

**AMENDMENT TO RULES COMMITTEE PRINT 119-**

**33**

**OFFERED BY MS. PLASKETT OF VIRGIN ISLANDS**

Page 1208, insert after line 21 the following (and conform the table of contents accordingly):

1 **SEC. 17\_\_ . 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 “(l) 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, or 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           subsection 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 of the  
2       Virgin 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 to implement the waiver  
9           provided in the amendment made by subsection (a) for the  
10          Virgin Islands of the United States.

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          whose nationals may obtain, on a country-by-country  
15          basis, the waiver provided by this section, except that such  
16          regulations shall not provide for a listing of any country  
17          if the Secretary of Homeland Security determines that  
18          such country’s inclusion on such list would represent a  
19          threat to the welfare, safety, or security of the United  
20          States or its territories and commonwealths, or would in-  
21          crease fraud or abuse of the nonimmigrant visa system.

22          (d) CONFORMING AMENDMENTS.—

23                  (1) DOCUMENTATION REQUIREMENTS.—Section  
24          212(a)(7)(B)(iii) of the Immigration and Nationality

1 Act (8 U.S.C. 1182(a)(7)(B)(iii)) is amended to  
2 read as follows:

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

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

16 (e) FEES.—The Secretary of Homeland Security  
17 shall establish an administrative processing fee to be  
18 charged and collected from individuals seeking to enter the  
19 Virgin Islands of the United States in accordance with sec-  
20 tion 212(l) of the Immigration and Nationality Act (8  
21 U.S.C. 1182(l)), as amended by this Act. Such fee shall  
22 be set at a level that will ensure recovery of the full costs  
23 of such processing and any additional costs associated  
24 with the administration of the fees collected.

