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Joe Biden's Fence-Mending Mission: Re-Open the Visa Waiver Program

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The vice presidency oftentimes entails a number of not-so-fun official duties, and fence-mending is one of them. This week Vice President Joseph Biden will be on an official trip to three important European allies of the United States, each of which in some way needs reassurance from the U.S., having experienced an unfortunate cooling trend in bilateral relations. Biden should use the trip to put pressure on his colleagues in the Administration to open the Visa Waiver Program (VWP) to America's Eastern European allies.

Fence-Mending Duty. On Biden's itinerary are Poland, the Czech Republic, and Romania. The first two of these countries, of course, recently found out that the Obama Administration was cancelling plans for a U.S. missile defense third site, which they had negotiated to host with the Bush Administration and on which they were staking their reputation with domestic voters. President Obama announced that the focus would be on an as-yet-to-be-specified sea-based missile defense option, for which there is as yet few details.

At a time when Russia is resurgent and the countries of Eastern and Central Europe feel keenly exposed, a closer military relationship with the U.S. is of critical importance for them. Accordingly, there was a great sense of letdown when President Obama announced that the third site was off, with very little prior warning to the leaders of Poland and the Czech Republic. In terms of both policy and U.S. public diplomacy, the whole situation has been very poorly handled by Washington.¹

No Interest Shown. For Poland's part, one other stumbling block in relations with the U.S. is its exclusion (along with Romania) from the U.S. visa waiver program (VWP). Most of the neighbors of Poland and Romania have by now been able to join Western Europe in the program that allows their citizens to travel to the U.S. for business or travel without a visa for up to 90 days.

Both Romania and Poland, however, have had difficulties reducing their overstay rates to the post-9/11 security standards put in place by Congress in 2007. One of these standards was a requirement that the U.S. track the exit of all foreign visitors leaving U.S. airports by June 30, 2009. The exit mandate is still in the pilot stage.

For its part, the Obama Administration has shown no interest in revisiting the issue with Congress, leaving little hope for adding new member countries in the near future.² This leaves countries like Poland and Romania in a conundrum: Lowering their overstay rates might all be in vain if the air exit mandate is not met.

Mistrust of Obama? Central and Eastern Europe now register the lowest scores among European nations in public opinion polling of attitudes

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toward the United States. While the President's "favorable" rating is over 90 percent in Germany, Italy, the Netherlands, and Portugal, it is "only" 58 percent in Romania and 55 percent in Poland. While President Bush was more popular in Central and Eastern Europe than in Western Europe, the reverse is the case for Obama. And while 43 percent of Western Europeans feel that transatlantic relations have improved in 2009, only 25 percent feel this way in Central and Eastern Europe.³

In other words, these new allies, who have been actively seeking closer ties to the U.S. in the post-Iron Curtain decades, are possibly registering a relative hesitancy to trust the Obama Administration—and, one might add, for very good reasons. The decisions on missile defense and the VWP have both been very poorly explained to their populations, who by now also feel at risk from the U.S. Administration's rapprochement with Russia.

Recommendations. The best way for Biden to start remedying this situation is to promise leaders in Poland and Romania that the Obama Administration will use its influence with congressional Democrats to re-open the VWP membership process in a way that respects security while adding new countries. This can be done by:

- Decoupling the air exit mandate from VWP, allowing the membership process and air exit to go forward separately, and paving the way for aspiring countries in Central and Western Europe to join the program.
- Requiring long-time members to sign on to bilateral security agreements with the U.S. While much has been said about the security risk posed

by countries not yet in the VWP, less attention has been centered on current members that have yet to implement the 2007 security measures that Congress put in place. The VWP should not have two sets of security standards; therefore, the Obama Administration should put pressure on these countries to fulfill these requirements.

- Pushing Congress to provide quality oversight of the VWP program that is not based in politics but recognizes the VWP as a valuable tool for public diplomacy, security, and prosperity. Doing so will require Congress to thoughtfully examine the biennial review process and ESTA requirements and progress, as well as database quality and technological enhancements/investments.

Make Good Use of the Trip. Leaving VWP in a holding pattern only gives the impression to VWP aspirants like Poland and Romania that they are not valued by the U.S. Furthermore, U.S. security demands that each Administration engage in constant information-sharing with allies, a role that the VWP serves well. Vice President Biden should use his time abroad to reaffirm an American commitment to Central and Eastern Europe. And when he returns, he should take a leadership role inside the United States—pushing the Administration and Congress to continue VWP growth and maturation.

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1. Sally McNamara, "President Obama Retreats on Third-Site Missile Defenses," Heritage Foundation *WebMemo* No. 2529, July 7, 2009, at <http://www.heritage.org/Research/NationalSecurity/wm2529.cfm>.
2. Jena Baker McNeill, James Jay Carafano, James Dean, and Nathan Alexander Sales, "Visa Waiver Program: A Plan to Build Success," Heritage Foundation *Background* No. 2282, June 12, 2009, at <http://www.heritage.org/Research/HomelandSecurity/bg2282.cfm>.
3. The German Marshall Fund of the United States, "Transatlantic Trends 2009," at <http://www.transatlantictrends.org/trends/#>