSON as well, the ranking member of the Homeland Security Committee, on our side of the aisle. I also want to thank the chairman of the Judiciary Committee for his leadership on this issue as well as all of those who have worked on a number of issues.

This will not be the last word, but it is a good word, and I urge my colleagues to support it.

Mr. GOODLATTE. Mr. Speaker, I yield 1 minute to the gentleman from New Jersey (Mr. LANCE).

Mr. LANCE. Mr. Speaker, I rise today in strong support of the Visa Waiver Program Improvement and Terrorist Travel Prevention Act, which will strengthen the Visa Waiver Program in order to help prevent foreign terrorists from entering the United States.

This legislation comes at a critical time. The heinous acts of terror and mass murder perpetrated in Paris and San Bernardino demonstrate the alarming strength and reach of ISIS and its allies.

□ 1615

This threat is certainly not contained, and our fight against radical jihadists at home and abroad must be the Nation's most pressing issue.

Passing H.R. 158 will close a dangerous loophole that we know terrorists will exploit to carry out acts of terror here in the United States. Terrorists such as the September 11th so-called 20th hijacker, Zacarias Moussaoui, and the shoe bomber, Richard Reid, both used a Visa Waiver Program to enter the United States.

We must be ever vigilant in the face of these great threats. I urge a "yes" vote on H.R. 158.

Ms. LOFGREN. Mr. Speaker, I yield 2 minutes to the gentleman from California (Mr. SCHIFF), the ranking member of the Intelligence Committee.

Mr. SCHIFF. Mr. Speaker, I rise in support of H.R. 158, the Visa Waiver Program Improvement and Terrorist Travel Prevention Act.

The Visa Waiver Program is overall an excellent program that facilitates the travel of more than 20 million people to the United States each year, travelers who encourage cultural exchange and contribute significantly to our economy through tourism and job growth.

The overwhelming majority of travelers who utilize the program are not a threat in any way. However, even a small number of individuals can do us grave harm. Among those of greatest concern are European citizens who return to countries like France and Belgium after traveling to Iraq and Syria to train with terror forces.

It is incumbent upon us to take every precaution to ensure these individuals cannot exploit the Visa Waiver Program to enter the United States.

The reforms we are voting on today are reasonable, and they are appropriately targeted improvements to this important program. Specifically, they will require that nationals of Iraq and Syria as well as other designated countries and those who have traveled to these countries since 2011 undergo an in-person interview with a U.S. official and more rigorous security screening processes prior to traveling to the United States. It will also require DHS to strengthen its background check procedures and ensure improved information sharing among intelligence and law enforcement agencies.

In the wake of the recent terror attacks, we must continue to review our existing security efforts to ensure we are doing all we can to protect the country. Rather than focus on the refugee resettlement program, which is the most heavily screened and lengthy process to enter the United States, Congress should focus our energy on closing known vulnerabilities that could allow those who mean us harm to enter the United States quickly and with little scrutiny. This bill does just that.

I urge my colleagues to vote in favor of this legislation.

Mr. GOODLATTE. Mr. Speaker, I yield 3 minutes to the gentleman from Iowa (Mr. KING), a member of the Judiciary Committee.

Mr. KING of Iowa. Mr. Speaker, I thank the chairman for working together with others to bring this bill forward.

I rise in full support of H.R. 158, which is the Visa Waiver Program Improvement and Terrorist Travel Prevention Act of 2015.

We all know that it takes a lot of pieces of legislation to fill some of the holes that exist, but I am pleased that this bipartisan effort has come to the floor of the House of Representatives, Mr. Speaker.

I will say that, as I look at the language that is in here and the pieces of it, to recognize that as the tighter scrutiny to the Visa Waiver Program, which I have had some concern about over the years, 38 countries enjoy the relationship with the United States of a Visa Waiver Program.

The way it functions is, if an individual of one of the participating countries has a valid passport from their own country and they sit down in front of the Internet, they can input that information and essentially clear themselves to be able to travel to the United States without further bureaucracy.

That is a good thing on balance, but a bad thing when we have people that have dual nationalities or people who give indicators, such as having traveled back and forth to some of the countries that we have concerns about as being those countries where terrorists are, let's say, radicalized or sponsored.

I am a little concerned that our list isn't a little longer than this. The countries that are covered with this bill are Iraq, Syria, and, by definition,

Sudan and Iran. I am hopeful that the Secretary of Homeland Security will take a look at some other countries to tighten this up a little bit more.

I just returned from that part of the world, Mr. Speaker, probably about a month ago, perhaps a little less. I traveled into Turkey, into Iraq, into the Kurdish region, Erbil, and then west as far as I could go up towards the ISIS lines.

I visited a refugee camp there and then back into Turkey, up to Hungary, down to Serbia, into Croatia, back out of there again, and then determined to skip Germany and Austria this time, but traveled up to Sweden to look at the other end of this.

There I sat with a briefing of our State Department. Some of that in that room is confidential, but we are working with these countries to tighten up our security. We are offering the expertise that we have developed here because we deal with a lot more people and a lot more travel than they do. I am hopeful that we will be able to share more of our intelligence also with the countries that are participating in a Visa Waiver Program.

This will help tighten it up. Mr. Speaker, it will identify those who have traveled to some of these terrorist-sponsoring countries, and it will also require that they exchange information with us so that we can monitor them more closely.

If someone travels and essentially lies about their travel—if they have, say, traveled to Iran, traveled to Iraq, maybe Sudan or Syria, and they apply for a visa waiver—we will either have a software program that will kick that out because it shows up on their passport or we will catch up with that and cancel their visa waiver. In any case, it is heightened scrutiny and heightened security for us. We need to do a lot of things to tighten this up, and this is one.

It is one also that respects our relationship with the visa waiver countries, those 38. It is prudent. It is careful. It puts authority into the hands of the Secretary of Homeland Security. It is the right bill. It is bipartisan. I urge its adoption.

Ms. LOFGREN. Mr. Speaker, I yield 2 minutes to my good friend from Minnesota (Mr. ELLISON).

Mr. ELLISON. Mr. Speaker, I do support the fact that we are looking at the Visa Waiver Program. However, after scrutinizing this bill, I think that it is not the right bill and I don't plan on supporting it.

It is not that I can't support any part of it. There are key things that I cannot abide, but I urge the parties to keep on working on it because I think the effort is proper.

Here is what I think is specifically wrong with this. If it were to change, I might reconsider my position. The categorical stripping of the Visa Waiver Program privileges from all Iraqi and Syrian nationals I think is problematic. I think it is overbroad. I don't think it is necessary.

Number two, I think there should be exemptions for people who do clearly recognized legitimate work, such as journalists, researchers, human rights investigators, and other such professionals.

Number three, I think the 5-year sunset is too long. I think it should be shorter. I do think 3 years would work just fine.

I just want to say that the Visa Waiver Program Improvement and Terrorist Travel Prevention Act of 2015 does contain, as we stand here, discriminatory elements, which I don't believe will effectively stop terrorism. In fact, I think it sends a wrong message to dual nationals and Iraqi and Syrian tourists.

This bill bars people who are dual nationals from Syria, Iraq, Iran, and Sudan from participating in the Visa Waiver Program even if there is no evidence that they are a security risk. I think our focus should be on behavior, not just country of origin.

This bill would also end visa waiver eligibility for people who traveled to Iraq or Syria in the last 5 years. For example, this bill would make an elderly French citizen who is a dual national of Syria go through an often lengthy visa approval process simply because she wanted to travel to the U.S. to attend a wedding or a birthday or something. What does this provision mean for a Swiss doctor who traveled to Iraq to work in a refugee camp providing medical care, but wants to come to the U.S. for a conference or something like that?

While this bill does not restrict entry to the U.S., it creates additional barriers. It should be worked on a little more to fix these problems. I do thank the parties for working in a bipartisan way to bring greater safety to our country.

Mr. GOODLATTE. Mr. Speaker, I yield 2 minutes to the gentlewoman from Arizona (Ms. MCSALLY), the chairman of the Subcommittee on Emergency Preparedness, Response, and Communications of the Homeland Security Committee.

Ms. MCSALLY. Mr. Speaker, I want to thank Chairwoman MILLER for this thoughtful legislation. I rise today in support of H.R. 159.

I was a proud member of the Committee on Homeland Security's task force on combatting terrorists and foreign fighter travel. The task force bipartisan report, which was a culmination of 6 months of investigative activities, contained many troubling findings related to the ease with which foreign fighters from Visa Waiver Program-participating countries could seek entry into the United States.

Of the estimated 30,000 foreign fighters that we are aware of, at least 4,500 hold western passports. This is made even more alarming by the fact that 30 of the 38 Visa Waiver Programs are in Europe.

I am pleased that this legislation that we are considering today takes

steps to address many of the task force's findings related to this program. The bill prohibits individuals that travel to Iraq and Syria from using the program. It requires termination of a participating country for failing to screen against INTERPOL's criminal and terrorism databases. It authorizes the Secretary of Homeland Security to suspend participating countries when it is determined that they pose a high risk to the national security of the United States.

ISIS has better resources and is more brutal and more organized than any terrorist organization to date. We must use all the tools at our disposal to defeat them. I am particularly pleased that this bill recognizes the need to continually update and secure the Electronic System for Travel Authorization, or ESTA, a key task force recommendation.

As part of this effort, we must leverage new and innovative technologies. The bill requires the Secretary of Homeland Security to explore opportunities to incorporate technology into ESTA that will detect deception and fraud.

A number of promising deception detection technologies have been developed, including one developed at the University of Arizona in my district. Deception can be difficult to detect when you are interviewing an individual face to face. It is even more difficult to detect the deception in online forums like ESTA uses.

The technology developed at the University of Arizona called Neuro-Screen identifies typing, scrawling, and other computer-use patterns to capture motor nervous system signals associated with deceptive and suspicious behavior. We must leverage technology, such as Neuro-Screen, to enhance screening programs like ESTA.

Mr. Speaker, we all want to ensure that people from around the world can travel here to experience all the wonders and the freedoms of the United States. As we welcome travelers here, we must do so in a way that keeps us safe.

That is why I support H.R. 1158. I urge all our Members to support this thoughtful bipartisan legislation.

Ms. LOFGREN. Mr. Speaker, I yield 2½ minutes to the gentlewoman from Nevada (Ms. TITUS).

Ms. TITUS. Mr. Speaker, as the Representative from Las Vegas, one of the world's greatest tourist and business travel destinations, I, too, rise in favor of H.R. 158.

This bill strengthens the Visa Waiver Program to help ensure that potential terrorists are not able to abuse it to bypass security checks and come to the U.S. to do us harm.

We must remain cognizant, however, of the fact that the VWP program is not only a significant aspect of our Homeland Security, but it is also critical to expediting and welcoming tourists and business travelers to the United States.

In 2014, more than 20.4 million visitors arrived in the U.S. through the VWP, representing almost 60 percent of all overseas visitors. These travelers stayed an average of 18 nights and spent \$4,400 per visit, generating \$190 billion, which supported nearly 1 million jobs. In Las Vegas, 20 percent of our visitors come from foreign countries, many of whom use this program.

So, in short, yes, we must be cautious. We cannot afford to unnecessarily crush the growing tourism industry or risk retaliatory measures by other countries, which would make it difficult for Americans to travel abroad for business or a holiday.

I believe H.R. 158 strikes the right balance between security and accommodation. I urge my colleagues to support it. I also caution against carrying xenophobia too far.

Mr. GOODLATTE. Mr. Speaker, I yield 1 minute to the gentleman from California (Mr. ROYCE), the chairman of the Foreign Relations Committee.

□ 1630

Mr. ROYCE. Mr. Speaker, I am recently back from London, where I had an opportunity to speak to British authorities about the challenge that Europeans find themselves in at this point in time. There are literally 5,000 Europeans who have gone to fight in Syria and in Iraq and have come back. Part of the problem here is a manpower problem of managing to be able to have a handle on that.

Now, we cannot have people automatically coming to the United States without being vetted. They should not be allowed to just get on a plane and fly here. This bill is going to bolster our defenses because what it is going to do is to ensure that those who have traveled to a terror hotspot, like Syria, and then come back into Europe or another Visa Waiver country will get that thorough investigation before they are being cleared to travel. That will allow our authorities to prevent that travel.

It is going to give our law enforcement a new tool as well in terms of detecting fraud and stolen passports. You also saw the story in Honduras of five Syrians with stolen passports trying to get into the United States.

So the Visa Waiver Program is good for America's economy and good for our leadership overseas. We can strengthen it. Let's urge our colleagues in the Senate to get this soon to the President's desk.

Ms. LOFGREN. Mr. Speaker, may I inquire how much time remains.

The SPEAKER pro tempore. The gentlewoman from California has 6½ minutes remaining.

Ms. LOFGREN. Mr. Speaker, I yield 1½ minutes to the gentleman from Illinois (Mr. QUIGLEY), a former member of the Committee on the Judiciary.

Mr. QUIGLEY. Mr. Speaker, the Visa Waiver Program plays an absolutely essential role in growing the American economy. If we don't have foreign trav-

el, it is just going to be Michigan competing against Wisconsin, Las Vegas competing against Orlando; and while Chicago has no peer, we are really not being productive. Also, over the last decade, we have successfully used the incentives of this program to require participating countries to implement the strictest security standards and increase vital intelligence sharing with U.S. law enforcement.

As a member of the House Permanent Select Committee on Intelligence, I can't stress enough the value of intelligence we gather from the 38 Visa Waiver countries in thwarting terror plots and preventing attacks on our homeland. That is why I have been a longtime supporter of the Visa Waiver Program and for including important allies like Poland. But I have also led the effort to strengthen the security requirements of the program to respond to the evolving threats we face.

The bipartisan JOLT Act, sponsored by myself and Mr. HECK, includes many of the security programs and reforms included in this bill we are debating today. It will also strengthen the security of the program and reduce fraud and also provide the U.S. with greater intelligence capacity.

As policymakers, we must continuously reevaluate the reforms that are necessary to respond to keep America safe. The bill before us provides that proper balance by making the Visa Waiver Program even more secure and reaffirming our commitment to the program for the future.

Mr. GOODLATTE. Mr. Speaker, I yield 2 minutes to the gentleman from New York (Mr. KATKO), the chairman of our Foreign Fighter Task Force.

Mr. KATKO. Mr. Speaker, I rise today in support of H.R. 158, the Visa Waiver Program Improvement and Terrorist Travel Prevention Act of 2015.

This bill, which I cosponsored, will close a critical gap in our Nation's security that is vulnerable to exploitation by terrorists and other nefarious actors seeking to do us harm. This bill strengthens the security of the Visa Waiver Program by requiring participating nations to increase counterterrorism information sharing, screen travelers against INTERPOL's databases, and enhance passport security features.

As chair of the Committee on Homeland Security's Foreign Fighter Task Force, I spent countless hours with my colleagues examining weaknesses in our Nation's defenses against the threat posed by foreign fighters. The provisions in this bill address several of the key findings in that report. I thank Mrs. MILLER for her leadership on this important issue.

I also want to thank and note the continuing bipartisan cooperation that is part of the Committee on Homeland Security. I commend my colleagues on the other side of the aisle for their continuing good work on that committee.

In closing, I would like to urge my colleagues to support this important legislation.

Ms. LOFGREN. Mr. Speaker, I yield 1½ minutes to the gentleman from California (Mr. SHERMAN).

Mr. SHERMAN. Mr. Speaker, there are some 6 billion people in the world who aren't from one of the 38 favored countries and have to go through an in-person interview to visit the United States. It is not unfair for us to impose the same requirement on those Europeans who have visited ISIS-infested areas.

This bill will do some good, but it is mostly evadable. Most ISIS foreign fighters go to Turkey. Their passport is stamped in Turkey, and then they walk into Syria. ISIS does not stamp their passport, and so they are free to say that they never went to Iraq or Syria. This bill will make sense only if it applies to those who visited Turkey.

Even if they did get their passport stamped, say they flew to Baghdad, got it stamped by the Iraqi Government, all they have to do is go back to Europe and say, "I want a new passport. My hair style has changed, I want a different picture." They get a new passport. Their old passport, holes are punched in it. It is returned to them, and so there is no record that they ever visited Iraq.

Most of our European friends don't have a list of which of their citizens have visited Syria, Iraq, or Iran. If they did have such a list, they wouldn't share it with us because they have privacy laws. Now, they will cooperate with us on individual suspects, but not a list of tens of thousands of people who have visited Iraq, Syria, or Iran, and certainly not the millions who have visited Turkey. So they don't have a list. They won't share a list.

Looking at a passport only tells you that somebody got a new passport. Seeing that it was stamped only in Turkey but not stamped in Syria just shows you that they walked into Syria and ISIS didn't stamp their passport.

I look forward to passing this bill, and then getting serious on a bill that will accomplish its purposes.

Mr. GOODLATTE. Mr. Speaker, I yield 2 minutes to the gentlewoman from Indiana (Mrs. WALORSKI).

Mrs. WALORSKI. Mr. Speaker, I rise in support of H.R. 158. In order to protect our national security and the safety of Americans, we must also adapt our policies to prevent terrorists from entering U.S. soil.

As we have heard earlier, approximately 5,000 Europeans have traveled to Syria and Iraq to join ISIS, many of whom are from countries that participate in the Visa Waiver Program. Many of these countries fail to provide the U.S. intelligence community with critical information needed to ensure those traveling under the program are not a threat to the U.S. Today's legislation addresses and helps fix the vulnerabilities of this program.

Before an individual is permitted to enter the United States, additional vetting is required. This includes enhanced screening of individuals who

have visited or are citizens of Iraq, Syria, and terrorist hotspots like Iran and Sudan, or other nations that have seen a rise in significant terrorist activities.

It strengthens intelligence and information sharing with our allies. It cracks down on passport fraud by requiring Visa Waiver countries to upgrade to biometrics and electronic passports and forces Visa Waiver countries to ramp up counterterrorism screenings of travelers.

As our enemies continue to evolve, we must do the same to protect the American people from the risks posed by this threat. I thank Congresswoman MILLER for her hard work on this important piece of legislation.

Ms. LOFGREN. Mr. Speaker, I yield 1 minute to the gentlewoman from Arizona (Ms. SINEMA).

Ms. SINEMA. Mr. Speaker, I thank Chairwoman MILLER for introducing this legislation to address the serious security gaps in the Visa Waiver Program, and I thank Congresswoman LOFGREN for putting our country's security over partisanship to advance this commonsense measure.

I am a cosponsor of this legislation because it makes sensible, bipartisan changes to address the security gaps in the Visa Waiver Program and prevent Islamic State and other terrorist networks from using the program to gain access to the United States.

The Islamic State is one of the world's most violent and dangerous terrorist groups. To keep our country safe, we must be one step ahead of them, preventing them from entering the United States and stopping their efforts.

The Visa Waiver Program allows travelers from approved countries to visit the United States for up to 90 days without a visa. This program is an important tool that grows our economy and supports ease of travel for American citizens.

The reasonable changes included in this bill strengthen the Visa Waiver Program. This bill requires partner nations to issue electronic passports, strengthening the screening process of program participants.

It also addresses the concerns raised by my bill, H.R. 4122, introduced with Congressman MATT SALMON, to suspend the Visa Waiver Program for individuals who have traveled in the last 5 years to Syria and Iraq, to countries that are state sponsors of terrorism, or to countries with active terrorist networks. I thank Chairman MILLER for including this important provision. I thank Congresswomen MILLER and LOFGREN for advancing this important legislation.

Mr. GOODLATTE. Mr. Speaker, may I inquire how much time is remaining on each side.

The SPEAKER pro tempore. The gentleman from Virginia has 5½ minutes remaining. The gentlewoman from California has 2½ minutes remaining.

Mr. GOODLATTE. Mr. Speaker, I yield 2 minutes to the gentleman from South Carolina (Mr. DUNCAN).

Mr. DUNCAN of South Carolina. Mr. Speaker, this legislation is a step in the right direction. The changes that I like particularly to the Visa Waiver Program are a requirement to share counterterrorism information with the United States and that all visa waiver countries must submit lost and stolen passport information to INTERPOL's database within 24 hours.

In May of 2014, a foreign fighter, radicalized on the battlefield in Syria after 1 year, traveled back to Europe. He traveled through Turkey and through Germany. It is believed that Germany had information on this individual, but it failed to share that information with its neighbors France and Belgium. He arrived in Brussels. In a 90-second attack with an automatic weapon on a Jewish museum, he killed 4 people before fleeing to France, making it all the way to the south of France, to the city of Marseille, where he hoped to cross the Mediterranean and disappear into the African continent.

Why do I tell you this story? It is because of the freedom of travel in the Schengen region, or the open borders region in Europe, the radicalization of foreign fighters joining ISIS on the battlefield and having the ability to travel back to Europe and possibly, being undetected, travel to the United States under the Visa Waiver Program if the countries don't share the information.

In addition, in the last 30 days, we have seen numerous instances where stolen or fraudulent passports have been used by migrants and terrorists to travel throughout Europe as well as across Latin America.

Just recently, five Syrians traveled through the tri-border region, which is Argentina, Brazil, and Paraguay. It is a region in the northern area of Argentina. They traveled there from Syria on stolen Israeli passports, and then they purchased, in the tri-border region, Greek passports and were able to transit Latin America into Honduras, where they were stopped with those false passports.

These are real examples of real issues, and it is why I support what we are trying to do today.

Ms. LOFGREN. Mr. Speaker, may I inquire if the gentleman has additional speakers.

Mr. GOODLATTE. I am the only remaining speaker.

Ms. LOFGREN. Then I will close on our side.

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

A lot of things have been said today that will be very helpful, but I think clarifying some of these issues might be useful for Members.

It has been said that there is discrimination in this bill. It is important to note that the Visa Waiver Program discriminates on the basis of nationality. That is why there is only one country, Chile, in Latin America that is in the Visa Waiver Program. Everybody else has to go in for a visa interview.

There are no countries in Africa that are eligible for the Visa Waiver Program. Everybody in Africa has to go in for an interview to get a visitor's visa.

There are only four sites—Singapore, Taiwan, Japan, and South Korea—in Asia that are eligible. Everybody else has to go in for a visa interview.

So a visa interview is not a terrible thing. It helps us understand what people are about.

I include for the RECORD a letter from the U.S. Travel Association in favor of this bill. It is signed by a large number of groups, including the Asian American Hotel Owners Association and The Travel Technology Association.

U.S. TRAVEL ASSOCIATION,
Washington, DC, December 8, 2015.

DEAR MEMBERS OF THE HOUSE OF REPRESENTATIVES: On behalf of the 14.6 million American workers whose livelihood depends on safe international travel to the United States, we are writing in support of H.R. 158, legislation to strengthen homeland security in the wake of the recent terrorist attacks.

The horrific attacks in Paris underscore the need for every possible measure to protect public safety. And no one advocates for security precautions more vigorously than travel professionals. Without public confidence in air security, worldwide commerce will be crippled. The Visa Waiver Program (VWP), originally created to facilitate travel, today is one of our most effective tools against global terror. Because of VWP, governments around the world now are working cooperatively at the highest levels of law enforcement to identify risky travelers—both before boarding flights and upon arrival in the United States.

For the 38 countries that are currently VWP members, the U.S. has unparalleled authority to inspect their counter-terrorism, border control, aviation and travel document security methods and facilities. VWP protocols require participating nations to issue machine-readable passports that are difficult to forge; promptly enter data on all lost and stolen passports into a central INTERPOL database; and collaborate with the United States law enforcement under essential information-sharing agreements. Since this system was established in 2008, we have denied entry to over 4,300 would-be travelers known or suspected of posing a threat. For the many nations that hope to someday become a VWP member, just that aspiration offers a strong incentive to raise security standards unilaterally, even in advance of their admission. The VWP is a rare, exemplary government program that delivers both security and economic benefits.

Even successful programs such as VWP can be improved. In our view, the battery of reforms proposed in H.R. 158 will help make us all safer. We support its provisions to add additional layers of protection, including by increasing preclearance and immigration advisory programs, working with other governments to strengthen their watch lists and vetting systems; and expanding Global Entry to enroll more rigorously screened, trusted travelers. These are thoughtful, effective reforms—and we especially commend bipartisan House leaders for working together toward enacting H.R. 158. As this bill makes its way through the legislative process, we will continue to work constructively with its sponsors.

This is a moment when the United States and our allies can send a global message about the seriousness of our air security protocols and our capacity for bipartisan con-

sensus on matters of national security. Thank you in advance and please call on us if we can serve as a resource for your deliberations.

Sincerely,
U.S. Travel Association,
Airlines for America,
American Gaming Association,
American Hotel & Lodging Association,
American Resort Development Association,
American Society of Travel Agents,
Asian American Hotel Owners Association,
Atlanta Convention & Visitors Bureau,
Dallas Convention & Visitors Bureau,
Destination DC,
Destination Marketing Association International,
Expedia, Inc.,
Hilton Worldwide,
International Association of Amusement Parks and Attractions,
Los Angeles Tourism & Convention Board,
Las Vegas Convention & Visitors Authority,
Loews Hotels and Resorts,
Marriott International, Inc.,
National Retail Federation,
National Tour Association,
PSAV®,
Sabre Corporation,
The San Diego Tourism Authority,
Starwood Hotels and Resorts Worldwide, Inc.,
The Travel Technology Association,
U.S. Tour Operators Association.

Ms. LOFGREN. Why? Because it is important for our country that this program, this Visa Waiver Program, be tightened up, that we are assured that it is being operated in a safe and secure manner.

□ 1645

I am happy that we can work together on a bipartisan basis to do this, because we are at a time in our country when reckless and racist things are being said about some of our fellow Americans—people who are saying that if you are of the Muslim faith, somehow you are a threat to the United States. That is not true. And it is important for us to stand up against that rhetoric, to stand up for all Americans and people of all faiths, but also to work together on sensible, modest reforms to the VW Program.

I am glad that we will, hopefully, stand together in the face of outrageous racist rhetoric and that we will also stand together supporting this modest reform to the program.

I would note also the suggestion that the bill does not solve all the problems. As I said in my opening statement, the most important part of this program is the database provisions. If countries do not want to share their data, they can't be in the Visa Waiver Program. I think that, as we move forward, more and more countries will understand we need to collaborate together, and I urge support for the bill.

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

Mr. GOODLATTE. Mr. Speaker, I yield myself the balance of my time.

Mr. Speaker, this is a good bill. I want to thank everybody on both sides of the aisle who have worked together to bring us to the point where we can

pass this bill through the House. I hope it is taken up and passed in the Senate. I hope it is signed into law soon.

It will do some good in stopping people who have ill intent from being able to abuse our immigration system and enter our country. But this bill is just one of many, many things with regard to our immigration system that need to be examined. Other legislation that has already passed out of the Homeland Security Committee and the Judiciary Committee needs to be brought to the floor of the House for consideration.

We also need to examine our visa programs and the interview process, which may be called into question following the tragedy in San Bernardino. We also need to make sure that our borders—particularly our southern border, but all of our borders—are secure. People are crossing into our country undetected, and they are not just from South American and Central American countries. They are from all over the world, including from the country that we have been talking about here today.

We need to make sure that our asylum program is not as rampant with fraud as it is today. We need to pass legislation introduced by Congressman CHAFFETZ of Utah that addresses that problem.

We need to make sure that when people cross into our country illegally, no matter where they are from, they are apprehended and that they are not released into the interior of the country with the hope that they will someday reappear for a hearing. Congressman JOHN CARTER has legislation that addresses that problem.

We need to make sure that when people enter the United States, for whatever purpose, they do so lawfully, and they not take jobs away from law-abiding American citizens. We need to make sure that our electronic verification of employment program is made mandatory, as legislation introduced and passed out of the committee, introduced by Congressman LAMAR SMITH, would do.

We need to make sure that we are utilizing all of our law enforcement resources across our entire Nation to keep this country safe, including better cooperation between the Federal Government and our State and local governments on law enforcement issues and on immigration enforcement issues. I hear from judges and sheriffs and other law enforcement officials in my district about the messed up way that our current program is working. We need to have a clear, statutory role for State and local governments to participate in the enforcement of these laws.

All of these things need to be brought to the floor of this House to make sure that our immigration programs are working properly, are working fairly, and are making this country safer than it is today. I urge my colleagues to support this legislation, which is a very good step in the right direction.

I commend the gentlewoman from Michigan (Mrs. MILLER), who is leaving

at the end of this Congress. This is a good note to end this debate upon. I thank her for her good work in making sure that we are keeping this country safe by improving the Visa Waiver Program. I urge my colleagues to support this legislation.

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Virginia (Mr. GOODLATTE) that the House suspend the rules and pass the bill, H.R. 158, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the yeas have it.

Mr. GOODLATTE. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, further proceedings on this motion will be postponed.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 2130, RED RIVER PRIVATE PROPERTY PROTECTION ACT, AND PROVIDING FOR CONSIDERATION OF MOTIONS TO SUSPEND THE RULES

Mr. NEWHOUSE, from the Committee on Rules, submitted a privileged report (Rept. No. 114-375) on the resolution (H. Res. 556) providing for consideration of the bill (H.R. 2130) to provide legal certainty to property owners along the Red River in Texas, and for other purposes, and providing for consideration of motions to suspend the rules, which was referred to the House Calendar and ordered to be printed.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, proceedings will resume on motions to suspend the rules previously postponed.

Votes will be taken in the following order:

H.R. 158, by the yeas and nays;

H.R. 3842 by the yeas and nays.

The first electronic vote will be conducted as a 15-minute vote. The remaining electronic vote will be conducted as a 5-minute vote.

VISA WAIVER PROGRAM IMPROVEMENT AND TERRORIST TRAVEL PREVENTION ACT OF 2015

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and pass the bill (H.R. 158) to clarify the grounds for ineligibility for travel to the United States regarding terrorism risk, to expand the criteria by which a country may be removed from the Visa Waiver Program, to require the Secretary of

Homeland Security to submit a report on strengthening the Electronic System for Travel Authorization to better secure the international borders of the United States and prevent terrorists and instruments of terrorism from entering the United States, and for other purposes, as amended, on which the yeas and nays were ordered.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Virginia (Mr. GOODLATTE) that the House suspend the rules and pass the bill, as amended.

The vote was taken by electronic device, and there were—yeas 407, nays 19, not voting 7, as follows:

[Roll No. 679]

YEAS—407

Abraham	Costa	Griffith
Adams	Costello (PA)	Grothman
Aderholt	Courtney	Guinta
Allen	Cramer	Guthrie
Amash	Crawford	Gutiérrez
Amodei	Crenshaw	Hahn
Ashford	Crowley	Hanna
Babin	Cuellar	Hardy
Barletta	Culbertson	Harper
Barr	Cummings	Harris
Barton	Curbelo (FL)	Hartzler
Beatty	Davis (CA)	Hastings
Becerra	Davis, Danny	Heck (NV)
Benishek	Davis, Rodney	Heck (WA)
Bera	DeFazio	Hensarling
Beyer	DeGette	Herrera Beutler
Bilirakis	Delaney	Hice, Jody B.
Bishop (GA)	DeLauro	Higgins
Bishop (UT)	DelBene	Hill
Black	Denham	Himes
Blackburn	Dent	Hinojosa
Blum	DeSantis	Holding
Blumenauer	DeSaulnier	Hoyer
Bonamici	DesJarlais	Hudson
Bost	Deutch	Huelskamp
Boustany	Diaz-Balart	Huffman
Boyle, Brendan F.	Doggett	Huizenga (MI)
Brady (PA)	Dold	Hultgren
Brady (TX)	Doyle, Michael F.	Hunter
Brat	Duckworth	Hurd (TX)
Bridenstine	Duffy	Hurt (VA)
Brooks (AL)	Duncan (SC)	Israel
Brooks (IN)	Duncan (TN)	Issa
Brown (FL)	Edwards	Jackson Lee
Brownley (CA)	Ellmers (NC)	Jeffries
Buchanan	Emmer (MN)	Jenkins (KS)
Buck	Engel	Jenkins (WV)
Bucshon	Eshoo	Johnson (OH)
Burgess	Esty	Johnson, E. B.
Bustos	Farenthold	Jolly
Butterfield	Fattah	Jones
Byrne	Fincher	Jordan
Calvert	Fitzpatrick	Joyce
Capps	Fleischmann	Kaptur
Capuano	Fleming	Katko
Cárdenas	Flores	Keating
Carney	Forbes	Kelly (IL)
Carson (IN)	Fortenberry	Kelly (MS)
Carter (GA)	Foster	Kelly (PA)
Carter (TX)	Fox	Kennedy
Cartwright	Frankel (FL)	Kilmer
Castor (FL)	Franks (AZ)	Kind
Castro (TX)	Frelinghuysen	King (IA)
Chabot	Fudge	King (NY)
Chaffetz	Gabbard	Kinzinger (IL)
Chu, Judy	Galleo	Kirkpatrick
Cicilline	Garamendi	Kline
Clark (MA)	Garrett	Knight
Clawson (FL)	Gibbs	Kuster
Clay	Gibson	Labrador
Cleaver	Gohmert	LaHood
Clyburn	Goodlatte	LaMalfa
Coffman	Gosar	Lamborn
Cohen	Gowdy	Lance
Cole	Graham	Langevin
Collins (GA)	Granger	Larsen (WA)
Collins (NY)	Graves (GA)	Larson (CT)
Comstock	Graves (LA)	Latta
Conaway	Graves (MO)	Levin
Connolly	Grayson	Lieu, Ted
Cook	Green, Al	Lipinski
Cooper	Green, Gene	LoBiondo
		Loeback

Lofgren	Payne	Sinema
Long	Pearce	Sires
Loudermilk	Pelosi	Slaughter
Love	Perry	Smith (MO)
Lowenthal	Peters	Smith (NE)
Lowe	Peterson	Smith (NJ)
Lucas	Pingree	Smith (TX)
Luetkemeyer	Pittenger	Smith (WA)
Lujan Grisham	Pitts	Speier
(NM)	Poe (TX)	Stefanik
Lujan, Ben Ray	Poliquin	Stewart
(NM)	Polis	Stivers
Lummis	Pompeo	Stutzman
Lynch	Posey	Swalwell (CA)
MacArthur	Price (NC)	Takai
Maloney,	Price, Tom	Thompson (CA)
Carolyn	Quigley	Thompson (MS)
Maloney, Sean	Rangel	Thompson (PA)
Marchant	Ratcliffe	Thornberry
Marino	Reed	Tiberi
Massie	Reichert	Tipton
Matsui	Renacci	Titus
McCarthy	Ribble	Tonko
McCaul	Rice (NY)	Torres
McClintock	Rice (SC)	Trott
McCollum	Richmond	Tsongas
McGovern	Rigell	Turner
McHenry	Roby	Upton
McKinley	Roe (TN)	Valadao
McMorris	Rogers (AL)	Van Hollen
Rodgers	Rogers (KY)	Vargas
McNerney	Rohrabacher	Veasey
McSally	Rokita	Vela
Meadows	Rooney (FL)	Velázquez
Meehan	Ros-Lehtinen	Visclosky
Meeks	Roskam	Wagner
Meng	Ross	Walberg
Messer	Rothfus	Walden
Mica	Rouzer	Walker
Miller (FL)	Roybal-Allard	Walorski
Miller (MI)	Royce	Walters, Mimi
Moolenaar	Ruiz	Walz
Mooney (WV)	Ruppersberger	Wasserman
Moore	Russell	Schultz
Moulton	Ryan (OH)	Weber (TX)
Mullin	Salmon	Webster (FL)
Mulvaney	Sánchez, Linda T.	Welch
Murphy (FL)	Sanchez, Loretta	Wenstrup
Murphy (PA)	Sanford	Westerman
Nadler	Sarbanes	Westmoreland
Napolitano	Scalise	Whitfield
Neal	Schiff	Williams
Neugebauer	Schrader	Wilson (SC)
Newhouse	Schweikert	Wittman
Noem	Scott (VA)	Womack
Nolan	Scott, Austin	Woodall
Norcross	Scott, David	Yarmuth
Nugent	Sensenbrenner	Yoder
Nunes	Serrano	Yoho
O'Rourke	Sessions	Young (AK)
Olson	Sewell (AL)	Young (IA)
Palazzo	Sherman	Young (IN)
Pallone	Shimkus	Zeldin
Palmer	Shuster	Zinke
Pascrell	Simpson	
Paulsen		

NAYS—19

Bass	Honda	Schakowsky
Clarke (NY)	Johnson (GA)	Takano
Conyers	Kildee	Waters, Maxine
Dingell	Lawrence	Watson Coleman
Ellison	Lee	Wilson (FL)
Farr	McDermott	
Grijalva	Pocan	

NOT VOTING—7

Aguilar	Johnson, Sam	Rush
Bishop (MI)	Lewis	
Donovan	Perlmutter	

□ 1718

Ms. LEE, Mrs. WATSON COLEMAN, Ms. WILSON of Florida, and Mr. GRIJALVA changed their vote from "yea" to "nay."

So (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed.

The result of the vote was announced as above recorded.

The title of the bill was amended so as to read: "A bill to amend the Immigration and Nationality Act to provide enhanced security measures for the