To designate Poland as a program country under the visa waiver program established under section 217 of the Immigration and Nationality Act, subject to special conditions.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. FINDINGS.

The Congress makes the following findings:

(1) Poland is one of the closest allies of the United States in Europe and worldwide; the diplomatic, political, military, and economic relationships between the two countries have never been better in
history, but personal contacts among ordinary individ-
uals are lagging behind. Over the medium and
long terms, this will start to affect the overall qual-
ity of the strategic partnership between the United
States and Poland.

(2) Poland has actively participated in the glob-
al campaign against terrorism led by the United
States. There is an indication that the threat of po-
tential terrorist activities generated in Poland is ac-
tually smaller than that in most of the 27 countries
currently participating in the visa waiver program
established under section 217 of the Immigration
and Nationality Act. Polish citizens have not been
involved in any form of terrorist activities on the ter-
ritory of the United States or against the interests
of the United States overseas.

(3) Since joining the North Atlantic Treaty Or-
ganization on March 12, 1999, Poland has proven to
be a reliable partner and a capable guarantor of
NATO security in Kosovo and Afghanistan.

(4) From the first days of Operation Iraqi
Freedom, Poland has been a staunch ally to the
United States and has committed its soldiers to help
with ongoing stabilization efforts in Iraq.
(5) In recognition of the historic changes in our bilateral relations and motivated by the sincere need to enhance contacts between Polish and United States citizens, on April 15, 1991, Poland unilaterally repealed its visa obligation for United States citizens seeking to travel to Poland for a period of 90 days or less.

(6) The Polish-American community of 9.3 million people contributed significantly to the development of the United States.

(7) Since the movement known as “Solidarity” and the turning point of 1989, Poland has undergone great political, social, and economic changes. It has become a nation committed to traditional values, rules of law, freedom, and democracy.

(8) On May 1, 2004, Poland became a member state of the vibrant European Union. Poland is a free market economy, and Poland’s integration within the European structures has had a stabilizing effect on its economy.

(9) More than 150,000 Polish citizens visited the United States in 2003.

(10) Poland’s visa refusal rate has declined dramatically, and it continues to decline. Nevertheless, the visa refusal rate is an arbitrary standard that is
not an objective measurement because it does not reflect the propensity of nationals from Poland to violate the terms of their admission into the United States.

(11) Poland participates in the work and travel program that allows about 25,000 Polish students to visit the United States each year.

(12) Warsaw International Airport Okecie participates in the pilot program of voluntary passenger screening for passengers leaving Warsaw to fly to the United States.

(13) If Poland is allowed to conditionally participate in the visa waiver program, the Polish government will develop and implement a campaign to prevent Polish citizens from remaining in the United States beyond their authorized period of admission or otherwise violating the terms of their admission into the United States.

(14) The Polish government is committed to becoming a successful part of the visa waiver program.

(15) Poland is ready to demonstrate that adequate safeguards against fraudulent use of its passports are in place, including proper storage of blank passports and sufficient screening of passport applicants.
(16) Poland is determined to fulfill its obligations and introduce extremely safe passports for its citizens, including two mandatory biometric identifiers. This is in addition to satisfaction of the machine-readable requirements for passports described in the Immigration and Nationality Act.

(17) On February 23, 2004, and May 11, 2004, the assemblies of New Jersey and Massachusetts, respectively, enacted resolutions urging the President and the Congress to make Poland eligible for the visa waiver program.

SEC. 2. TEMPORARY AND CONDITIONAL DESIGNATIONS OF POLAND FOR VISA WAIVER PROGRAM.

(a) Temporary Designation.—

(1) In General.—Effective on the date of the enactment of this Act, and notwithstanding section 217(c) of the Immigration and Nationality Act (8 U.S.C. 1187(c)), Poland temporarily shall be designated a program country for purposes of the visa waiver program established under section 217 of such Act.

(2) Expiration.—The temporary designation described in paragraph (1) shall expire on the date that is 18 months after the date of the enactment of this Act.
(b) **REVIEW.**—Not later than 1 year after the date of the enactment of this Act, the Secretary of Homeland Security shall determine the overstay rate for the portion of the period of temporary designation described in subsection (a) that has elapsed when the determination is made. Based on such calculation, the Secretary shall determine whether Poland permanently, but conditionally, shall be designated a program country for purposes of such visa waiver program.

(c) **DURATION, SUSPENSION, AND TERMINATION OF CONDITIONAL DESIGNATION.**—

(1) **IN GENERAL.**—Notwithstanding any other provision of law, if the Secretary determines under subsection (b) that Poland permanently, but conditionally, shall be designated a program country, Poland shall continue to be a program country for purposes of the visa waiver program as long as the annual overstay rate for each fiscal year remains below 3 percent.

(2) **SUSPENSION.**—If the overstay rate for a fiscal year exceeds 3 percent, the Secretary of Homeland Security shall suspend the designation of Poland as a program country for purposes of the visa waiver program for a period of 1 year.
(3) TERMINATION.—If the annual overstay rate exceeds 3 percent for any two fiscal years (regardless of whether such years are consecutive), the Secretary of Homeland Security shall terminate the designation of Poland as a program country for purposes of the visa waiver program.

(4) REDESIGNATION.—The Secretary of Homeland Security may redesignate Poland as a program country without regard to any other law when the Secretary determines that Poland has established satisfactory new safeguards to ensure that the overstay rate will remain acceptably low.

(d) DEFINITION.—For purposes of this section, the term “overstay rate” means the percentage which—

(1) the total number of nationals of Poland who were admitted as nonimmigrant visitors during the applicable measurement period and who violated the terms of such admission; bears to

(2) the total number of nationals of such country who applied for admission as nonimmigrant visitors during such period.