

How the Visa Waiver Program Security Enhancement Act addresses security vulnerabilities

The bill would strengthen the Visa Waiver Program in the following ways:

Preventing foreign fighters from using the Visa Waiver Program: An estimated 5,000 European citizens have traveled to Syria and Iraq to fight. More than 1,500 of them are from France. If they return to their home countries, these individuals may be able travel to the United States without a visa.

- **Legislative solution:** Require individuals who have traveled to Syria and Iraq in the past five years to go through the traditional visa process, which includes an in-person interview, to come to the United States.

Requiring additional biometric information: In cases where the foreign national has never been to the United States before, U.S. law enforcement cannot run biometric information from that visa waiver program traveler against key databases in advance of the person's first arrival in the United States.

- **Legislative solution:** Require biometric data to be provided by a foreign national prior to travel to the United States using the Visa Waiver Program.

Requiring electronic passports for participation in the Visa Waiver Program: Although electronic passports with built-in chips carrying biometric data are now required to be issued by Visa Waiver Program countries, some existing designated countries are effectively allowed to phase-in this requirement over several years because older passports can remain valid.

- **Legislative solution:** Require all Visa Waiver Program travelers have electronic passports within 90 days of enactment. Only individuals with machine-readable passports may travel using the Visa Waiver Program.

Requiring additional information sharing between countries: Information-sharing with the United States is a means of protecting national security while allowing individuals to travel without a visa. Information-sharing must be improved to ensure threats are detected.

- **Legislative solution:** Improve information sharing by participating countries in the following ways:
 - Require participation in the Visa Waiver Program be contingent on countries' full implementation of information-sharing agreements, including agreements on foreign terrorists and those who have committed crimes.
 - Increase contribution to, and screening against, INTERPOL's lost and stolen documents database.
 - Require DHS to consider a country's ability to collect, analyze and share passenger data concerning dangerous individuals.
 - Improve biometric information sharing about, and screening of, refugees and asylum seekers.

- Require DHS to consider a country's ability to share information about foreign fighters with multiple countries and multilateral organizations, like INTERPOL.

Increasing security in the air: All Visa Waiver Program countries should have signed federal air marshal agreements, which provide legal protection to air marshals in situations where they need to take action.

- **Legislative solution:** Require completion of a federal air marshal agreement.

Security enhancements in the bill would be paid for by increasing the Visa Waiver traveler fee, which is currently \$14. Only \$4 supports Visa Waiver Program security. In comparison, the fee for a traditional tourist visa is \$160.