

116TH CONGRESS 1ST SESSION H.R. 2187

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

IN THE HOUSE OF REPRESENTATIVES

APRIL 9, 2019

Mr. Quigley (for himself and Mr. Rice of South Carolina) 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 TITLE.
- 4 This Act may be cited as the "Jobs Originated
- 5 through Launching Travel Act of 2019" or the "JOLT
- 6 Act of 2019".

1	SEC. 2. 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

- Personal Responsibility and Work Opportunity
 Reconciliation Act of 1996 (8 U.S.C. 1613(a)).
- "(2) SPOUSE.—The spouse of an alien described in paragraph (1) may be admitted under the same terms as the principal alien if the spouse satisfies the requirements of paragraph (1), other than subparagraph (D).
 - "(3) Immigrant intent.—In determining eligibility for admission under this subsection, maintenance of a residence in the United States shall not be considered evidence of intent by the alien to 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. 3. SECURE TRAVEL PARTNERSHIP PROGRAM EN-
- 22 HANCED SECURITY AND REFORM.
- 23 (a) Definitions.—Section 217(c)(1) of the Immi-
- 24 gration and Nationality Act (8 U.S.C. 1187(c)(1)) is
- 25 amended to read as follows:

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1	"(1) Authority to designate; defini-
2	TIONS.—
3	"(A) AUTHORITY TO DESIGNATE.—The
4	Secretary of Homeland Security, in consultation
5	with the Secretary of State, may designate any
6	country as a program country if that country
7	meets the requirements under paragraph (2).
8	"(B) Definitions.—In this subsection:
9	"(i) Appropriate congressional
10	COMMITTEES.—The term 'appropriate
11	Congressional Committees' means—
12	"(I) the Committee on Foreign
13	Relations, the Committee on Home-
14	land Security and Governmental Af-
15	fairs, and the Committee on the Judi-
16	ciary of the Senate; and
17	"(II) the Committee on Foreign
18	Affairs, the Committee on Homeland
19	Security, and the Committee on the
20	Judiciary of the House of Representa-
21	tives.
22	"(ii) Overstay rate.—
23	"(I) Initial designation.—The
24	term 'overstay rate' means, with re-
25	spect to a country being considered

1	for designation in the program, the
2	ratio of—
3	"(aa) the number of nation-
4	als of that country who were ad-
5	mitted to the United States on
6	the basis of a nonimmigrant visa
7	under section 101(a)(15)(B)
8	whose periods of authorized stay
9	ended during a fiscal year but
10	who remained unlawfully in the
11	United States beyond such peri-
12	ods; to
13	"(bb) the number of nation-
14	als of that country who were ad-
15	mitted to the United States on
16	the basis of a nonimmigrant visa
17	under section 101(a)(15)(B)
18	whose periods of authorized stay
19	ended during that fiscal year.
20	"(II) Continuing designa-
21	TION.—The term 'overstay rate'
22	means, for each fiscal year after ini-
23	tial designation under this section
24	with respect to a country, the ratio
25	of—

1	"(aa) the number of nation-
2	als of that country who were ad-
3	mitted to the United States
4	under this section or on the basis
5	of a nonimmigrant visa under
6	section 101(a)(15)(B) whose pe-
7	riods of authorized stay ended
8	during a fiscal year but who re-
9	mained unlawfully in the United
10	States beyond such periods; to
11	"(bb) the number of nation-
12	als of that country who were ad-
13	mitted to the United States
14	under this section or on the basis
15	of a nonimmigrant visa under
16	section 101(a)(15)(B) whose pe-
17	riods of authorized stay ended
18	during that fiscal year.
19	"(III) Computation of over-
20	STAY RATE.—In determining the over-
21	stay rate for a country, the Secretary
22	of Homeland Security may utilize in-
23	formation from any available data-
24	bases to ensure the accuracy of such
25	rate.

1	"(iii) Program country.—The term
2	'program country' means a country des-
3	ignated as a program country under sub-
4	paragraph (A).".
5	(b) Technical and Conforming Amendments.—
6	Section 217(c) of the Immigration and Nationality Act (8
7	U.S.C. 1187(c)) is amended—
8	(1) in paragraph (2)(C)(iii), by striking "Com-
9	mittee on the Judiciary, the Committee on Foreign
10	Affairs, and the Committee on Homeland Security of
11	the House of Representatives and the Committee on
12	the Judiciary, the Committee on Foreign Relations,
13	and the Committee on Homeland Security and Gov-
14	ernmental Affairs of the Senate" and inserting "ap-
15	propriate congressional committees";
16	(2) in paragraph (5)(A)(i)(III), by striking
17	"Committee on the Judiciary, the Committee on
18	Foreign Affairs, the Permanent Select Committee on
19	Intelligence, and the Committee on Homeland Secu-
20	rity, of the House of Representatives and the Com-
21	mittee on the Judiciary, the Committee on Foreign
22	Relations, the Select Committee on Intelligence and
23	the Committee on Homeland Security and Govern-
24	mental Affairs of the Senate" and inserting "appro-
25	priate congressional committees"; and

1	(3) in paragraph (7), by striking subparagraph
2	(E).
3	(c) Designation of Program Countries Based
4	ON OVERSTAY RATES.—
5	(1) In General.—Section 217(c)(2)(A) of the
6	Immigration and Nationality Act (8 U.S.C.
7	1187(e)(2)(A)) is amended to read as follows:
8	"(A) GENERAL NUMERICAL LIMITA-
9	TIONS.—
10	"(i) Low nonimmigrant visa re-
11	FUSAL RATE.—The percentage of nationals
12	of that country refused nonimmigrant visas
13	under section 101(a)(15)(B) during the
14	previous full fiscal year was not more than
15	3 percent of the total number of nationals
16	of that country who were granted or re-
17	fused nonimmigrant visas under such sec-
18	tion during such year.
19	"(ii) Low nonimmigrant overstay
20	RATE.—The overstay rate for that country
21	was not more than 3 percent during the
22	previous fiscal year.".
23	(2) QUALIFICATION CRITERIA.—Section
24	217(c)(3) of such Act (8 U.S.C. $1187(c)(3)$) is
25	amended to read as follows:

1	"(3) QUALIFICATION CRITERIA.—After designa-
2	tion as a program country under section 217(c)(2),
3	a country may not continue to be designated as a
4	program country unless the Secretary of Homeland
5	Security, in consultation with the Secretary of State,
6	determines, pursuant to the requirements under
7	paragraph (5), that the designation will be contin-
8	ued.".
9	(3) Initial Period.—Section 217(c) is further
10	amended by striking paragraph (4).
11	(4) Continuing designation.—Section
12	217(c)(5)(A)(i)(II) of such Act (8 U.S.C.
13	1187(e)(5)(A)(i)(II)) is amended to read as follows:
14	"(II) shall determine,
15	based upon the evaluation in
16	subclause (I), whether any
17	such designation under sub-
18	section (d) or (f), or proba-
19	tion under subsection (f),
20	ought to be continued or ter-
21	minated;".
22	(5) Report.—Section 217(c)(5)(A)(i) of such
23	Act (8 U.S.C. 1187(c)(5)(A)(i)) is further amend-
24	ed —

1	(A) in subclause (IV), by striking "and" at
2	the end;
3	(B) in subclause (V), by striking the period
4	at the end and inserting "; and"; and
5	(C) by adding after subclause (V) the fol-
6	lowing new subclause:
7	"(VI) shall submit to Congress a
8	report regarding the security param-
9	eters described in paragraph (9).".
10	(6) Computation of VISA Refusal rates;
11	JUDICIAL REVIEW.—Section 217(c)(6) of such Act
12	(8 U.S.C. $1187(c)(6)$) is amended to read as follows:
13	"(6) Computation of visa refusal rates
14	AND JUDICIAL REVIEW.—
15	"(A) Computation of visa refusal
16	RATES.—For purposes of determining the eligi-
17	bility of a country to be designated as a pro-
18	gram country, the calculation of visa refusal
19	rates shall not include any visa refusals which
20	incorporate any procedures based on, or are
21	otherwise based on, race, sex, or disability, un-
22	less otherwise specifically authorized by law or
23	regulation.
24	"(B) Judicial review.—No court shall
25	have jurisdiction under this section to review

1	any visa refusal, the Secretary of State's com-
2	putation of a visa refusal rate, the Secretary of
3	Homeland Security's computation of an over-
4	stay rate, or the designation or nondesignation
5	of a country as a program country.".
6	(7) VISA WAIVER INFORMATION.—Section
7	217(c)(7) of such Act (8 U.S.C. $1187(c)(7)$) is
8	amended by—
9	(A) striking subparagraphs (B) through
10	(D); and
11	(B) striking "WAIVER INFORMATION.—"
12	and all that follows through "In refusing" and
13	inserting "WAIVER INFORMATION.—In refus-
14	ing".
15	(8) Waiver authority.—Section 217(c)(8) of
16	such Act (8 U.S.C. 1187(c)(8)) is amended to read
17	as follows:
18	"(8) Waiver authority.—The Secretary of
19	Homeland Security, in consultation with the Sec-
20	retary of State, may waive the application of para-
21	graph (2)(A)(i) for a country if—
22	"(A) the country meets all other require-
23	ments of paragraph (2);
24	"(B) the Secretary of Homeland Security
25	determines that the totality of the country's se-

curity risk mitigation measures provide assurance that the country's participation in the program would not compromise the law enforcement, security interests, or enforcement of the immigration laws of the United States;

"(C) there has been a general downward trend in the percentage of nationals of the country refused nonimmigrant visas under section 101(a)(15)(B);

"(D) the country consistently cooperated with the Government of the United States on counterterrorism initiatives, information sharing, preventing terrorist travel, and extradition to the United States of individuals (including the country's own nationals) who commit crimes that violate United States law before the date of its designation as a program country, and the Secretary of Homeland Security and the Secretary of State assess that such cooperation is likely to continue;

"(E) the percentage of nationals of the country refused a nonimmigrant visa under section 101(a)(15)(B) during the previous full fiscal year was not more than 10 percent of the total number of nationals of that country who

1	were granted or refused such nonimmigrant
2	visas; and
3	"(F) the country enters into intelligence
4	collection and information sharing arrange-
5	ments with the United States and meets nec-
6	essary requirements as established by the Sec-
7	retary of Homeland Security and the United
8	States intelligence community.".
9	(d) Termination of Designation; Probation.—
10	Section 217(f) of the Immigration and Nationality Act (8
11	U.S.C. 1187(f)) is amended to read as follows:
12	"(f) Termination of Designation; Probation.—
13	"(1) Definitions.—In this subsection:
14	"(A) Probationary Period.—The term
15	'probationary period' means the fiscal year in
16	which a probationary country is placed in pro-
17	bationary status under this subsection.
18	"(B) Program country.—The term 'pro-
19	gram country' has the meaning given that term
20	in subsection $(c)(1)(B)$.
21	"(2) Determination, notice, and initial
22	PROBATIONARY PERIOD.—
23	"(A) DETERMINATION OF PROBATIONARY
24	STATUS AND NOTICE OF NONCOMPLIANCE.—As
25	part of each program country's periodic evalua-

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tion required by subsection (c)(5)(A), the Secretary of Homeland Security shall determine whether a program country is in compliance with the program requirements under subparagraphs (A)(ii) through (F) of subsection (c)(2).

"(B) Initial probationary period.—If the Secretary of Homeland Security determines that a program country is not in compliance with the program requirements under subparagraphs (A)(ii) through (F) of subsection (c)(2), the Secretary of Homeland Security shall place the program country in probationary status for the fiscal year following the fiscal year in which the periodic evaluation is completed.

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

"(A) COMPLIANCE DURING INITIAL PROBA-TIONARY PERIOD.—If the Secretary determines that all instances of noncompliance with the program requirements under subparagraphs (A)(ii) through (F) of subsection (c)(2) that were identified in the latest periodic evaluation have been remedied by the end of the initial probationary period, the Secretary shall end the country's probationary period.

"(B) NONCOMPLIANCE DURING INITIAL

- PROBATIONARY PERIOD.—If the Secretary determines that any instance of noncompliance with the program requirements under subparagraphs (A)(ii) through (F) of subsection (c)(2) that were identified in the latest periodic evaluation has not been remedied by the end of the initial probationary period—
 - "(i) the Secretary may terminate the country's participation in the program; or
 - "(ii) on an annual basis, the Secretary may continue the country's probationary status if the Secretary, in consultation with the Secretary of State, determines that the country's continued participation in the program is in the national interest of the United States.
- "(4) ACTIONS AT THE END OF ADDITIONAL PROBATIONARY PERIODS.—At the end of all probationary periods granted to a country pursuant to paragraph (3)(B)(ii), the Secretary shall take one of the following actions:

"(A) COMPLIANCE DURING ADDITIONAL PERIOD.—The Secretary shall end the country's probationary status if the Secretary determines during the latest periodic evaluation required by subsection (c)(5)(A) that the country is in compliance with the program requirements under subparagraphs (A)(ii) through (F) of subsection (c)(2).

"(B) NONCOMPLIANCE DURING ADDITIONAL PERIODS.—The Secretary shall terminate the country's participation in the program if the Secretary determines during the latest periodic evaluation required by subsection (c)(5)(A) that the program country continues to be in noncompliance with the program requirements under subparagraphs (A)(ii) through (F) of subsection (c)(2).

"(5) EFFECTIVE DATE.—The termination of a country's participation in the program under paragraph (3)(B) or (4)(B) shall take effect on the first day of the first fiscal year following the fiscal year in which the Secretary determines that such participation shall be terminated. Until such date, nationals of the country shall remain eligible for a waiver under subsection (a).

1	"(6) Treatment of nationals after termi-
2	NATION.—For purposes of this subsection and sub-
3	section (d)—
4	"(A) nationals of a country whose designa-
5	tion is terminated under paragraph (3) or (4)
6	shall remain eligible for a waiver under sub-
7	section (a) until the effective date of such ter-
8	mination; and
9	"(B) a waiver under this section that is
10	provided to such a national for a period de-
11	scribed in subsection (a)(1) shall not, by such
12	termination, be deemed to have been rescinded
13	or otherwise rendered invalid, if the waiver is
14	granted prior to such termination.
15	"(7) Consultative role of the secretary
16	OF STATE.—In this subsection, references to sub-
17	paragraphs (A)(ii) through (F) of subsection (c)(2)
18	and subsection $(c)(5)(A)$ carry with them the con-
19	sultative role of the Secretary of State as provided
20	in those provisions.".
21	(e) Review of Overstay Tracking Method-
22	OLOGY.—Not later than 180 days after the date of the
23	enactment of this Act, the Comptroller General of the
24	United States shall conduct a review of the methods used
25	by the Secretary of Homeland Security—

1	(1) to track aliens entering and exiting the
2	United States; and
3	(2) to detect any such alien who stays longer
4	than such alien's period of authorized admission.
5	(f) Sense of Congress on Nonimmigrant Over-
6	STAY RATES.—It is the sense of Congress that the Sec-
7	retary of Homeland Security has not complied with the
8	requirements under section 2 of Public Law 105–173 (8
9	U.S.C. 1376) relating to the collection of data and the
10	submission of reports to Congress on nonimmigrant visa
11	overstay rates, and that the Secretary should collect such
12	data, and submit such reports as are required by that sec-
13	tion.
14	(g) RENAMING OF PROGRAM.—Section 217 of the
15	Immigration and Nationality Act (8 U.S.C. 1187) is
16	amended by striking "visa waiver program" each place it
10	amended by striking visa warver program each place in
	appears and inserting "secure travel partnership pro-
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17 18	appears and inserting "secure travel partnership pro-
17	appears and inserting "secure travel partnership program".
17 18 19	appears and inserting "secure travel partnership program". SEC. 4. VISA PROCESSING.
17 18 19 20 21	appears and inserting "secure travel partnership program". SEC. 4. VISA PROCESSING. (a) IN GENERAL.—Notwithstanding any other provi-
17 18 19 20	appears and inserting "secure travel partnership program". SEC. 4. VISA PROCESSING. (a) IN GENERAL.—Notwithstanding any other provision of law and not later than 90 days after the date of

immigrant visa applications determined to require a

- consular interview in an expeditious manner, consistent with national security requirements, and in recognition of resource allocation considerations, such as the need to ensure provision of consular services to citizens of the United States; and
 - (2) set a goal of interviewing nonimmigrant visa applicants, worldwide, within 15 days of receipt of application, subject to the conditions outlined in paragraph (1).

(b) Reporting.—

- (1) Semi-annual reports.—Not later than 30 days after the end of the first 6 months after the implementation of subsection (a), and not later than 30 days after June 30 and after December 31 of each subsequent year, the Secretary of State shall submit to the appropriate committees of the Congress a report that provides—
 - (A) data substantiating the efforts of the Secretary of State to meet the requirements and goals described in subsection (a);
 - (B) any factors that have negatively impacted the efforts of the Secretary to meet such requirements and goals; and

1	(C) any measures that the Secretary plans
2	to implement to meet such requirements and
3	goals.
4	(2) Annual Reports.—On an annual basis,
5	the Secretary of State shall submit to the appro-
6	priate committees of the Congress a strategic plan
7	that describes the resources needed to carry out sub-
8	section (a), including a 10-year forecast of demand
9	for nonimmigrant visas in the key high-growth mar-
10	kets, including—
11	(A) a description of the methodology used
12	to make such forecasts that—
13	(i) describes the internal and external
14	studies utilized to prepare such forecasts;
15	and
16	(ii) indicates whether such method-
17	ology utilizes the Department of Com-
18	merce's analysis of visitor arrival projec-
19	tions;
20	(B) a comparison of the Department of
21	State's nonimmigrant visa demand projections
22	and the Department of Commerce's visitor ar-
23	rival projections by country; and
24	(C) a description of the practices and pro-
25	cedures currently used by each United States

1	diplomatic and consular mission to manage
2	nonimmigrant visa workload.
3	(3) Appropriate committees of the con-
4	GRESS.—In this section, the term "appropriate com-
5	mittees of the Congress' means—
6	(A) the Committee on the Judiciary, the
7	Committee on Foreign Relations, and the Com-
8	mittee on Appropriations of the Senate; and
9	(B) the Committee on the Judiciary, the
10	Committee on Foreign Affairs, and the Com-
11	mittee on Appropriations of the House of Rep-
12	resentatives.
13	(c) Savings Provision.—
14	(1) In general.—Nothing in subsection (a)
15	may be construed to affect a consular officer's au-
16	thority—
17	(A) to deny a visa application under sec-
18	tion 221(g) of the Immigration and Nationality
19	Act (8 U.S.C. 1201(g)); or
20	(B) to initiate any necessary or appro-
21	priate security-related check or clearance.
22	(2) Security Checks.—The completion of a
23	security-related check or clearance shall not be sub-
24	ject to the time limits set out in subsection (a).

1 SEC. 5. SECURE TECHNOLOGY PILOT PROGRAM.

- 2 Section 222 of the Immigration and Nationality Act
- 3 (8 U.S.C. 1202) is amended by adding at the end the fol-
- 4 lowing:
- 5 "(i)(1) Except as provided in paragraph (3), the Sec-
- 6 retary of State—
- 7 "(A) shall develop and conduct a pilot program
- 8 to enhance existing procedures for processing visas
- 9 under section 101(a)(15)(B) using secure remote
- videoconferencing technology as a method for con-
- ducting visa interviews of applicants; and
- "(B) in consultation with other Federal agen-
- cies that use such secure communications, shall help
- ensure the security of the videoconferencing trans-
- mission and encryption conducted under subpara-
- 16 graph (A).
- 17 "(2) The pilot program authorized under paragraph
- 18 (1) may not be conducted if the Secretary of State deter-
- 19 mines that such program—
- 20 "(A) poses an undue security risk; and
- 21 "(B) cannot be conducted in a manner con-
- sistent with maintaining security controls.
- 23 "(3) Not later than 90 days after the termination of
- 24 the pilot program authorized under paragraph (1), the
- 25 Secretary of State shall submit a report to the Committee
- 26 on the Judiciary, the Committee on Foreign Relations,

- 1 and the Committee on Appropriations of the Senate, and
- 2 the Committee on the Judiciary, the Committee on For-
- 3 eign Affairs, and the Committee on Appropriations of the
- 4 House of Representatives that contains—
- 5 "(A) a detailed description of the results of
- 6 such program, including an assessment of the effi-
- 7 cacy, efficiency, and security of the remote
- 8 videoconferencing technology as a method for con-
- 9 ducting visa interviews of applicants; and
- 10 "(B) recommendations for whether such pro-
- gram should be continued, broadened, or modified.
- 12 "(4) If the Secretary of State makes a determination
- 13 under paragraph (3), the Secretary shall submit a report
- 14 to the Committee on the Judiciary, the Committee on For-
- 15 eign Relations, and the Committee on Appropriations of
- 16 the Senate, and the Committee on the Judiciary, the Com-
- 17 mittee on Foreign Affairs, and the Committee on Appro-
- 18 priations of the House of Representatives that describes
- 19 the reasons for such determination.
- 20 "(5) For purposes of this subsection, the term in
- 21 person interview' includes interviews conducted using re-
- 22 mote video technology.".

1	SEC. 6. VISA AND TRUSTED TRAVELER APPLICATION CO-
2	ORDINATION.
3	To the maximum extent possible, the Secretary of
4	State shall seek to coordinate enrollment and interview
5	processes for individuals eligible for both a United States
6	visa and enrollment in the Global Entry program operated
7	by U.S. Customs and Border Protection, including pro-
8	viding space for U.S. Customs and Border Protection
9	interviews and unified application fees.
10	SEC. 7. REPORT.
11	The Secretary of Homeland Security, in consultation
12	with the Secretary of State, shall submit to Congress a
13	report on the visa waiver program under section 217 of
14	the Immigration and Nationality Act (8 U.S.C. 1187),
15	which includes the following:
16	(1) Quantitative language on how many people
17	visited the United States under the secure travel
18	partnership program, which countries had the high-
19	est number of visitors, and which were growing.
20	(2) Ways in which the secure travel partnership
21	program promotes travel security.
22	(3) Long-term resource allocation of the De-
23	partment of Homeland Security in managing the

program.