

AMENDMENT TO RULES COMMITTEE PRINT 117-

13

OFFERED BY MS. PLASKETT OF VIRGIN ISLANDS

Page 1390, insert after line 19 the following (and conform the table of contents accordingly):

1 **SEC. ____ . ADDITION OF VIRGIN ISLANDS VISA WAIVER TO**
2 **GUAM AND NORTHERN MARIANA ISLANDS**
3 **VISA WAIVER.**

4 (a) IN GENERAL.—Section 212(l) of the Immigration
5 and Nationality Act (8 U.S.C. 1182(l)) is amended to read
6 as follows:

7 “(1) GUAM AND NORTHERN MARIANA ISLANDS VISA
8 WAIVER PROGRAM; VIRGIN ISLANDS VISA WAIVER PRO-
9 GRAM.—

10 “(1) IN GENERAL.—The requirement of sub-
11 section (a)(7)(B)(i) may be waived by the Secretary
12 of Homeland Security, in the case of an alien apply-
13 ing for admission as a nonimmigrant visitor for busi-
14 ness or pleasure and solely for entry into and stay
15 in Guam or the Commonwealth of the Northern
16 Mariana Islands, or the Virgin Islands of the United
17 States, for a period not to exceed 45 days, if the
18 Secretary of Homeland Security, after consultation

1 with the Secretary of the Interior, the Secretary of
2 State, and the Governor of Guam and the Governor
3 of the Commonwealth of the Northern Mariana Is-
4 lands, or the Governor of the Virgin Islands of the
5 United States, as the case may be, determines
6 that—

7 “(A) an adequate arrival and departure
8 control system has been developed in Guam and
9 the Commonwealth of the Northern Mariana Is-
10 lands, and the Virgin Islands of the United
11 States; and

12 “(B) such a waiver does not represent a
13 threat to the welfare, safety, or security of the
14 United States or its territories and common-
15 wealths.

16 “(2) ALIEN WAIVER OF RIGHTS.—An alien may
17 not be provided a waiver under this subsection un-
18 less the alien has waived any right—

19 “(A) to review or appeal under this Act an
20 immigration officer’s determination as to the
21 admissibility of the alien at the port of entry
22 into Guam or the Commonwealth of the North-
23 ern Mariana Islands, or the Virgin Islands of
24 the United States; or

1 “(B) to contest, other than on the basis of
2 an application for withholding of removal under
3 section 241(b)(3) of this Act or under the Con-
4 vention Against Torture, or an application for
5 asylum if permitted under section 208 of this
6 Act, any action for removal of the alien.

7 “(3) REGULATIONS.—All necessary regulations
8 to implement this subsection shall be promulgated
9 by the Secretary of Homeland Security, in consulta-
10 tion with the Secretary of the Interior and the Sec-
11 retary of State. The promulgation of such regula-
12 tions shall be considered a foreign affairs function
13 for purposes of section 553(a) of title 5, United
14 States Code. At a minimum, such regulations should
15 include, but not necessarily be limited to—

16 “(A) a listing of all countries whose na-
17 tionals may obtain the waivers provided by this
18 subsection; and

19 “(B) any bonding requirements for nation-
20 als of some or all of those countries who may
21 present an increased risk of overstays or other
22 potential problems, if different from such re-
23 quirements otherwise provided by law for non-
24 immigrant visitors.

1 “(4) FACTORS.—In determining whether to
2 grant or continue providing the waiver under this
3 paragraph to nationals of any country, the Secretary
4 of Homeland Security, in consultation with the Sec-
5 retary of the Interior and the Secretary of State,
6 shall consider all factors that the Secretary deems
7 relevant, including electronic travel authorizations,
8 procedures for reporting lost and stolen passports,
9 repatriation of aliens, rates of refusal for non-
10 immigrant visitor visas, overstays, exit systems, and
11 information exchange.

12 “(5) SUSPENSION.—The Secretary of Home-
13 land Security shall monitor the admission of non-
14 immigrant visitors to Guam and the Commonwealth
15 of the Northern Mariana Islands, and the Virgin Is-
16 lands of the United States, under this subsection. If
17 the Secretary determines that such admissions have
18 resulted in an unacceptable number of visitors from
19 a country remaining unlawfully in Guam or the
20 Commonwealth of the Northern Mariana Islands, or
21 the Virgin Islands of the United States, unlawfully
22 obtaining entry to other parts of the United States,
23 or seeking withholding of removal or asylum, or that
24 visitors from a country pose a risk to law enforce-
25 ment or security interests of Guam or the Common-

1 wealth of the Northern Mariana Islands, or the Vir-
2 gin Islands of the United States, or of the United
3 States (including the interest in the enforcement of
4 the immigration laws of the United States), the Sec-
5 retary shall suspend the admission of nationals of
6 such country under this subsection. The Secretary of
7 Homeland Security may in the Secretary's discretion
8 suspend the Guam and Northern Mariana Islands
9 visa waiver program, or the Virgin Islands visa waiv-
10 er program, at any time, on a country-by-country
11 basis, for other good cause.

12 “(6) ADDITION OF COUNTRIES.—The Governor
13 of Guam and the Governor of the Commonwealth of
14 the Northern Mariana Islands, or the Governor of
15 the Virgin Islands of the United States, may request
16 the Secretary of the Interior and the Secretary of
17 Homeland Security to add a particular country to
18 the list of countries whose nationals may obtain the
19 waiver provided by this subsection, and the Sec-
20 retary of Homeland Security may grant such request
21 after consultation with the Secretary of the Interior
22 and the Secretary of State, and may promulgate reg-
23 ulations with respect to the inclusion of that country
24 and any special requirements the Secretary of
25 Homeland Security, in the Secretary's sole discre-

1 tion, may impose prior to allowing nationals of that
2 country to obtain the waiver provided by this sub-
3 section.”.

4 (b) REGULATIONS DEADLINE.—Not later than one
5 year after the date of enactment of this Act, the Secretary
6 of Homeland Security, in consultation with the Secretary
7 of the Interior and the Secretary of State, shall promul-
8 gate any necessary regulations as described in subsection
9 (a) required to implement the waiver provided in such sub-
10 section for the Virgin Islands.

11 (c) WAIVER COUNTRIES.—The regulations described
12 in subsection (b) shall include a listing of all member or
13 associate member countries of the Caribbean Community
14 (CARICOM) whose nationals may obtain, on a country-
15 by-country basis, the waiver provided by this section, ex-
16 cept that such regulations shall not provide for a listing
17 of any country if the Secretary of Homeland Security de-
18 termines that such country’s inclusion on such list would
19 represent a threat to the welfare, safety, or security of
20 the United States or its territories and commonwealths.

21 (d) CONFORMING AMENDMENTS.—

22 (1) DOCUMENTATION REQUIREMENTS.—Section
23 212(a)(7)(B)(iii) of the Immigration and Nationality
24 Act (8 U.S.C. 1182(a)(7)(B)(iii)) is amended to
25 read as follows:

1 “(iii) SPECIAL VISA WAIVER PRO-
2 GRAMS.—For a provision authorizing waiv-
3 er of clause (i) in the case of visitors to
4 Guam or the Commonwealth of the North-
5 ern Mariana Islands, or the Virgin Islands
6 of the United States, see subsection (l).”.

7 (2) ADMISSION OF NONIMMIGRANTS.—Section
8 214(a)(1) of such Act (8 U.S.C. 1184(a)(1)) is
9 amended by striking “Guam or the Commonwealth
10 of the Northern Mariana Islands” each place such
11 term appears and inserting “Guam or the Common-
12 wealth of the Northern Mariana Islands, or the Vir-
13 gin Islands of the United States”.

14 (e) FEES.—The Secretary of Homeland Security
15 shall establish an administrative processing fee to be
16 charged and collected from individuals seeking to enter the
17 Virgin Islands in accordance with section 212(l) of the Im-
18 migration and Nationality Act (8 U.S.C. 1182(l)), as
19 amended by this Act. Such fee shall be set at a level that
20 will ensure recovery of the full costs of such processing,
21 any additional costs associated with the administration of
22 the fees collected, and any sums necessary to offset re-
23 duced collections of the nonimmigrant visa fee or the elec-

- 1 tronic travel authorization fee that otherwise would have
- 2 been collected from such individuals.

