

116TH CONGRESS
1ST SESSION

H. R. 2946

To amend the Immigration and Nationality Act to provide for certain additional means of qualification for the Visa Waiver Program, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

MAY 23, 2019

Mr. LIPINSKI (for himself and Mr. SMITH of New Jersey) introduced the following bill; which was referred to the Committee on the Judiciary

A BILL

To amend the Immigration and Nationality Act to provide for certain additional means of qualification for the Visa Waiver Program, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Allied Nations Travel
5 Modernization Act of 2019”.

6 **SEC. 2. FINDINGS.**

7 Congress makes the following findings:

8 (1) In 2016, 23 million people entered the
9 United States under the Visa Waiver Program

1 (VWP). Visitors through VWP constituted roughly
2 $\frac{1}{3}$ of all temporary visitors. According to the De-
3 partment of Commerce, VWP travelers in fiscal year
4 2014 spent approximately \$84 billion on goods and
5 services.

6 (2) Due to the VWP, the U.S. Government
7 saved from \$1.9 billion to \$3.2 billion for the cost
8 of interviewing visitors in 2010.

9 (3) All VWP countries are required to enter
10 into information-sharing agreements with the United
11 States on whether the citizens or nationals of that
12 country traveling to the United States represent a
13 security or criminal threat to the United States.

14 (4) VWP countries have provided the United
15 States with information on more than 6,000 known
16 or suspected terrorists as a result of VWP informa-
17 tion sharing arrangements.

18 (5) VWP countries have provided nearly 70 per-
19 cent of the records in INTERPOL's Stolen and Lost
20 Travel Document Database, which DHS utilizes in
21 its daily vetting of ESTA applications and Advance
22 Passenger Information/Passenger Name Record
23 data.

24 (6) According to a Department of State FY
25 2018 annual report, the United States issued over

1 120,000 nonimmigrant visas to Polish nationals and
2 over 50,000 nonimmigrant visas to Romanian na-
3 tionals.

4 (7) A Fiscal Year 2017 Report by the Depart-
5 ment of Homeland Security found that the suspected
6 in-country overstay rate was 1.17 percent for Poland
7 and 1.19 percent for Romania.

8 (8) Poland has taken a serious stance against
9 terrorism in recent years. This has included with-
10 drawing from a refugee relocation plan by the EU
11 after the 2015 Paris terror attacks.

12 (9) Romania deployed approximately 730 troops
13 to Afghanistan and Iraq and has signed all twelve
14 of the international protocols and conventions per-
15 taining to terrorism.

16 (10) Congress should continue to promote the
17 economy and provide government agencies with the
18 necessary resources through the VWP. The inclusion
19 of Poland and Romania in the VWP program would
20 contribute to program goals.

21 **SEC. 3. DESIGNATION OF PROGRAM COUNTRIES.**

22 Section 217(c) of the Immigration and Nationality
23 Act (8 U.S.C. 1187(c)) is amended—

24 (1) in paragraph (2)(A)—

1 (A) in the heading for the subparagraph,
2 by inserting after “LOW NONIMMIGRANT VISA
3 REFUSAL RATE” the following: “; LOW VISA
4 OVERSTAY RATE”;

5 (B) in clause (i), by striking “or” at the
6 end;

7 (C) in clause (ii), by striking the period
8 and inserting “; or”; and

9 (D) by adding at the end the following:

10 “(iii) in the case of any other coun-
11 try—

12 “(I) the visa overstay rate (as
13 such term is defined in paragraph (8))
14 for that country was not more than 2
15 percent during the previous 2 fiscal
16 years;

17 “(II) the country is a signatory
18 to and has committed, during the pre-
19 vious two fiscal years, sufficient re-
20 sources to support its obligations
21 under the Wales Summit Declaration,
22 issued at the meeting of the North At-
23 lantic Council in Wales on September
24 5, 2014; and

1 “(III) the Department of State
2 has not, in the previous fiscal year,
3 issued a travel advisory other than
4 ‘exercise normal precautions’ for trav-
5 el to the country.”; and

6 (2) in paragraph (3), to read as follows:

7 “(3) CONTINUING AND SUBSEQUENT QUALI-
8 FICATIONS.—For each fiscal year after the initial pe-
9 riod—

10 “(A) CONTINUING QUALIFICATION.—In
11 the case of a country which was a program
12 country in the previous fiscal year, a country
13 may not be designated as a program country
14 unless—

15 “(i) the sum of—

16 “(I) the total of the number of
17 nationals of that country who were de-
18 nied admission at the time of arrival
19 or withdrew their application for ad-
20 mission during such previous fiscal
21 year as a nonimmigrant visitor, and

22 “(II) the total number of nation-
23 als of that country who were admitted
24 as nonimmigrant visitors during such

1 previous fiscal year and who violated
2 the terms of such admission,
3 was less than 2 percent of the total num-
4 ber of nationals of that country who ap-
5 plied for admission as nonimmigrant visi-
6 tors during such previous fiscal year; or

7 “(ii) in the case of that country—

8 “(I) the visa overstay rate (as
9 such term is defined in paragraph (8))
10 for that country was not more than 2
11 percent during the previous 2 fiscal
12 years;

13 “(II) the country is a signatory
14 to and has committed, during the pre-
15 vious two fiscal years, sufficient re-
16 sources to support its obligations
17 under the Wales Summit Declaration,
18 issued at the meeting of the North At-
19 lantic Council in Wales on September
20 5, 2014; and

21 “(III) the Department of State
22 has not, in the previous fiscal year,
23 issued a travel advisory other than
24 ‘exercise normal precautions’ for trav-
25 el to the country.

1 “(B) NEW COUNTRIES.—In the case of an-
2 other country, the country may not be des-
3 ignated as a program country unless one of the
4 following requirements under clause (i) or (ii) is
5 met:

6 “(i) LOW NONIMMIGRANT VISA RE-
7 FUSAL RATE.—The average number of re-
8 fusals of nonimmigrant visitor visas for na-
9 tionals of that country—

10 “(I) during the two previous full
11 fiscal years was less than 2 percent of
12 the total number of nonimmigrant vis-
13 itor visas for nationals of that country
14 which were granted or refused during
15 those years; and

16 “(II) during either of such two
17 previous full fiscal years was less than
18 2.5 percent of the total number of
19 nonimmigrant visitor visas for nation-
20 als of that country which were grant-
21 ed or refused during that year.

22 “(ii) LOW VISA OVERSTAY RATE.—In
23 the case of that country—

24 “(I) the visa overstay rate (as
25 such term is defined in paragraph (8))

1 for that country was not more than 2
2 percent during the previous 2 fiscal
3 years;

4 “(II) the country is a signatory
5 to and has committed, during the pre-
6 vious two fiscal years, sufficient re-
7 sources to support its obligations
8 under the Wales Summit Declaration,
9 issued at the meeting of the North At-
10 lantic Council in Wales on September
11 5, 2014; and

12 “(III) the Department of State
13 has not, in the previous fiscal year,
14 issued a travel advisory other than
15 ‘exercise normal precautions’ for trav-
16 el to the country.”.

17 **SEC. 4. RULE OF CONSTRUCTION.**

18 Nothing in this Act or the amendments made by this
19 Act may be construed to require or direct the termination
20 of the designation of a country as a program country
21 under section 217 of the Immigration and Nationality Act
22 (8 U.S.C. 1187).

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