

110TH CONGRESS
1ST SESSION

S. 342

To expand visa waiver program to countries on a probationary basis and
for other purposes.

IN THE SENATE OF THE UNITED STATES

JANUARY 22, 2007

Mr. VOINOVICH (for himself, Mr. AKAKA, Mr. LUGAR, Ms. MIKULSKI, and Mr. STEVENS) introduced the following bill; which was read twice and referred to the Committee on the Judiciary

A BILL

To expand visa waiver program to countries on a
probationary basis 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 “Secure Travel and
5 Counterterrorism Partnership Act”.

6 **SEC. 2. SENSE OF CONGRESS.**

7 It is the sense of Congress that the United States
8 should expand the visa waiver program to extend visa-free
9 travel privileges to nationals of foreign countries that are
10 allies in the war on terrorism as that expansion will—

- 1 (1) enhance bilateral cooperation on critical
2 counterterrorism and information sharing initiatives;
3 (2) support and expand tourism and business
4 opportunities to enhance long-term economic com-
5 petitiveness; and
6 (3) strengthen bilateral relationships.

7 **SEC. 3. VISA WAIVER PROGRAM EXPANSION.**

8 Section 217(c) of the Immigration and Nationality
9 Act (8 U.S.C. 1187(c)) is amended by adding at the end
10 the following:

11 “(8) PROBATIONARY PARTICIPATION OF PRO-
12 GRAM COUNTRIES.—

13 “(A) REQUIREMENT TO ESTABLISH.—Not-
14 withstanding any other provision of this section
15 and not later than 1 year after the date of the
16 enactment of the Secure Travel and
17 Counterterrorism Partnership Act, the Sec-
18 retary of Homeland Security, in consultation
19 with the Secretary of State, shall establish a
20 pilot program to permit not more than 5 for-
21 eign countries that are not designated as pro-
22 gram countries under paragraph (1) to partici-
23 pate in the program.

24 “(B) DESIGNATION AS A PROBATIONARY
25 PROGRAM COUNTRY.—A foreign country is eligi-

ble to participate in the program under this paragraph if—

“(i) the Secretary of Homeland Security determines that such participation will not compromise the security or law enforcement interests of the United States;

“(ii) that country is close to meeting all the requirements of paragraph (2) and other requirements for designation as a program country under this section and has developed a feasible strategic plan to meet all such requirements not later than 3 years after the date the country begins participation in the program under this paragraph;

“(iii) that country meets all the requirements that the Secretary determines are appropriate to ensure the security and integrity of travel documents, including requirements to issue electronic passports that include biometric information and to promptly report lost, stolen, or fraudulent passports to the Government of the United States;

1 “(iv) that country cooperated with the
2 Government of the United States on
3 counterterrorism initiatives and informa-
4 tion sharing before the date of the enact-
5 ment of this paragraph; and

6 “(v) that country has entered into an
7 agreement with the Government of the
8 United States by which that country
9 agrees to further advance United States
10 security interests by implementing such
11 additional counterterrorism cooperation
12 and information sharing measures as may
13 be requested by the Secretary of Homeland
14 Security, in consultation with the Sec-
15 retary of State.

16 “(C) CONSIDERATIONS FOR COUNTRY SE-
17 LECTION.—

18 “(i) VISA REFUSAL RATES.—The Sec-
19 retary of Homeland Security may consider
20 the rate of refusals of nonimmigrant visitor
21 visas for nationals of a foreign country in
22 determining whether to permit that coun-
23 try to participate in the program under
24 this paragraph but may not refuse to per-
25 mit that country to participate in the pro-

1 gram under this paragraph solely on the
2 basis of such rate unless the Secretary de-
3 termines that such rate is a security con-
4 cern to the United States.

5 “(ii) OVERSTAY RATES.—The Sec-
6 retary of Homeland Security may consider
7 the rate at which nationals of a foreign
8 country violate the terms of their visas by
9 remaining in the United States after the
10 expiration of such a visa in determining
11 whether to permit that country to partici-
12 pate in the program under this paragraph.

13 “(D) TERM OF PARTICIPATION.—

14 “(i) INITIAL PROBATIONARY TERM.—
15 A foreign country may participate in the
16 program under this paragraph for an ini-
17 tial term of 3 years.

18 “(ii) EXTENSION OF PARTICIPA-
19 TION.—The Secretary of Homeland Secu-
20 rity, in consultation with the Secretary of
21 State, may permit a country to participate
22 in the program under this paragraph after
23 the expiration of the initial term described
24 in clause (i) for 1 additional period of not
25 more than 2 years if that country—

1 “(I) has demonstrated significant
2 progress toward meeting the require-
3 ments of paragraph (2) and all other
4 requirements for designation as a pro-
5 gram country under this section;

6 “(II) has submitted a plan for
7 meeting the requirements of para-
8 graph (2) and all other requirements
9 for designation as a program country
10 under this section; and

11 “(III) continues to be determined
12 not to compromise the security or law
13 enforcement interests of the United
14 States.

15 “(iii) TERMINATION OF PARTICIPA-
16 TION.—The Secretary of Homeland Secu-
17 rity may terminate the participation of a
18 country in the program under this para-
19 graph at any time if the Secretary, in con-
20 sultation with the Secretary of State, de-
21 termines that the country—

22 “(I) is not in compliance with the
23 requirements of this paragraph; or

24 “(II) is not able to demonstrate
25 significant and quantifiable progress,

1 on an annual basis, toward meeting
2 the requirements of paragraph (2)
3 and all other requirements for des-
4 ignation as a program country under
5 this section.

6 “(E) TECHNICAL ASSISTANCE.—The Sec-
7 retary of Homeland Security, in consultation
8 with the Secretary of State, shall provide tech-
9 nical guidance to a country that participates in
10 the program under this paragraph to assist that
11 country in meeting the requirements of para-
12 graph (2) and all other requirements for des-
13 ignation as a program country under this sec-
14 tion.

15 “(F) REPORTING REQUIREMENTS.—

16 “(i) ANNUAL REPORT.—The Secretary
17 of Homeland Security, in consultation with
18 the Secretary of State, shall submit to
19 Congress an annual report on the imple-
20 mentation of this paragraph.

21 “(ii) FINAL ASSESSMENT.—Not later
22 than 30 days after the date that the for-
23 eign country’s participation in the program
24 under this paragraph terminates, the Sec-
25 retary of Homeland Security, in consulta-

1 tion with the Secretary of State, shall sub-
2 mit a final assessment to Congress regard-
3 ing the implementation of this paragraph.
4 Such final assessment shall contain the
5 recommendations of the Secretary of
6 Homeland Security and the Secretary of
7 State regarding permitting additional for-
8 eign countries to participate in the pro-
9 gram under this paragraph.”.

10 **SEC. 4. CALCULATION OF THE RATES OF VISA OVERSTAYS.**

11 Not later than 1 year after the date of the enactment
12 of this Act, the Secretary of Homeland Security shall de-
13 velop and implement procedures to improve the manner
14 in which the rates of nonimmigrants who violate the terms
15 of their visas by remaining in the United States after the
16 expiration of such a visa are calculated.

17 **SEC. 5. REPORTS.**

18 (a) VISA FEES.—Not later than 1 year after the date
19 of the enactment of this Act, the Comptroller General of
20 the United States shall review the fee structure for visas
21 issued by the United States and submit to Congress a re-
22 port on that structure, including any recommendations of
23 the Comptroller General for improvements to that struc-
24 ture.

1 (b) SECURE TRAVEL STANDARDS.—Not later than 1
2 year after the date of the enactment of this Act, the Sec-
3 retary of Homeland Security, in conjunction with the Sec-
4 retary of State, shall submit a report to Congress that
5 describes plans for enhancing secure travel standards for
6 existing visa waiver program countries, including the feasi-
7 bility of instituting an electronic authorization travel sys-
8 tem, additional passenger information exchanges, and en-
9 hanced airport security standards.

10 **SEC. 6. AUTHORIZATION OF APPROPRIATIONS.**

11 There are authorized to be appropriated such sums
12 as may be necessary for each of the fiscal years 2007
13 through 2013 to carry out this Act and the amendment
14 made by this Act.

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