

SA 4000. Mr. SANTORUM (for himself, Mr. Frist, and Ms. Mikulski) submitted an amendment intended to be proposed by him to the bill S. 2611, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

On page 306 [of S/2611], strike line 13 [now reads SEC. 413. AUTHORIZATION OF APPROPRIATIONS.] and insert the following:

SEC. 413. VISA WAIVER PROGRAM EXPANSION.

Section 217(c) (8 U.S.C. 1187(c)) is amended by adding at the end the following:

“(8) Probationary admission.--

“(A) Definition of material support.--In this paragraph, the term ‘material support’ means the current provision of the equivalent of, but not less than, a battalion (which consists of 300 to 1,000 military personnel) to Operation Iraqi Freedom or Operation Enduring Freedom to provide training, logistical or tactical support, or a military presence.

“(B) Designation as a program country.--Notwithstanding any other provision of this section, a country may be designated as a program country, on a probationary basis, under this section if--

“(i) the country is a member of the European Union;

“(ii) the country is providing material support to the United States or the multilateral forces in Afghanistan or Iraq, as determined by the Secretary of Defense, in consultation with the Secretary of State; and

“(iii) the Secretary of Homeland Security, in consultation with the Secretary of State, determines that participation of the country in the visa waiver program under this section does not compromise the law enforcement interests of the United States.

“(C) Refusal rates; overstay rates.--The determination under subparagraph (B)(iii) shall only take into account any refusal rates or overstay rates after the expiration of the first full year of the country's admission into the European Union.

“(D) Full compliance.--Not later than 2 years after the date of a country's designation under subparagraph (B), the country--

“(i) shall be in full compliance with all applicable requirements for program country status under this section; or

“(ii) shall have its program country designation terminated.

“(E) Extensions.--The Secretary of State may extend, for a period not to exceed 2 years, the probationary designation granted under subparagraph (B) if the country--

“(i) is making significant progress towards coming into full compliance with all applicable requirements for program country status under this section;

“(ii) is likely to achieve full compliance before the end of such 2-year period; and

“(iii) continues to be an ally of the United States against terrorist states, organizations, and individuals, as determined by the Secretary of Defense, in consultation with the Secretary of State.”.

SEC. 414. AUTHORIZATION OF APPROPRIATIONS.