

Public Law 105-173
105th Congress

An Act

Apr. 27, 1998
[S. 1178]

To amend the Immigration and Nationality Act to modify and extend the visa waiver pilot program, and to provide for the collection of data with respect to the number of nonimmigrants who remain in the United States after the expiration of the period of stay authorized by the Attorney General.

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

SECTION 1. EXTENSION OF VISA WAIVER PILOT PROGRAM.

8 USC 1187. Section 217(f) of the Immigration and Nationality Act is amended by striking “1998.” and inserting “2000.”.

8 USC 1376. **SEC. 2. DATA ON NONIMMIGRANT OVERSTAY RATES.**

(a) **COLLECTION OF DATA.**—Not later than the date that is 180 days after the date of the enactment of this Act, the Attorney General shall implement a program to collect data, for each fiscal year, regarding the total number of aliens within each of the classes of nonimmigrant aliens described in section 101(a)(15) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)) whose authorized period of stay in the United States terminated during the previous fiscal year, but who remained in the United States notwithstanding such termination.

(b) **ANNUAL REPORT.**—Not later than June 30, 1999, and not later than June 30 of each year thereafter, the Attorney General shall submit an annual report to the Congress providing numerical estimates, for each country for the preceding fiscal year, of the number of aliens from the country who are described in subsection (a).

SEC. 3. QUALIFICATIONS FOR DESIGNATION AS PILOT PROGRAM COUNTRY.

Section 217(c)(2) of the Immigration and Nationality Act (8 U.S.C. 1187(c)(2)), is amended to read as follows:

“(2) **QUALIFICATIONS.**—Except as provided in subsection (g), a country may not be designated as a pilot program country unless the following requirements are met:

“(A) **LOW NONIMMIGRANT VISA REFUSAL RATE.**—Either—

“(i) the average number of refusals of non-immigrant visitor visas for nationals of that country during—

“(I) the two previous full fiscal years was less than 2.0 percent of the total number of non-immigrant visitor visas for nationals of that country which were granted or refused during those years; and

“(II) either of such two previous full fiscal years was less than 2.5 percent of the total number of nonimmigrant visitor visas for nationals of that country which were granted or refused during that year; or

“(ii) such refusal rate for nationals of that country during the previous full fiscal year was less than 3.0 percent.

“(B) MACHINE READABLE PASSPORT PROGRAM.—The government of the country certifies that it has or is in the process of developing a program to issue machine-readable passports to its citizens.

“(C) LAW ENFORCEMENT INTERESTS.—The Attorney General determines that the United States law enforcement interests would not be compromised by the designation of the country.”.

Approved April 27, 1998.

LEGISLATIVE HISTORY—S. 1178 (H.R. 2578):

HOUSE REPORTS: No. 105-387 accompanying H.R. 2578 (Comm. on the Judiciary).

CONGRESSIONAL RECORD:

Vol. 143 (1997): Sept. 26, considered and passed Senate.

Vol. 144 (1998): Mar. 25, considered and passed House, amended, in lieu of H.R. 2578.

Apr. 1, Senate concurred in House amendments.