

113TH CONGRESS
1ST SESSION

H. R. 1354

To amend the Immigration and Nationality Act to stimulate international tourism to the United States and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

MARCH 21, 2013

Mr. HECK of Nevada (for himself, Mr. QUIGLEY, Mr. AMODEI, Mr. CICILLINE, and Mr. GRIMM) introduced the following bill; which was referred to the Committee on the Judiciary

A BILL

To amend the Immigration and Nationality Act to stimulate international tourism to 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 TITLES.**

4 This Act may be cited as the “Jobs Originated
5 through Launching Travel Act of 2013” or the “JOLT
6 Act of 2013”.

1 **SEC. 2. PREMIUM PROCESSING.**

2 Section 221 of the Immigration and Nationality Act
3 (8 U.S.C. 1201) is amended by inserting at the end the
4 following:

5 “(j) PREMIUM PROCESSING.—

6 “(1) PILOT PROCESSING SERVICE.—Recogn-
7 nizing that the best solution for expedited processing
8 is low interview wait times for all applicants, the
9 Secretary of State shall nevertheless establish, on a
10 limited, pilot basis only, a fee-based premium pro-
11 cessing service to expedite interview appointments. In
12 establishing a pilot processing service, the Secretary
13 may—

14 “(A) determine the consular posts at which
15 the pilot service will be available;

16 “(B) establish the duration of the pilot
17 service;

18 “(C) define the terms and conditions of the
19 pilot service, with the goal of expediting visa
20 appointments and the interview process for
21 those electing to pay said fee for the service;
22 and

23 “(D) resources permitting, during the pilot
24 service, consider the addition of consulates in
25 locations advantageous to foreign policy objec-
26 tives or in highly populated locales.

1 “(2) FEES.—

2 “(A) AUTHORITY TO COLLECT.—The Sec-
3 retary of State is authorized to collect, and set
4 the amount of, a fee imposed for the premium
5 processing service. The Secretary of State shall
6 set the fee based on all relevant considerations
7 including, the cost of expedited service.

8 “(B) USE OF FEES.—Fees collected under
9 the authority of subparagraph (A) shall be de-
10 posited as an offsetting collection to any De-
11 partment of State appropriation, to recover the
12 costs of providing consular services. Such fees
13 shall remain available for obligation until ex-
14 pended.

15 “(C) RELATIONSHIP TO OTHER FEES.—
16 Such fee is in addition to any existing fee cur-
17 rently being collected by the Department of
18 State.

19 “(D) NON-REFUNDABLE.—Such fee will be
20 non-refundable to the applicant.

21 “(3) DESCRIPTION OF PREMIUM PROC-
22 ESSING.—Premium processing pertains solely to the
23 expedited scheduling of a visa interview. Utilizing
24 the premium processing service for an expedited
25 interview appointment does not establish the appli-

1 cant’s eligibility for a visa. The Secretary of State
2 shall, if possible, inform applicants utilizing the pre-
3 mium processing of potential delays in visa issuance
4 due to additional screening requirements, including
5 necessary security-related checks and clearances.

6 “(4) REPORT TO CONGRESS.—

7 “(A) REQUIREMENT FOR REPORT.—Not
8 later than 18 months after the date of the en-
9 actment of the JOLT Act of 2013, the Sec-
10 retary of State shall submit to the appropriate
11 committees of Congress a report on the results
12 of the pilot service carried out under this sec-
13 tion.

14 “(B) APPROPRIATE COMMITTEES OF CON-
15 GRESS DEFINED.—In this paragraph, the term
16 ‘appropriate committees of Congress’ means—

17 “(i) the Committee on the Judiciary,
18 the Committee on Foreign Relations, and
19 the Committee on Appropriations of the
20 Senate; and

21 “(ii) the Committee on the Judiciary,
22 the Committee on Foreign Affairs, and the
23 Committee on Appropriations of the House
24 of Representatives.”.

1 **SEC. 3. ENCOURAGING CANADIAN TOURISM TO THE**
2 **UNITED STATES.**

3 Section 214 of the Immigration and Nationality Act
4 (8 U.S.C. 1184) is amended by adding at the end the fol-
5 lowing:

6 “(s) CANADIAN RETIREES.—

7 “(1) IN GENERAL.—The Secretary of Homeland
8 Security may admit as a visitor for pleasure as de-
9 scribed in section 101(a)(15)(B) any alien for a pe-
10 riod not to exceed 240 days, if the alien dem-
11 onstrates, to the satisfaction of the Secretary, that
12 the alien—

13 “(A) is a citizen of Canada;

14 “(B) is at least 50 years of age;

15 “(C) maintains a residence in Canada;

16 “(D) owns a residence in the United States
17 or has signed a rental agreement for accom-
18 modations in the United States for the duration
19 of the alien’s stay in the United States;

20 “(E) is not inadmissible under section 212;

21 “(F) is not described in any ground of de-
22 portability under section 237;

23 “(G) will not engage in employment or
24 labor for hire in the United States; and

25 “(H) will not seek any form of assistance
26 or benefit described in section 403(a) of the

1 Personal Responsibility and Work Opportunity
2 Reconciliation Act of 1996 (8 U.S.C. 1613(a)).

3 “(2) SPOUSE.—The spouse of an alien de-
4 scribed in paragraph (1) may be admitted under the
5 same terms as the principal alien if the spouse satis-
6 fies the requirements of paragraph (1), other than
7 subparagraph (D).

8 “(3) IMMIGRANT INTENT.—In determining eli-
9 gibility for admission under this subsection, mainte-
10 nance of a residence in the United States shall not
11 be considered evidence of intent by the alien to
12 abandon the alien’s residence in Canada.

13 “(4) PERIOD OF ADMISSION.—During any sin-
14 gle 365-day period, an alien may be admitted as de-
15 scribed in section 101(a)(15)(B) pursuant to this
16 subsection for a period not to exceed 240 days, be-
17 ginning on the date of admission. Periods of time
18 spent outside the United States during such 240-day
19 period shall not toll the expiration of such 240-day
20 period.”.

21 **SEC. 4. INCENTIVES FOR FOREIGN VISITORS VISITING THE**
22 **UNITED STATES DURING LOW PEAK SEA-**
23 **SONS.**

24 The Secretary of State shall direct overseas visa proc-
25 essing posts to make public the availability of visa appoint-

1 ments during periods of low demand in order to encourage
2 applicants to apply for visas when interview wait times are
3 lowest.

4 **SEC. 5. VISA WAIVER PROGRAM ENHANCED SECURITY AND**
5 **REFORM.**

6 (a) DEFINITIONS.—Section 217(c)(1) of the Immi-
7 gration and Nationality Act (8 U.S.C. 1187(c)(1)) is
8 amended to read as follows:

9 “(1) AUTHORITY TO DESIGNATE; DEFINI-
10 TIONS.—

11 “(A) AUTHORITY TO DESIGNATE.—The
12 Secretary of Homeland Security, in consultation
13 with the Secretary of State, may designate any
14 country as a program country if that country
15 meets the requirements under paragraph (2).

16 “(B) DEFINITIONS.—In this subsection:

17 “(i) APPROPRIATE CONGRESSIONAL
18 COMMITTEES.—The term ‘appropriate
19 Congressional Committees’ means—

20 “(I) the Committee on Foreign
21 Relations, the Committee on Home-
22 land Security and Governmental Af-
23 fairs, and the Committee on the Judi-
24 ciary of the Senate; and

1 “(II) the Committee on Foreign
2 Affairs, the Committee on Homeland
3 Security, and the Committee on the
4 Judiciary of the House of Representa-
5 tives.

6 “(ii) OVERSTAY RATE.—

7 “(I) INITIAL DESIGNATION.—The
8 term ‘overstay rate’ means, with re-
9 spect to a country being considered
10 for designation in the program, the
11 ratio of—

12 “(aa) the number of nation-
13 als of that country who were ad-
14 mitted to the United States on
15 the basis of a nonimmigrant visa
16 under section 101(a)(15)(B)
17 whose periods of authorized stay
18 ended during a fiscal year but
19 who remained unlawfully in the
20 United States beyond such peri-
21 ods; to

22 “(bb) the number of nation-
23 als of that country who were ad-
24 mitted to the United States on
25 the basis of a nonimmigrant visa

1 under section 101(a)(15)(B)
2 whose periods of authorized stay
3 ended during that fiscal year.

4 “(II) CONTINUING DESIGNA-
5 TION.—The term ‘overstay rate’
6 means, for each fiscal year after ini-
7 tial designation under this section
8 with respect to a country, the ratio
9 of—

10 “(aa) the number of nation-
11 als of that country who were ad-
12 mitted to the United States
13 under this section or on the basis
14 of a nonimmigrant visa under
15 section 101(a)(15)(B) whose pe-
16 riods of authorized stay ended
17 during a fiscal year but who re-
18 mained unlawfully in the United
19 States beyond such periods; to

20 “(bb) the number of nation-
21 als of that country who were ad-
22 mitted to the United States
23 under this section or on the basis
24 of a nonimmigrant visa under
25 section 101(a)(15)(B) whose pe-

1 riods of authorized stay ended
2 during that fiscal year.

3 “(III) COMPUTATION OF OVER-
4 STAY RATE.—In determining the over-
5 stay rate for a country, the Secretary
6 of Homeland Security may utilize in-
7 formation from any available data-
8 bases to ensure the accuracy of such
9 rate.

10 “(iii) PROGRAM COUNTRY.—The term
11 ‘program country’ means a country des-
12 ignated as a program country under sub-
13 paragraph (A).”.

14 (b) TECHNICAL AND CONFORMING AMENDMENTS.—
15 Section 217 of the Immigration and Nationality Act (8
16 U.S.C. 1187) is amended—

17 (1) by striking “Attorney General” each place
18 the term appears (except in subsection (c)(11)(B))
19 and inserting “Secretary of Homeland Security”;
20 and

21 (2) in subsection (c)—

22 (A) in paragraph (2)(C)(iii), by striking
23 “Committee on the Judiciary and the Com-
24 mittee on International Relations of the House
25 of Representatives and the Committee on the

1 Judiciary and the Committee on Foreign Rela-
2 tions of the Senate” and inserting “appropriate
3 congressional committees”;

4 (B) in paragraph (5)(A)(i)(III), by striking
5 “Committee on the Judiciary, the Committee on
6 Foreign Affairs, and the Committee on Home-
7 land Security, of the House of Representatives
8 and the Committee on the Judiciary, the Com-
9 mittee on Foreign Relations, and the Com-
10 mittee on Homeland Security and Govern-
11 mental Affairs of the Senate” and inserting
12 “appropriate congressional committees”; and

13 (C) in paragraph (7), by striking subpara-
14 graph (E).

15 (c) DESIGNATION OF PROGRAM COUNTRIES BASED
16 ON OVERSTAY RATES.—

17 (1) IN GENERAL.—Section 217(c)(2)(A) of the
18 Immigration and Nationality Act (8 U.S.C.
19 1187(c)(2)(A)) is amended to read as follows:

20 “(A) GENERAL NUMERICAL LIMITA-
21 TIONS.—

22 “(i) LOW NONIMMIGRANT VISA RE-
23 FUSAL RATE.—The percentage of nationals
24 of that country refused nonimmigrant visas
25 under section 101(a)(15)(B) during the

1 previous full fiscal year was not more than
2 3 percent of the total number of nationals
3 of that country who were granted or re-
4 fused nonimmigrant visas under such sec-
5 tion during such year.

6 “(ii) LOW NONIMMIGRANT OVERSTAY
7 RATE.—The overstay rate for that country
8 was not more than 3 percent during the
9 previous fiscal year.”.

10 (2) QUALIFICATION CRITERIA.—Section
11 217(c)(3) of such Act (8 U.S.C. 1187(c)(3)) is
12 amended to read as follows:

13 “(3) QUALIFICATION CRITERIA.—After designa-
14 tion as a program country under section 217(c)(2),
15 a country may not continue to be designated as a
16 program country unless the Secretary of Homeland
17 Security, in consultation with the Secretary of State,
18 determines, pursuant to the requirements under
19 paragraph (5), that the designation will be contin-
20 ued.”.

21 (3) INITIAL PERIOD.—Section 217(c) is further
22 amended by striking subsection (c)(4).

23 (4) CONTINUING DESIGNATION.—Section
24 217(c)(5)(A)(i)(II) of such Act (8 U.S.C.
25 1187(c)(5)(A)(i)(II)) is amended to read as follows:

1 “(II) shall determine,
2 based upon the evaluation in
3 subclause (I), whether any
4 such designation under sub-
5 section (d) or (f), or proba-
6 tion under subsection (f),
7 ought to be continued or ter-
8 minated;”.

9 (5) COMPUTATION OF VISA REFUSAL RATES;
10 JUDICIAL REVIEW.—Section 217(c)(6) of such Act
11 (8 U.S.C. 1187(c)(6)) is amended to read as follows:

12 “(6) COMPUTATION OF VISA REFUSAL RATES
13 AND JUDICIAL REVIEW.—

14 “(A) COMPUTATION OF VISA REFUSAL
15 RATES.—For purposes of determining the eligi-
16 bility of a country to be designated as a pro-
17 gram country, the calculation of visa refusal
18 rates shall not include any visa refusals which
19 incorporate any procedures based on, or are
20 otherwise based on, race, sex, or disability, un-
21 less otherwise specifically authorized by law or
22 regulation.

23 “(B) JUDICIAL REVIEW.—No court shall
24 have jurisdiction under this section to review
25 any visa refusal, the Secretary of State’s com-

1 putation of a visa refusal rate, the Secretary of
2 Homeland Security’s computation of an over-
3 stay rate, or the designation or nondesignation
4 of a country as a program country.”.

5 (6) VISA WAIVER INFORMATION.—Section
6 217(c)(7) of such Act (8 U.S.C. 1187(c)(7)) is
7 amended—

8 (A) by striking subparagraphs (B) through
9 (D); and

10 (B) by striking “WAIVER INFORMATION.—
11 ” and all that follows through “In refusing”
12 and inserting “WAIVER INFORMATION.—In re-
13 fusing”.

14 (7) WAIVER AUTHORITY.—Section 217(c)(8) of
15 such Act (8 U.S.C. 1187(c)(8)) is amended to read
16 as follows:

17 “(8) WAIVER AUTHORITY.—The Secretary of
18 Homeland Security, in consultation with the Sec-
19 retary of State, may waive the application of para-
20 graph (2)(A)(i) for a country if—

21 “(A) the country meets all other require-
22 ments of paragraph (2);

23 “(B) the Secretary of Homeland Security
24 determines that the totality of the country’s se-
25 curity risk mitigation measures provide assur-

1 ance that the country’s participation in the pro-
2 gram would not compromise the law enforce-
3 ment, security interests, or enforcement of the
4 immigration laws of the United States;

5 “(C) there has been a general downward
6 trend in the percentage of nationals of the
7 country refused nonimmigrant visas under sec-
8 tion 101(a)(15)(B);

9 “(D) the country consistently cooperated
10 with the Government of the United States on
11 counterterrorism initiatives, information shar-
12 ing, preventing terrorist travel, and extradition
13 to the United States of individuals (including
14 the country’s own nationals) who commit
15 crimes that violate United States law before the
16 date of its designation as a program country,
17 and the Secretary of Homeland Security and
18 the Secretary of State assess that such coopera-
19 tion is likely to continue; and

20 “(E) the percentage of nationals of the
21 country refused a nonimmigrant visa under sec-
22 tion 101(a)(15)(B) during the previous full fis-
23 cal year was not more than 10 percent of the
24 total number of nationals of that country who

1 were granted or refused such nonimmigrant
2 visas.”.

3 (d) TERMINATION OF DESIGNATION; PROBATION.—
4 Section 217(f) of the Immigration and Nationality Act (8
5 U.S.C. 1187(f)) is amended to read as follows:

6 “(f) TERMINATION OF DESIGNATION; PROBATION.—

7 “(1) DEFINITIONS.—In this subsection:

8 “(A) PROBATIONARY PERIOD.—The term
9 ‘probationary period’ means the fiscal year in
10 which a probationary country is placed in pro-
11 bationary status under this subsection.

12 “(B) PROGRAM COUNTRY.—The term ‘pro-
13 gram country’ has the meaning given that term
14 in subsection (e)(1)(B).

15 “(2) DETERMINATION, NOTICE, AND INITIAL
16 PROBATIONARY PERIOD.—

17 “(A) DETERMINATION OF PROBATIONARY
18 STATUS AND NOTICE OF NONCOMPLIANCE.—As
19 part of each program country’s periodic evalua-
20 tion required by subsection (e)(5)(A), the Sec-
21 retary of Homeland Security shall determine
22 whether a program country is in compliance
23 with the program requirements under subpara-
24 graphs (A)(ii) through (F) of subsection (e)(2).

1 “(B) INITIAL PROBATIONARY PERIOD.—If
2 the Secretary of Homeland Security determines
3 that a program country is not in compliance
4 with the program requirements under subpara-
5 graphs (A)(ii) through (F) of subsection (c)(2),
6 the Secretary of Homeland Security shall place
7 the program country in probationary status for
8 the fiscal year following the fiscal year in which
9 the periodic evaluation is completed.

10 “(3) ACTIONS AT THE END OF THE INITIAL
11 PROBATIONARY PERIOD.—At the end of the initial
12 probationary period of a country under paragraph
13 (2)(B), the Secretary of Homeland Security shall
14 take one of the following actions:

15 “(A) COMPLIANCE DURING INITIAL PROBA-
16 TIONARY PERIOD.—If the Secretary determines
17 that all instances of noncompliance with the
18 program requirements under subparagraphs
19 (A)(ii) through (F) of subsection (c)(2) that
20 were identified in the latest periodic evaluation
21 have been remedied by the end of the initial
22 probationary period, the Secretary shall end the
23 country’s probationary period.

24 “(B) NONCOMPLIANCE DURING INITIAL
25 PROBATIONARY PERIOD.—If the Secretary de-

1 termines that any instance of noncompliance
2 with the program requirements under subpara-
3 graphs (A)(ii) through (F) of subsection (c)(2)
4 that were identified in the latest periodic eval-
5 uation has not been remedied by the end of the
6 initial probationary period—

7 “(i) the Secretary may terminate the
8 country’s participation in the program; or

9 “(ii) on an annual basis, the Secretary
10 may continue the country’s probationary
11 status if the Secretary, in consultation
12 with the Secretary of State, determines
13 that the country’s continued participation
14 in the program is in the national interest
15 of the United States.

16 “(4) ACTIONS AT THE END OF ADDITIONAL
17 PROBATIONARY PERIODS.—At the end of all proba-
18 tionary periods granted to a country pursuant to
19 paragraph (3)(B)(ii), the Secretary shall take one of
20 the following actions:

21 “(A) COMPLIANCE DURING ADDITIONAL
22 PERIOD.—The Secretary shall end the country’s
23 probationary status if the Secretary determines
24 during the latest periodic evaluation required by
25 subsection (c)(5)(A) that the country is in com-

1 pliance with the program requirements under
2 subparagraphs (A)(ii) through (F) of subsection
3 (c)(2).

4 “(B) NONCOMPLIANCE DURING ADDI-
5 TIONAL PERIODS.—The Secretary shall termi-
6 nate the country’s participation in the program
7 if the Secretary determines during the latest
8 periodic evaluation required by subsection
9 (c)(5)(A) that the program country continues to
10 be in non-compliance with the program require-
11 ments under subparagraphs (A)(ii) through (F)
12 of subsection (c)(2).

13 “(5) EFFECTIVE DATE.—The termination of a
14 country’s participation in the program under para-
15 graph (3)(B) or (4)(B) shall take effect on the first
16 day of the first fiscal year following the fiscal year
17 in which the Secretary determines that such partici-
18 pation shall be terminated. Until such date, nation-
19 als of the country shall remain eligible for a waiver
20 under subsection (a).

21 “(6) TREATMENT OF NATIONALS AFTER TERMI-
22 NATION.—For purposes of this subsection and sub-
23 section (d)—

24 “(A) nationals of a country whose designa-
25 tion is terminated under paragraph (3) or (4)

1 shall remain eligible for a waiver under sub-
2 section (a) until the effective date of such ter-
3 mination; and

4 “(B) a waiver under this section that is
5 provided to such a national for a period de-
6 scribed in subsection (a)(1) shall not, by such
7 termination, be deemed to have been rescinded
8 or otherwise rendered invalid, if the waiver is
9 granted prior to such termination.

10 “(7) CONSULTATIVE ROLE OF THE SECRETARY
11 OF STATE.—In this subsection, references to sub-
12 paragraphs (A)(ii) through (F) of subsection (c)(2)
13 and subsection (c)(5)(A) carry with them the con-
14 sultative role of the Secretary of State as provided
15 in those provisions.”.

16 (e) REVIEW OF OVERSTAY TRACKING METHOD-
17 OLOGY.—Not later than 180 days after the date of the
18 enactment of this Act, the Comptroller General of the
19 United States shall conduct a review of the methods used
20 by the Secretary of Homeland Security—

21 (1) to track aliens entering and exiting the
22 United States; and

23 (2) to detect any such alien who stays longer
24 than such alien’s period of authorized admission.

1 (f) EVALUATION OF ELECTRONIC SYSTEM FOR
2 TRAVEL AUTHORIZATION.—Not later than 90 days after
3 the date of the enactment of this Act, the Secretary of
4 Homeland Security shall submit to Congress—

5 (1) an evaluation of the security risks of aliens
6 who enter the United States without an approved
7 Electronic System for Travel Authorization
8 verification; and

9 (2) a description of any improvements needed
10 to minimize the number of aliens who enter the
11 United States without the verification described in
12 paragraph (1).

13 (g) SENSE OF CONGRESS ON PRIORITY FOR REVIEW
14 OF PROGRAM COUNTRIES.—It is the sense of Congress
15 that the Secretary of Homeland Security, in the process
16 of conducting evaluations of countries participating in the
17 visa waiver program under section 217 of the Immigration
18 and Nationality Act (8 U.S.C. 1187), should prioritize the
19 reviews of countries in which circumstances indicate that
20 such a review is necessary or desirable.

21 **SEC. 6. VISA PROCESSING.**

22 (a) IN GENERAL.—Notwithstanding any other provi-
23 sion of law and not later than 90 days after the date of
24 the enactment of this Act, the Secretary of State shall—

1 (1) require United States diplomatic and con-
2 sular missions to conduct visa interviews for non-
3 immigrant visa applications determined to require a
4 consular interview in an expeditious manner, con-
5 sistent with national security requirements, and in
6 recognition of resource allocation considerations,
7 such as the need to ensure provision of consular
8 services to citizens of the United States; and

9 (2) set a goal of interviewing 90 percent of all
10 nonimmigrant visa applicants, worldwide, within 10
11 days of receipt of application, subject to the condi-
12 tions outlined in paragraph (1).

13 (b) REPORTING.—

14 (1) SEMI-ANNUAL REPORTS.—Not later than 30
15 days after the end of the first 6 months after the
16 implementation of subsection (a), and not later than
17 30 days after June 30 and after December 31 of
18 each subsequent year, the Secretary of State shall
19 submit to the appropriate committees of the Con-
20 gress a report that provides—

21 (A) data substantiating the efforts of the
22 Secretary of State to meet the requirements
23 and goals described in subsection (a);

1 (B) any factors that have negatively im-
2 pacted the efforts of the Secretary to meet such
3 requirements and goals; and

4 (C) any measures that the Secretary plans
5 to implement to meet such requirements and
6 goals.

7 (2) ANNUAL REPORTS.—On an annual basis,
8 the Secretary of State shall submit to the appro-
9 priate committees of the Congress a strategic plan
10 that describes the resources needed to carry out sub-
11 section (a), including a 10-year forecast of demand
12 for nonimmigrant visas in the key high-growth mar-
13 kets, including—

14 (A) a description of the methodology used
15 to make such forecasts that—

16 (i) describes the internal and external
17 studies utilized to prepare such forecasts;
18 and

19 (ii) indicates whether such method-
20 ology utilizes the Department of Com-
21 merce’s analysis of visitor arrival projec-
22 tions;

23 (B) a comparison of the Department of
24 State’s nonimmigrant visa demand projections

1 and the Department of Commerce’s visitor ar-
2 rival projections by country; and

3 (C) a description of the practices and pro-
4 cedures currently used by each United States
5 diplomatic and consular mission to manage
6 nonimmigrant visa workload.

7 (3) APPROPRIATE COMMITTEES OF THE CON-
8 GRESS.—In this section, the term “appropriate com-
9 mittees of the Congress” means—

10 (A) the Committee on the Judiciary, the
11 Committee on Foreign Relations, and the Com-
12 mittee on Appropriations of the Senate; and

13 (B) the Committee on the Judiciary, the
14 Committee on Foreign Affairs, and the Com-
15 mittee on Appropriations of the House of Rep-
16 resentatives.

17 (c) SAVINGS PROVISION.—

18 (1) IN GENERAL.—Nothing in subsection (a)
19 may be construed to affect a consular officer’s au-
20 thority—

21 (A) to deny a visa application under sec-
22 tion 221(g) of the Immigration and Nationality
23 Act (8 U.S.C. 1201(g)); or

24 (B) to initiate any necessary or appro-
25 priate security-related check or clearance.

1 (2) SECURITY CHECKS.—The completion of a
2 security-related check or clearance shall not be sub-
3 ject to the time limits set out in subsection (a).

4 **SEC. 7. INTERVIEWS OF VISA APPLICANTS.**

5 Section 222 of the Immigration and Nationality Act
6 (8 U.S.C. 1202) is amended by adding at the end the fol-
7 lowing:

8 “(i)(1) Except as provided in paragraph (3), the Sec-
9 retary of State—

10 “(A) shall develop and conduct a pilot program
11 for processing visas under section 101(a)(15)(B)
12 using secure remote videoconferencing technology as
13 a method for conducting visa interviews of appli-
14 cants; and

15 “(B) in consultation with other Federal agen-
16 cies that use such secure communications, shall help
17 ensure the security of the videoconferencing trans-
18 mission and encryption conducted under subpara-
19 graph (A).

20 “(2) Not later than 90 days after the termination of
21 the pilot program authorized under paragraph (1), the
22 Secretary of State shall submit a report to the Committee
23 on the Judiciary, the Committee on Foreign Relations,
24 and the Committee on Appropriations of the Senate, and
25 the Committee on the Judiciary, the Committee on For-

1 eign Affairs, and the Committee on Appropriations of the
2 House of Representatives that contains—

3 “(A) a detailed description of the results of
4 such program, including an assessment of the effi-
5 cacy, efficiency, and security of the remote
6 videoconferencing technology as a method for con-
7 ducting visa interviews of applicants; and

8 “(B) recommendations for whether such pro-
9 gram should be continued, broadened, or modified.

10 “(3) The pilot program authorized under paragraph
11 (1) may not be conducted if the Secretary of State deter-
12 mines that such program—

13 “(A) poses an undue security risk; and

14 “(B) cannot be conducted in a manner con-
15 sistent with maintaining security controls.

16 “(4) If the Secretary of State makes a determination
17 under paragraph (3), the Secretary shall submit a report
18 to the Committee on the Judiciary, the Committee on For-
19 eign Relations, and the Committee on Appropriations of
20 the Senate, and the Committee on the Judiciary, the Com-
21 mittee on Foreign Affairs, and the Committee on Appro-
22 priations of the House of Representatives that describes
23 the reasons for such determination.

