

113TH CONGRESS
2D SESSION

H. R. 5470

To clarify the grounds for ineligibility for travel to the United States regarding terrorism risk, to expand the criteria by which a country may be removed from the Visa Waiver Program, to require the Secretary of Homeland Security to submit a report on strengthening the Electronic System for Travel Authorization to better secure the international borders of the United States and prevent terrorists and instruments of terrorism from entering the United States, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

SEPTEMBER 15, 2014

Mrs. MILLER of Michigan (for herself, Ms. JACKSON LEE, Mr. McCAUL, Mr. THOMPSON of Mississippi, Mr. HUDSON, Mr. BARBER, and Ms. CLARKE of New York) introduced the following bill; which was referred to the Committee on the Judiciary, and in addition to the Committee on Homeland Security, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To clarify the grounds for ineligibility for travel to the United States regarding terrorism risk, to expand the criteria by which a country may be removed from the Visa Waiver Program, to require the Secretary of Homeland Security to submit a report on strengthening the Electronic System for Travel Authorization to better secure the international borders of the United States and prevent terrorists and instruments of terrorism from entering the United States, 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 “Visa Waiver Program
 5 Improvement Act of 2014”.

6 **SEC. 2. GROUNDS FOR INELIGIBILITY FOR TRAVEL TO THE**
 7 **UNITED STATES; REPORTS ON LAW ENFORCE-**
 8 **MENT AND SECURITY INTERESTS; CON-**
 9 **TINUING QUALIFICATION AND DESIGNATION**
 10 **TERMINATIONS; REPORT ON STRENGTH-**
 11 **ENING THE ELECTRONIC SYSTEM FOR TRAV-**
 12 **EL AUTHORIZATION.**

13 (a) GROUNDS FOR INELIGIBILITY FOR TRAVEL TO
 14 THE UNITED STATES; PERIOD OF VALIDITY.—Section
 15 217 of the Immigration and Nationality Act (8 U.S.C.
 16 1187) is amended—

17 (1) in subsection (a)(11), by inserting “, includ-
 18 ing terrorism risk,” after “security risk”; and

19 (2) in subsection (h)(3)—

20 (A) in subparagraph (A), by inserting “,
 21 including terrorism risk,” after “security risk”;

22 (B) in subparagraph (C), in the second
 23 sentence, by inserting before the period at the
 24 end the following: “, or, if the Secretary deter-

1 mines that such is appropriate, may limit such
2 period of eligibility’’; and

3 (C) by adding at the end the following new
4 subparagraph:

5 “(E) ADDITIONAL REPORTS.—

6 “(i) REPORTS ON CERTAIN LIMITA-
7 TIONS ON TRAVEL.—Not later than 30
8 days after the date of the enactment of
9 this subparagraph and annually thereafter,
10 the Secretary of Homeland Security, in
11 consultation with the Secretary of State,
12 shall submit to the Committee on Home-
13 land Security and the Committee on the
14 Judiciary of the House of Representatives
15 and the Committee on Homeland Security
16 and Governmental Affairs and the Com-
17 mittee on the Judiciary of the Senate a re-
18 port on the number of individuals, identi-
19 fied by their countries of citizenship or na-
20 tionality, who were denied eligibility to
21 travel under the System or whose eligibility
22 for such travel was revoked during the pre-
23 vious year if such individual was deter-
24 mined, in accordance with subsection

(a)(6), to represent a threat to the security of the United States.

“(ii) REPORTS ON CERTAIN THREAT ASSESSMENTS.—Beginning with the first report under clause (i) of subsection (c)(5)(A) that is submitted after the date of the enactment of this subparagraph and periodically thereafter (together with subsequent reports submitted under such clause (i)), the Secretary of Homeland Security, in consultation with the Director of National Intelligence, shall submit to the Committee on Homeland Security and the Committee on the Judiciary of the House of Representatives and the Committee on Homeland Security and Governmental Affairs and the Committee on the Judiciary of the Senate a report that contains a threat assessment regarding the compliance of foreign governments with the agreements described in subparagraphs (D) and (F) of subsection (c)(2).”.

(b) REPORTS ON LAW ENFORCEMENT AND SECURITY INTERESTS; CONTINUING QUALIFICATION AND DESIGNATION TERMINATIONS.—Subsection (c) of section 217 of

1 the Immigration and Nationality Act (8 U.S.C. 1187) is
2 amended—

3 (1) in paragraph (2)(C)(iii)—

4 (A) by striking “and the Committee on
5 International Relations” and inserting “, the
6 Committee on Foreign Affairs, and the Com-
7 mittee on Homeland Security”; and

8 (B) by striking “and the Committee on
9 Foreign Relations” and inserting “, the Com-
10 mittee on Foreign Relations, and the Com-
11 mittee on Homeland Security and Govern-
12 mental Affairs”; and

13 (2) in paragraph (5)—

14 (A) in subparagraph (A)(i)—

15 (i) in subclause (III), by striking
16 “and” at the end;

17 (ii) in subclause (IV), by striking the
18 period at the end and inserting “; and”;
19 and

20 (iii) by adding after subclause (IV)
21 the following new subclause:

22 “(V) shall submit to Congress a
23 report regarding the security param-
24 eters described in paragraph (9).”;
25 and

1 (B) in subparagraph (B), by adding at the
2 end the following new clause:

3 “(v) ADDITIONAL PROGRAM SUSPEN-
4 SION AUTHORITY.—If the Secretary of
5 Homeland Security, in consultation with
6 the Secretary of State, determines that a
7 country participating in the visa waiver
8 program has failed to comply with an
9 agreement under subparagraph (F) of
10 paragraph (2), the Secretary of Homeland
11 Security—

12 “(I) may suspend a country from
13 the visa waiver program without prior
14 notice;

15 “(II) shall notify any country
16 suspended under subclause (I) and
17 provide justification for the suspen-
18 sion; and

19 “(III) shall restore the suspended
20 country’s participation in the visa
21 waiver program upon a determination
22 that the country is in compliance with
23 the agreement at issue.”.

24 (c) REPORT ON STRENGTHENING THE ELECTRONIC
25 SYSTEM FOR TRAVEL AUTHORIZATION.—Not later than

1 30 days after the date of the enactment of this Act, the
2 Secretary of Homeland Security, in consultation with the
3 Secretary of State, shall submit to the Committee on
4 Homeland Security, the Committee on the Judiciary, and
5 the Committee on Foreign Affairs of the House of Rep-
6 resentatives and the Committee on Homeland Security
7 and Governmental Affairs, the Committee on the Judici-
8 ary, and the Committee on Foreign Relations of the Sen-
9 ate a report on steps to strengthen the automated elec-
10 tronic travel authorization system (commonly referred to
11 as the “Electronic System for Travel Authorization”)
12 under paragraph (3) of section 217(h) of the Immigration
13 and Nationality Act (8 U.S.C. 1187(h)) to better secure
14 the international borders of the United States and prevent
15 terrorists and instruments of terrorism from entering the
16 United States.

17 (d) TIME FOR REPORT.—The first report required
18 under subclause (V) of section 217(c)(5)(A)(i) of the Im-
19 migration and Nationality Act (as added by subsection
20 (b)(2)(A)(iii) of this section) shall be submitted at the
21 same time the next report required under subclause (IV)
22 of such section 217(c)(5)(A)(i) is submitted after the date
23 of the enactment of this Act.

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