

118TH CONGRESS
1ST SESSION

S. 493

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.

IN THE SENATE OF THE UNITED STATES

FEBRUARY 16, 2023

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

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 of 2023”.

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, as amended by sub-
18 section (a), is further amended by adding at the end the
19 following:

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

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

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

3 “(i) the 3-month period beginning on
4 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 6-month period beginning on
8 the date on which such country became a
9 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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