

114TH CONGRESS
1ST SESSION

S. 542

To enhance the homeland security of the United States, and for other purposes.

IN THE SENATE OF THE UNITED STATES

FEBRUARY 24, 2015

Mr. COATS introduced the following bill; which was read twice and referred to the Committee on the Judiciary

A BILL

To enhance the homeland security of 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 “Counterterrorism Bor-
5 der Security Enhancement Act”.

6 **SEC. 2. BORDER SECURITY ASSESSMENT.**

7 (a) IN GENERAL.—Not later than 90 days after the
8 date of the enactment of this Act, the Secretary of Home-
9 land Security, in consultation with the Secretary of State,
10 shall—

1 (1) conduct a review and assessment examining
2 how existing border security and entry procedures
3 could be improved and strengthened as a response
4 to—

5 (A) threats to the homeland emanating
6 from the Islamic State in Iraq and Syria (com-
7 monly known as “ISIS”); and

8 (B) growing participation by United States
9 and European nationals as foreign fighters in
10 Syria and Iraq and in terrorist activity; and

11 (2) submit a report to Congress containing the
12 results of the assessment conducted pursuant to
13 paragraph (1).

14 (b) FOCUS.—The assessment conducted pursuant to
15 subsection (a) shall focus on the Visa Waiver Program re-
16 quirements for travelers and program countries, includ-
17 ing—

18 (1) the information collected from aliens apply-
19 ing for travel authorization through the Electronic
20 System for Travel Authorization and whether addi-
21 tional information, such as dual nationality, travel
22 history, all travel document data, proposed travel
23 plans, and co-traveler information, should be re-
24 quired;

1 (2) cooperation by program countries with cur-
 2 rent information sharing efforts under paragraphs
 3 (2)(D), (2)(F), and (9)(D) of section 217(c) of the
 4 Immigration and Nationality Act (8 U.S.C.
 5 1187(c)); and

6 (3) whether program countries shall be required
 7 to establish programs for the collection of advance
 8 passenger information to counter terrorist travel.

9 **SEC. 3. VISA WAIVER PROGRAM.**

10 (a) ELECTRONIC SYSTEM FOR TRAVEL AUTHORIZA-
 11 TION.—

12 (1) VALIDITY OF TRAVEL ELIGIBILITY.—Sec-
 13 tion 217(h)(3)(C)(i) of the Immigration and Nation-
 14 ality Act (8 U.S.C. 1187(h)(3)(C)(i)) is amended to
 15 read as follows:

16 “(i) IN GENERAL.—

17 “(I) RULEMAKING.—Subject to
 18 subclauses (II) through (IV), the Sec-
 19 retary of Homeland Security, in con-
 20 sultation with the Secretary of State,
 21 shall prescribe regulations that pro-
 22 vide for a period, not to exceed 3
 23 years, during which a determination
 24 of initial eligibility to travel under the
 25 program will be valid.

1 “(II) APPLICATION.—An alien
 2 may submit an application through
 3 the System without imminent travel
 4 plans, at which time the alien will be
 5 charged the fee established under sub-
 6 paragraph (B).

7 “(III) TRAVEL PLANS.—An alien
 8 may not travel to the United States
 9 under the program unless, before such
 10 travel—

11 “(aa) the alien submits or
 12 updates an application with the
 13 alien’s proposed travel plans; and

14 “(bb) the Secretary of
 15 Homeland Security approves
 16 through the System.

17 “(IV) REVOCATION.—Notwith-
 18 standing any other provision in this
 19 section, the Secretary may revoke ap-
 20 proval of eligibility to travel at any
 21 time and for any reason.”.

22 (2) AUTHORITY TO AMEND INFORMATION COL-
 23 LECTED AND ELIGIBILITY QUESTIONS.—The Sec-
 24 retary of Homeland Security, in consultation with
 25 the Secretary of State, is authorized to amend regu-

lations promulgated pursuant to section 217(h)(3) of the Immigration and Nationality Act (8 U.S.C. 1187(h)(3)) to ensure that each applicant is required—

(A) to provide biographical information and answer eligibility questions relevant to current security risks identified in the assessment conducted under section 2; and

(B) to include information listed in subsection (b)(1) of such section.

(b) REPORT ON COOPERATION.—

(1) IN GENERAL.—Not later than 30 days after the date of the enactment of this Act, and every 6 months thereafter, the Secretary of Homeland Security and the Secretary of State shall jointly submit a report to Congress that—

(A) details each Visa Waiver Program country's cooperation with information sharing efforts described in paragraphs (2)(F) and (9)(D) of section 217(c) of the Immigration and Nationality Act (8 U.S.C. 1187(c)); and

(B) identifies all the countries that are not fully cooperating with the efforts referred to in subparagraph (A).

(2) EFFECT OF NONCOOPERATION.—

(A) IN GENERAL.—Not later than 30 days after a country designated as a Visa Waiver Program country under section 217(c) of the Immigration and Nationality Act (8 U.S.C. 1187(c)) is identified as not fully cooperating under paragraph (1), the Secretary of Homeland Security—

(i) shall terminate such designation;

and

(ii) may no longer approve any applications submitted by nationals of such country under the Electronic System for Travel Authorization.

(B) REINSTATEMENT.—Not sooner than 90 days after the Secretary of Homeland Security, in consultation with the Secretary of State, determines that a country described in subparagraph (A) is fully cooperating, the Secretary of Homeland Security may redesignate such country as a Visa Waiver Program country.

(c) SECURITY RISK UPDATES.—Section 217(c)(5)(A)(i) of the Immigration and Nationality Act (8 U.S.C. 1187(c)(5)(A)(i)) is amended by striking the matter preceding subclause (I) and inserting the following:

1 “(i) IN GENERAL.—Not later than 60
 2 days after the date of the enactment of the
 3 Counterterrorism Border Security En-
 4 hancement Act, and semiannually there-
 5 after, the Secretary of Homeland Security,
 6 in consultation with the Secretary of
 7 State—”.

8 **SEC. 4. VISA APPLICATION PROCESS.**

9 The Secretary of State shall submit a plan to Con-
 10 gress for training consular officers on visa interviewing
 11 techniques that—

- 12 (1) emphasizes counterterrorism efforts; and
- 13 (2) includes any budgetary implications of im-
 14 plementing the plan.

15 **SEC. 5. UNITED STATES CITIZENS ENGAGED IN TERRORIST**
 16 **ACTIVITIES.**

17 (a) IN GENERAL.—Not later than 60 days after the
 18 date of the enactment of this Act, the Secretary of Home-
 19 land Security, the Secretary of State, and the Attorney
 20 General shall jointly submit to Congress a plan for—

- 21 (1) increasing, upon arrival at any United
 22 States port of entry, the scrutiny of private United
 23 States citizens who have recently traveled to Syria,
 24 Iraq, Afghanistan, Pakistan, or Libya; and

1 (2) enhancing the capabilities and authorities of
2 the Department of Justice and other Federal agen-
3 cies to investigate, arrest, charge, and prosecute
4 United States citizens who are suspected of engag-
5 ing in terrorist acts or involvement with a terrorist
6 organization, including proposals for legislative ac-
7 tion that would enhance such capabilities and au-
8 thorities.

9 (b) REVOCATION OF PASSPORTS.—The Act entitled
10 “An Act To regulate the issue and validity of passports,
11 and for other purposes”, approved July 3, 1926 (44 Stat.
12 887; 22 U.S.C. 211a et seq.), is amended by adding at
13 the end the following:

14 “SEC. 5. The Secretary of State may revoke and con-
15 fiscate any passport issued to a United States citizen
16 who—

17 “(1) is suspected of engaging in terrorist activi-
18 ties (as defined in section 212(a)(3)(B)(iv) of the
19 Immigration and Nationality Act (8 U.S.C.
20 1182(a)(3)(B)(iv))) outside of the United States; or

21 “(2) has demonstrated an intent to engage in
22 the activities referred to in paragraph (1).”.

23 (c) DEFINITION OF TREASON.—Section 2381 of title
24 18, United States Code, is amended by inserting “(includ-
25 ing terrorist organizations, as defined in section

- 1 212(a)(3)(B)(vi) of the Immigration and Nationality Act
- 2 (8 U.S.C. 1182(a)(3)(B)(vi)))” after “enemies”.

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