

117TH CONGRESS  
2D SESSION

# S. 4220

To amend the Immigration and Nationality Act to require Visa Waiver Program countries to share watch list information about known or suspected terrorists and to fully cooperate with United States law enforcement entities in preventing and combating serious crime.

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IN THE SENATE OF THE UNITED STATES

MAY 16, 2022

Mr. RUBIO (for himself and Mr. CRUZ) introduced the following bill; which was read twice and referred to the Committee on the Judiciary

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## A BILL

To amend the Immigration and Nationality Act to require Visa Waiver Program countries to share watch list information about known or suspected terrorists and to fully cooperate with United States law enforcement entities in preventing and combating serious crime.

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 “Securing the Visa  
5 Waiver Program Act”.

1 **SEC. 2. VISA WAIVER PROGRAM INFORMATION SHARING**  
2 **AGREEMENTS.**

3 (a) IN GENERAL.—Section 217(c)(2)(F) of the Immi-  
4 gration and Nationality Act (8 U.S.C. 1187(c)(2)(F)) is  
5 amended to read as follows:

6 “(F) INFORMATION SHARING AGREE-  
7 MENTS.—

8 “(i) SECURITY THREATS.—The gov-  
9 ernment of the country enters into an  
10 agreement with the United States to share  
11 information regarding whether citizens and  
12 nationals of that country traveling to the  
13 United States represent a threat to the se-  
14 curity or welfare of the United States or  
15 its citizens, and fully implements such  
16 agreement.

17 “(ii) TERRORIST WATCH LISTS.—The  
18 government of the country enters into an  
19 agreement with the United States to share  
20 thorough, accurate, and current informa-  
21 tion about citizens and nationals of that  
22 country who are known or appropriately  
23 suspected to be or have been engaged in  
24 conduct constituting, in preparation for, in  
25 aid of, or related to terrorism, and fully  
26 implements such agreement.

1                   “(iii) ENHANCING COOPERATION IN  
2                   PREVENTING AND COMBATING SERIOUS  
3                   CRIME.—The government of the country  
4                   enters into an agreement with the United  
5                   States to establish frameworks for en-  
6                   hanced law enforcement cooperation, in-  
7                   cluding the exchange of biometric and bio-  
8                   graphic data relating to citizens and na-  
9                   tionals of that country who have engaged  
10                  in, or are appropriately suspected of en-  
11                  gaging in, an aggravated felony, and shar-  
12                  ing any relevant underlying information for  
13                  law enforcement purposes, and fully imple-  
14                  ments such agreement.”.

15                  (b) EFFECT OF FAILURE TO COMPLY WITH INFOR-  
16                  MATION SHARING AGREEMENTS.—Section 217(c) of the  
17                  Immigration and Nationality Act (8 U.S.C. 1187(c)) is  
18                  amended by adding at the end the following:

19                         “(13) EFFECT OF FAILURE TO COMPLY WITH  
20                         INFORMATION SHARING AGREEMENTS.—

21                                 “(A) IN GENERAL.—The Secretary of  
22                                 Homeland Security shall immediately terminate  
23                                 the designation of a country as a program  
24                                 country if such country fails to comply with the

1 requirements under subparagraph (D) or (F) of  
2 paragraph (2) within—

3 “(i) the three-month period beginning  
4 on the date of the enactment of this para-  
5 graph, if such country was a program  
6 country on such date of enactment; or

7 “(ii) the six-month period beginning  
8 on the date on which such country became  
9 a program country.

10 “(B) ELIGIBILITY TO REJOIN.—A program  
11 country whose participation in the program is  
12 terminated pursuant to subparagraph (A) may  
13 be permitted to rejoin the program by pro-  
14 ducing evidence that the country has come into  
15 compliance and continuously complied with sub-  
16 paragraphs (D) and (F) of paragraph (2) for a  
17 period, as determined by the Secretary of  
18 Homeland Security, that is at least as long as  
19 the longer of—

20 “(i) the period during which the coun-  
21 try was out of compliance with such sub-  
22 paragraphs; or

23 “(ii) the most recent 3-month pe-  
24 riod.”.

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