

**AMENDMENT IN THE NATURE OF A SUBSTITUTE
TO H.R. 158
OFFERED BY MRS. MILLER OF MICHIGAN**

Strike all after the enacting clause and insert the following:

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Visa Waiver Program
3 Improvement Act of 2015”.

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

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

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

17 (2) in subsection (h)(3)—

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

3 (B) in subparagraph (C), in the second
4 sentence, by inserting before the period at the
5 end the following: “, or, if the Secretary deter-
6 mines that such is appropriate, may limit such
7 period of eligibility”; and

8 (C) by adding at the end the following new
9 subparagraph:

10 “(E) ADDITIONAL REPORTS.—

11 “(i) REPORTS ON CERTAIN LIMITA-
12 TIONS ON TRAVEL.—Not later than 30
13 days after the date of the enactment of
14 this subparagraph and annually thereafter,
15 the Secretary of Homeland Security, in
16 consultation with the Secretary of State,
17 shall submit to the Committee on Home-
18 land Security and the Committee on the
19 Judiciary of the House of Representatives
20 and the Committee on Homeland Security
21 and Governmental Affairs and the Com-
22 mittee on the Judiciary of the Senate a re-
23 port on the number of individuals, identi-
24 fied by their countries of citizenship or na-
25 tionality, who were denied eligibility to

1 travel under the System or whose eligibility
2 for such travel was revoked during the pre-
3 vious year if such individual was deter-
4 mined, in accordance with subsection
5 (a)(6), to represent a threat to the security
6 of the United States.

7 “(ii) REPORTS ON CERTAIN THREAT
8 ASSESSMENTS.—Beginning with the first
9 report under clause (i) of subsection
10 (c)(5)(A) that is submitted after the date
11 of the enactment of this subparagraph and
12 periodically thereafter (together with sub-
13 sequent reports submitted under such
14 clause (i)), the Secretary of Homeland Se-
15 curity, in consultation with the Director of
16 National Intelligence, shall submit to the
17 Committee on Homeland Security and the
18 Committee on the Judiciary of the House
19 of Representatives and the Committee on
20 Homeland Security and Governmental Af-
21 fairs and the Committee on the Judiciary
22 of the Senate a report that contains a
23 threat assessment regarding the compli-
24 ance of foreign governments with the

1 agreements described in subparagraphs
2 (D) and (F) of subsection (c)(2).”.

3 (b) REPORTS ON LAW ENFORCEMENT AND SECURITY
4 INTERESTS; CONTINUING QUALIFICATION AND DESIGNA-
5 TION TERMINATIONS.—Subsection (c) of section 217 of
6 the Immigration and Nationality Act (8 U.S.C. 1187) is
7 amended—

8 (1) in paragraph (2)(C)(iii)—

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

13 (B) by striking “and the Committee on
14 Foreign Relations” and inserting “, the Com-
15 mittee on Foreign Relations, and the Com-
16 mittee on Homeland Security and Govern-
17 mental Affairs”; and

18 (2) in paragraph (5)—

19 (A) in subparagraph (A)(i)—

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

22 (ii) in subclause (IV), by striking the
23 period at the end and inserting “; and”;
24 and

1 (iii) by adding after subclause (IV)
2 the following new subclause:

3 “(V) shall submit to Congress a
4 report regarding the security param-
5 eters described in paragraph (9).”;
6 and

7 (B) in subparagraph (B), by adding at the
8 end the following new clause:

9 “(v) ADDITIONAL PROGRAM SUSPEN-
10 SION AUTHORITY.—If the Secretary of
11 Homeland Security, in consultation with
12 the Secretary of State, determines that a
13 country participating in the visa waiver
14 program has failed to comply with an
15 agreement under subparagraph (F) of
16 paragraph (2), the Secretary of Homeland
17 Security—

18 “(I) may suspend a country from
19 the visa waiver program without prior
20 notice;

21 “(II) shall notify any country
22 suspended under subclause (I) and
23 provide justification for the suspen-
24 sion; and

1 “(III) shall restore the suspended
2 country’s participation in the visa
3 waiver program upon a determination
4 that the country is in compliance with
5 the agreement at issue.”.

6 (c) CLERICAL AMENDMENTS.—Section 217 of the
7 Immigration and Nationality Act (8 U.S.C. 1187) is
8 amended—

9 (1) in paragraph 11 of subsection (a)—

10 (A) in the heading, by striking “ELEC-
11 TRONIC TRAVEL AUTHORIZATION SYSTEM” and
12 inserting “ELECTRONIC SYSTEM FOR TRAVEL
13 AUTHORIZATION”; and

14 (B) by striking “Electronic Travel Author-
15 ization System” and inserting “Electronic Sys-
16 tem for Travel Authorization”;

17 (2) in subsection (c)—

18 (A) in subclause (IV) of paragraph
19 (5)(A)(i), by striking “Electronic Travel Au-
20 thorization System” and inserting “Electronic
21 System for Travel Authorization”; and

22 (B) in clause (i) of paragraph (8)(A), by
23 striking “Electronic Travel Authorization Sys-
24 tem” each place it appears and inserting “Elec-
25 tronic System for Travel Authorization”; and

1 (3) in paragraph (3) of subsection (h)—

2 (A) in the heading, by striking “ELEC-
3 TRONIC TRAVEL AUTHORIZATION SYSTEM” and
4 inserting “ELECTRONIC SYSTEM FOR TRAVEL
5 AUTHORIZATION”; and

6 (B) in subparagraph (A), by striking
7 “Electronic Travel Authorization System” and
8 inserting “Electronic System for Travel Author-
9 ization”.

10 (d) REPORT ON STRENGTHENING THE ELECTRONIC
11 SYSTEM FOR TRAVEL AUTHORIZATION.—Not later than
12 30 days after the date of the enactment of this Act, the
13 Secretary of Homeland Security, in consultation with the
14 Secretary of State, shall submit to the Committee on
15 Homeland Security, the Committee on the Judiciary, and
16 the Committee on Foreign Affairs of the House of Rep-
17 resentatives and the Committee on Homeland Security
18 and Governmental Affairs, the Committee on the Judici-
19 ary, and the Committee on Foreign Relations of the Sen-
20 ate a report on steps to strengthen the automated elec-
21 tronic travel authorization system (commonly referred to
22 as the “Electronic System for Travel Authorization”)
23 under paragraph (3) of section 217(h) of the Immigration
24 and Nationality Act (8 U.S.C. 1187(h)) to better secure
25 the international borders of the United States and prevent

1 terrorists and instruments of terrorism from entering the
2 United States.

3 (e) TIME FOR REPORT.—The first report required
4 under subclause (V) of section 217(c)(5)(A)(i) of the Im-
5 migration and Nationality Act (as added by subsection
6 (b)(2)(A)(iii) of this section) shall be submitted at the
7 same time the next report required under subclause (IV)
8 of such section 217(c)(5)(A)(i) is submitted after the date
9 of the enactment of this Act.

