

May 17, 2006

**AMENDMENT NO. 4000 to S.2611**

Mr. SPECTER. Mr. President, I will now ask for consideration of the Santorum amendment, amendment No. 4000, which has been cleared on both sides.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Pennsylvania [Mr. SANTORUM], for himself, Mr. Frist, and Ms. Mikulski, proposes an amendment numbered 4000.

Mr. SANTORUM. I ask unanimous consent the reading of the amendment be dispensed with.

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

[\[The text of the Amendment can be read here.\]](#)

Mr. SANTORUM. Mr. President, I congratulate my cosponsor, Senator Mikulski, for the excellent work we did as a team on this amendment. It took a long time to work this through the process, but we are very pleased today this amendment will be accepted.

Mr. President, when a country is a staunch defense ally and partner in the war on terror, they should have the opportunity to participate in the Visa Waiver Program on a probationary basis while they work to come into full compliance. I previously introduced and called up a similar amendment, No. 3214, cosponsored by Senator MIKULSKI. After consultation with the Judiciary Committee and the Department of State, this modified version seeks to address some of the concerns that have been raised.

I believe it is time that we allow average citizens from our allies in the war on terror to come to the U.S. for weddings, birthdays and funerals without the arbitrary determination of an embassy bureaucrat. This amendment provides an opportunity--just an opportunity--for our allies to allow their citizens to visit here for average events that we all take for granted. It does not provide an open-ended opportunity, just a 2-year window.

Any country that meets the probationary criteria then must come into full compliance within 2 years--if not, they are terminated from the program. This amendment also addressed a particular concern related to certain countries with a Cold War history where even in the post-Cold War era is held accountable for decades-old problems. This provision ensures that overstay and refusal rates are based on current issues after the country's admission into the European Union, and not its past history.

Finally, the amendment provides a one-time option to the Secretary of State to extend a country's probationary status under certain specific criteria. After researching countries that could meet the criteria of the amendment, my staff indicates that the only country currently meeting the eligibility requirements is Poland.

Poland has been a strong ally to the United States at a critical time in history. Poland was a staunch ally to the U.S. in Operation Iraqi Freedom. Poland has committed up to 2,300 soldiers to help with ongoing peace efforts in Iraq, and currently assumes command of the Multi-National Division--MND--Central South in Iraq. Poland demonstrated its commitment to global security by becoming a member of NATO. Poland also just recently became a member of the EU. And in 1991, Poland unilaterally repealed the visa requirement for U.S. citizens traveling to Poland for less than 90 days. Today, more than 100,000 Polish citizens travel to the United States annually.

On February 10, 2005, I introduced S. 348 designating Poland as a visa waiver country, with Senator Mikulski. This bill designates Poland as a visa waiver country. Under this amendment, Polish citizens visiting the U.S. within a 90-day period would not need to apply for a visa. Representative Nancy Johnson introduced identical legislation March 8, 2005 in the House, H.R. 635. Cosponsors of the bill are Representatives Crowley, Jackson-Lee, Hart, LaHood, Shimkus, Lipinski and Weiner.

I wrote a letter on February 9, 2005 to Secretary of State Rice urging the State Department's support for this legislation. Following up on that letter, I had conversations with Secretary Rice in the Spring of 2005. Then in February 2006, I again wrote to Deputy Secretary Zoellick urging his support for this legislation and offering to address any concerns the State Department may have. To date, and despite my staffs continued outreach, they have failed to take us up on the offer.

So instead of working for a compromise, we continue not to move forward on a bill to support the allies that have supported us. On August 31, 2005 Poland celebrated the 25th anniversary of the 1980 shipyard strikes in Gdansk and the creation of the Solidarity Trade Union. I was an original cosponsor of the Senate-passed resolution. The Senate passed a resolution commemorating this anniversary. I had the incredible privilege of meeting with Lech Walesa in October 2004 upon introduction of my bill designating Poland as a member country of the Visa Waiver Program. He is "the symbol of the solidarity movement." Since the demise of communism, Poland has become a stable, democratic nation. Poland has adopted economic policies that promote free markets and economic growth.

When President Bush and then-Polish President Kwasniewski met in February 2005, they affirmed the goal of Poland entering the Visa Waiver Program--VMP, and agreed to a "roadmap" of mutual steps to advance this goal in conformity with U.S. legislative criteria. Through pressure from Congress and advocacy groups this issue has been advanced further than ever before, making this "road map" possible. Although the State Department has assured me it is working hard to implement a "clean slate" so immigration violations before 1989 will not render them ineligible for a U.S. visa, we know that a key element will be the 2006 review of visa overstay rates based on new 2005 data from Poland's first year in the EU. Another part of the agreement includes the U.S. working with Poland to meet the visa waiver requirements, particularly with regard to refusal and overstay rates, and exploring the provision of technical assistance to bring Poland's passports in compliance. I hope the cooperation that has begun will continue in earnest to ensure that Poland comes into full compliance in the 2-year window under this provision.

The current roadmap is a step in the right direction, but it continues to move at a very slow pace. We can and should do more for those that have stepped up to the plate and been incredible allies in the war on terror. Today, as we consider who should be allowed to immigrate to our country and how, we are focused on how to ensure security and the rule of law for those that have come into our country illegally. For a moment I propose to turn the discussion to how to help those who have stood with us--indeed those who have fought and died with us--a preferred legal way to obtain a visa to come to this country.

I am here to stand with the Polish people in asking each of you to support bringing Poland into the Visa Waiver Program. Why is it that countries such as Brunei, Liechtenstein and San Marino are in the Visa Waiver Program, but not Poland or other allies in the war on terror? Polish troops have fought alongside American and British and Australian troops from day one of the war in Iraq. Just like Congress did in 1996 when it legislatively brought Ireland in as a full participant in the Visa Waiver Program, it is time for us to take a stand and support our allies in the war on terror.

As a country, we look forward to continuing our strong friendship with Poland and its new President Lech Kaczynski. Is this then a country that we don't want to allow its citizens to come to this country? Is this a country we want to say "thanks for your help" but we won't help your citizens come to the U.S.? I think there is a better course of action. Colleagues, this is an opportunity for us to strengthen that relationship in a real and substantial way. Open a pathway for those that have supported us to come visit our country. In that way--in this small way--we can reach back the hand of an ally that has reached out to help us in the War on Terror. I urge my colleagues to support the Santorum-Mikulski-Frist amendment.

Ms. MIKULSKI. Mr. President, I rise today to continue the fight to right a wrong in America's visa program. I am glad the Santorum-Mikulski amendment is being considered. It shows that when we work together we can get a lot done. I thank both Senators from Pennsylvania for their help and cooperation to get this amendment agreed to.

This amendment rights a wrong in America's visa program. It is time to extent the visa waiver program to Poland. I am pleased to have formed bipartisan partnership with Senator Santorum and Senator Frist to get it done.

In September 2004, Senator Santorum and I met with the hero of the cold war--Lech Walesa. When he jumped over the wall of the Gdansk shipyard he took Poland and the world with him. He told us that the visa issue is a question of honor for Poland. That day, we introduced bill to once again stand in solidarity and with the father of Solidarity by extending the visa waiver program to Poland.

Two months ago, I met with Poland's new President, Lech Kaczynski. We reaffirmed close ties between the Polish and American peoples. We hear loud and clear that the visa waiver program is a high priority for Poland.

Why is it important?

The people of Poland don't understand, and frankly, neither do I, why France is among the 27 countries of the visa waiver program but Poland is not. Poland, whose troops joined us in the opening days of war in Iraq, has had 900 troops stand with us there today. Mr. President, 17 Polish soldiers have been killed in Iraq and 27 were wounded. Polish troops are preparing to deploy to Afghanistan. One thousand Polish soldiers help lead NATO's mission there.

The United States is blessed with few allies as stalwart as Poland, but we tell a grandmother in Gdansk she needs a visa to visit her grandchildren in America.

What will it do?

This amendment will allow Poland and any other EU country with troops in Iraq or Afghanistan today to join the visa waiver program for 2 years on probationary status.

It will allow Polish citizens to travel to the United States for tourism or business for up to 60 days without needing to stand in line for a visa.

Shouldn't we make it easier for the Pulaskis and Marie Curies to visit our country? We know our borders will be no less secure because of this amendment. But we know our alliance will be more secure. I thank my colleagues for their support.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

**The amendment (No. 4000) was agreed to.**