

113TH CONGRESS
2D SESSION

H. R. 5434

To suspend the visa waiver program in order for the Comptroller General of the United States to assess the national security risks posed by the program, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

SEPTEMBER 10, 2014

Mr. COLLINS of Georgia introduced the following bill; which was referred to the Committee on the Judiciary

A BILL

To suspend the visa waiver program in order for the Comptroller General of the United States to assess the national security risks posed by the program, 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 Suspension Act of 2014”.

6 **SEC. 2. SUSPENSION OF VISA WAIVER PROGRAM.**

7 (a) IN GENERAL.—Notwithstanding any other provi-
8 sion of law, the visa waiver program established under sec-

1 tion 217 of the Immigration and Nationality Act (8 U.S.C.
2 1187) is hereby suspended for 180 days in order for the
3 Comptroller General of the United States to review the
4 program for national security risks.

5 (b) RENEWAL.—Notwithstanding the time period
6 under subsection (a), the Secretary of Homeland Security
7 shall not allow the admission of an alien under the visa
8 waiver program until—

9 (1) the Comptroller General of the United
10 States reports on the results of the review described
11 in section 3;

12 (2) the Secretary of Homeland Security cer-
13 tifies that the national security recommendations
14 from the review are implemented; and

15 (3) Congress certifies that the national security
16 recommendations have been met.

17 **SEC. 3. GAO REPORT.**

18 (a) IN GENERAL.—Not later than 180 days after the
19 date of the enactment of this Act, the Comptroller General
20 of the United States shall report to the appropriate con-
21 gressional committees.

22 (b) CONTENTS OF REPORT.—The report required
23 under subsection (a) shall include, at a minimum, a con-
24 sideration of the following:

1 (1) The number of terrorists from each country
2 admitted under the visa waiver program.

3 (2) The potential national security risks cur-
4 rently posed by each country admitted under the
5 visa waiver program.

6 (3) The number of persons permitted to travel
7 without a verified Electronic System for Travel Au-
8 thorization approval.

9 (4) The number of persons permitted to travel
10 with a denied Electronic System for Travel Author-
11 ization.

12 (5) Whether terrorist organizations or other
13 third party groups that pose national security
14 threats are paying the Electronic System for Travel
15 Authorization fees for persons entering the United
16 States through the visa waiver program.

17 (6) The current visa overstay rate for each
18 country participating in the visa waiver program.

19 (7) The impact on the travel industry, if any,
20 of requiring screening at U.S. consulates for visa
21 waiver program countries.

22 (8) The cost and feasibility of implementing the
23 automated biometric entry-exit control system au-
24 thorized under section 110 of the Illegal Immigra-

1 tion Reform and Immigrant Responsibility Act of
2 1996 (8 U.S.C. 1221 note).

3 **SEC. 4. REMOVAL FROM VISA WAIVER PROGRAM.**

4 The Secretary of Homeland Security shall remove
5 from the visa waiver program any country that—

6 (1) the General Accountability Office report de-
7 termines poses a national security threat to the
8 United States;

9 (2) exceeds the visa overstay threshold; and

10 (3) the Secretary determines that continued
11 participation in the visa waiver program jeopardizes
12 or could jeopardize national security.

13 **SEC. 5. VISA OVERSTAY WAIVER REPEALED.**

14 The U.S. Citizenship and Immigration Services policy
15 memorandum dated November 14, 2013, is repealed,
16 retroactively to November 14, 2013.

17 **SEC. 6. TECHNICAL AND CONFORMING AMENDMENTS.**

18 Section 217 of the Immigration and Nationality Act
19 (8 U.S.C. 1187) is amended by striking “Attorney Gen-
20 eral” each place the term appears (except in subsection
21 (c)(11)(B)) and inserting “Secretary of Homeland Secu-
22 rity”.

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