

118TH CONGRESS  
1ST SESSION

# S. 2632

To improve visa processing times, and for other purposes.

---

IN THE SENATE OF THE UNITED STATES

JULY 27, 2023

Ms. KLOBUCHAR (for herself and Mr. MORAN) introduced the following bill;  
which was read twice and referred to the Committee on the Judiciary

---

## A BILL

To improve visa processing times, 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 Processing Im-  
5       provement Act”.

6       **SEC. 2. INCREASING CONSULAR OFFICE FLEXIBILITY AND**  
7               **CAPACITY.**

8       (a) ENGLISH LANGUAGE INTERVIEWS.—Section 222  
9       of the Immigration and Nationality Act (8 U.S.C. 1202)  
10      is amended by adding at the end the following:

11       “(i)(1) Any alien applying for a visa who qualifies for  
12      a waiver from the in person interview requirement under

1 clause (vi)(I) of subsection (h)(1)(A) or any other provi-  
 2 sion of law who certifies that the alien is capable of, and  
 3 willing to, complete an entire interview in English may be  
 4 interviewed remotely in English by a consular fellow with  
 5 limited experience or by another consular employee sta-  
 6 tioned at a consulate that does not have a significant back-  
 7 log of visa applicants.

8 “(2) If the consular fellow or consular employee de-  
 9 termines that an applicant is not able to communicate  
 10 fully or accurately in English during the interview, the ap-  
 11 plicant may be referred to a consulate in the home country  
 12 of the applicant for a follow-up interview conducted in the  
 13 native language of the applicant.”.

14 (b) CONSULAR FELLOWS PROGRAM.—

15 (1) INTEREST IN THE CONSULAR FELLOWS  
 16 PROGRAM.—Individuals who register to take the  
 17 Foreign Service Officers Test shall be asked if they  
 18 would like to receive information about the Consular  
 19 Fellows Program.

20 (2) EXPANSION; RECRUITMENT.—Subject to the  
 21 availability of appropriations for such purpose, the  
 22 Assistant Secretary of State for Consular Affairs  
 23 shall expand the Consular Fellows Program by 5  
 24 percent annually through fiscal year 2030 by re-  
 25 cruiting individuals with a demonstrated interest in

1 serving the United States Government and living  
2 abroad and who possess valuable language skills,  
3 particularly individuals whose scores on the Foreign  
4 Service Officer Test are within 10 percent of the  
5 score required to be invited to the Foreign Service  
6 Oral Assessment, to participate in the Consular Fel-  
7 lows Program.

8 (3) TRAINING.—Each participant in the Con-  
9 sular Fellows Program shall complete 6 months of  
10 training in the United States, which shall include  
11 conducting English-language interviews of visa appli-  
12 cants on behalf of—

13 (A) consulates that have an insufficient  
14 number of consular officers; or

15 (B) the consulate at which the participant  
16 is expected to be stationed.

17 (4) POST-FELLOWSHIP BENEFIT.—With respect  
18 to an individual who successfully completes an as-  
19 signment as a Consular Fellow with the Bureau of  
20 Consular Affairs lasting not less than 3 years, dur-  
21 ing the 1-year period beginning on the date on which  
22 the individual completes that assignment, the Sec-  
23 retary of State may noncompetitively appoint the in-  
24 dividual to a position in the Department of State.

1 **SEC. 3. IMPROVING ACCOUNTABILITY AND TRANS-**  
2 **PARENCY.**

3 (a) NONIMMIGRANT VISA PROCESSING STAND-  
4 ARDS.—It is the sense of Congress that not fewer than  
5 80 percent of applicants for nonimmigrant visas who sub-  
6 mit applications at a United States consulate should be  
7 interviewed by appropriate consular staff not later than  
8 21 days after their application is received by such con-  
9 sulate.

10 (b) WAIT TIMES.—The consul general at each United  
11 States consulate shall—

12 (1) categorize wait times nonimmigrant visa ap-  
13 plicant interviews based on goals established by Con-  
14 gress, the Secretary of State, or the Assistant Sec-  
15 retary of State for Consular Affairs;

16 (2) make such categorizations publicly avail-  
17 able; and

18 (3) regularly update such categorizations.

19 (c) RECURRING NONCOMPLIANCE WITH WAIT TIME  
20 STANDARD.—If a consulate is not in compliance with the  
21 interview wait time standard established pursuant to sub-  
22 section (d)(1) for 90 consecutive days, the Secretary of  
23 State shall develop protocols to reduce such wait times,  
24 which may include—

25 (1) allowing other consulates to share their  
26 staff with the noncompliant consulate;

1           (2) increasing in-person staffing at the non-  
2 compliant consulate;

3           (3) submitting a plan to the Secretary of State  
4 for improving the efficiency with which consular  
5 staff process nonimmigrant visa applications; and

6           (4) implementing other remedial efforts, as nec-  
7 essary, including—

8                 (A) technological upgrades;

9                 (B) overtime allocations; and

10                (C) a new appointment scheduling process.

11       (d) RULEMAKING.—

12           (1) IN GENERAL.—The Secretary of State, in  
13 consultation with the Assistant Secretary of State  
14 for Consular Affairs, shall issue regulations that—

15                 (A) establish standards for nonimmigrant  
16 visa processing timelines that designate phases  
17 for compliance and ongoing improvement, in ac-  
18 cordance with subsection (a);

19                 (B) establish a trigger mechanism that  
20 automatically guarantees immediate support for  
21 a nonimmigrant visa applicants after a specified  
22 period, in accordance with subsection (c).

23           (2) MINIMUM STANDARDS FOR NONIMMIGRANT  
24 VISA PROCESSING.—The trigger mechanism estab-  
25 lished under paragraph (1)(B) shall, at a minimum,

1       guarantee support, in accordance with subsection  
2       (c), for a consulate at which, during the preceding  
3       30-day period, not fewer than 20 percent of non-  
4       immigrant visa applicants received an interview  
5       within 45 days of the date on which their application  
6       was received by such consulate.

7               (3) NOTICE AND COMMENT EXEMPTION.—In  
8       issuing regulations pursuant to paragraph (1), the  
9       Secretary of State is exempted from the require-  
10      ments set forth in subsections (b) and (c) of section  
11      553 of title 5, United States Code.

12      (e) AUTHORITY TO TRANSFER DEPARTMENT OF  
13      STATE APPROPRIATIONS TO IMPROVE PASSPORT AND  
14      VISA SERVICES.—

15              (1) IN GENERAL.—For any fiscal year, the Sec-  
16      retary of State may transfer not more than  
17      \$10,000,000 to the Consular and Border Security  
18      Programs account from unobligated amounts held in  
19      other Department of State accounts or any unobli-  
20      gated balance from prior Acts making appropria-  
21      tions for the Department of State if the Secretary  
22      submits a report to the appropriate committees of  
23      Congress providing details on the use of the funds.

24              (2) USE OF TRANSFERRED FUNDS.—Any  
25      amounts so transferred shall be used solely for the

1 purpose of carrying out the protocols described in  
 2 subsection (c) or improving passport or visa services.

3 (3) APPROPRIATE COMMITTEES OF CONGRESS  
 4 DEFINE.—In this subsection, the term “appropriate  
 5 committees of 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 **SEC. 4. REVISING IN-PERSON INTERVIEW WAIVER ELIGI-**  
 14 **BILITY.**

15 (a) EXPANSION OF CLASSES OF ALIENS ELIGIBLE  
 16 FOR IN-PERSON INTERVIEW WAIVER.—Section  
 17 222(h)(1)(A) of the Immigration and Nationality Act (8  
 18 U.S.C. 1182(h)(1)(A)) is amended—

19 (1) in clause (iii), by striking “or” at the end;

20 (2) by adding at the end the following:

21 “(iv)(I) applying for the first time for  
 22 a nonimmigrant visa described in subpara-  
 23 graph (B), (F), (H) (J), (L), (M), (O),  
 24 (P), or (Q);

“(II) a national of a country designated as a program country under section 217(c); and

“(III) a previous traveler to the United States through the Electronic System for Travel Authorization; or.”.

(b) PRIOR SUBMISSION OF BIOMETRIC DATA.—Section 222(h)(1)(A) of the Immigration and Nationality Act (8 U.S.C. 1202(h)(1)(A)), as amended by subsection (a), is further amended by adding at the end the following:

“(vi)(I) not a first time applicant for a nonimmigrant visa;

“(II) is an individual who—

“(aa) has previously submitted biometric data to the Department of State or Department of Homeland Security; and

“(bb) has held a valid visa described in subparagraph (B), (F), (H), (J), (L), (M), (O), (P) or (Q) not more than 24 months before submitting the current application; and

“(III) an individual with respect to whom the consular officer has no indication has not complied with the immigration

1                    laws and regulations of the United  
2                    States.”.

3            (c) PRIOR VISA ISSUED.—Section 222(h)(1)(B)(i) of  
4 the Immigration and Nationality Act (8 U.S.C.  
5 1202(h)(1)(B)(i)) is amended by striking “12 months”  
6 and inserting “48 months”.

7            (d) REMOTE INTERVIEW PILOT.—Section 222 of the  
8 Immigration and Nationality Act, as amended by section  
9 2(a), is further amended—

10            (1) in subsection (h), by inserting “except as  
11            provided in subsection (j),” after “of this Act,”; and

12            (2) by adding at the end the following:

13            “(j) The in-person interview requirement under sub-  
14 section (h) may be satisfied by remote videoconference  
15 interview if—

16            “(1) the Secretary of State, in conjunction with  
17            the Secretary of Homeland Security, certifies to  
18            Congress that such a videoconference interview will  
19            not cause undue security concern, as demonstrated  
20            by a 2-year pilot program to be carried out by the  
21            Secretary of State and the Secretary of Homeland  
22            Security for such purpose;

23            “(2) the videoconference technology used to  
24            conduct such an interview—

1           “(A) meets applicable security and privacy  
2 standards, consistent with Department of  
3 Homeland Security regulations; and

4           “(B) is capable of capturing and collecting  
5 biometrics, in accordance with nonimmigrant  
6 visa application requirements;

7           “(3) such an interview may be conducted by a  
8 participant in the Consular Fellows program; and

9           “(4) the visa applicant to be so interviewed—

10           “(A) is a former visa holder who is apply-  
11 ing for a B–1 or B–2 visa on a date that is not  
12 more than 48 months after the date on which  
13 the previous visa issued to the applicant ex-  
14 pired;

15           “(B) has never been refused or denied a  
16 visa;

17           “(C) appears to be prima facie eligible for  
18 the B–1 or B–2 visa;

19           “(D) is residing in his or her country of  
20 citizenship;

21           “(E) is able and willing to complete the en-  
22 tire interview in English; and

23           “(F) is a citizen of a country with an ac-  
24 tive Global Entry agreement.”.

1 **SEC. 5. IMPROVING THE SERVICE EXPERIENCE.**

2 (a) EXPEDITED SERVICE.—

3 (1) IN GENERAL.—Any first-time visa applicant  
4 who is eligible for a waiver of the in-person interview  
5 requirement under section 222(h)(1) of the Immig-  
6 ration and Nationality Act (8 U.S.C. 1202(h)), as  
7 amended by section 4, may, upon the payment of the  
8 fees described in paragraph (2), request expedited  
9 service, which shall entitle the applicant to a remote  
10 interview not later than 14 days after the applicant  
11 files a completed application for such visa.

12 (2) FEE.—In addition to the application fee  
13 otherwise required to be submitted with an applica-  
14 tion for a visa, an applicant described in paragraph  
15 (1) seeking expedited service under such paragraph  
16 shall include with the application a payment of  
17 \$500, (in the case of an individual over the age of  
18 17 years) or \$50 (in the case of an individual who  
19 is 17 years of age or younger) which shall be used  
20 by the Secretary of State—

21 (A) to pay for the expansion of the Con-  
22 sular Fellows Program required under section  
23 2(b); and

24 (B) to support the recruitment and train-  
25 ing of sufficient additional consular staff to

1 provide the expedited services to which appli-  
 2 cants are entitled under paragraph (1).

3 (b) DOMESTIC RENEWAL OF B VISITOR VISAS.—Sec-  
 4 tion 221(c)(2) of the Immigration and Nationality Act (8  
 5 U.S.C. 1201(c)(2)) is amended—

6 (1) by striking “A nonimmigrant” and inserting  
 7 the following:

8 “(A) PERIOD OF VALIDITY.—A non-  
 9 immigrant”; and

10 (2) by adding at the end the following:

11 “(B) DOMESTIC RENEWAL OF B–1 AND B–  
 12 2 VISAS.—

13 “(i) IN GENERAL.—Subject to clause  
 14 (ii), any alien who, while visiting the  
 15 United States temporarily for business or  
 16 pleasure in accordance with section  
 17 101(a)(15)(B), desires to extend his or her  
 18 period of stay in the United States beyond  
 19 the initial period granted by a B–1 or B–  
 20 2 visa, as applicable, may apply for such  
 21 extension not later than the date estab-  
 22 lished by the Secretary of State pursuant  
 23 to section 5(c) of the Visa Processing Im-  
 24 provement Act without leaving the United  
 25 States by submitting an application to the

1 appropriate office of the Department of  
2 State, together with a fee, in an amount to  
3 be determined by the Secretary of State.

4 “(ii) ELIGIBILITY.—An alien’s period  
5 of stay in the United States may not be  
6 extended under clause (i) unless such alien  
7 is eligible for an in person interview waiver  
8 under section 222(h)(1).

9 “(iii) STATUS WHILE APPLICATION IS  
10 PENDING.—If an alien’s application for an  
11 extension of stay under clause (i) is not  
12 approved before the expiration of the  
13 alien’s initial period of stay, the alien shall  
14 immediately depart from the United States  
15 and may not reenter the United States  
16 without a valid visa.

17 “(iv) PROCESSING RENEWALS.—Ap-  
18 plications for an extension of stay under  
19 clause (i) shall be considered on a case-by-  
20 case basis and processed either by Depart-  
21 ment of State staff stationed in the United  
22 States or by consular staff in the appli-  
23 cants country of origin, depending on  
24 workload, staff availability, and language  
25 requirements.”.

1 (c) RULEMAKING.—The Secretary of State, in con-  
2 sultation with the Secretary of Homeland Security, shall  
3 promulgate regulations that establish—

4 (1) the number of days before the expiration of  
5 an alien’s initial period of admission under a B–1 or  
6 B–2 visa by which such alien may apply for an ex-  
7 tension of such period without leaving the United  
8 States; and

9 (2) the amount of the fee payable by any alien  
10 requesting an extension of his or her period of stay  
11 under subparagraph (B)(i) of section 221(c)(2) of  
12 the Immigration and Nationality Act (8 U.S.C.  
13 1201(c)(2)), as amended by subsection (b), without  
14 leaving the United States, which shall be in addition  
15 to the fee otherwise required to be submitted with  
16 the Online Nonimmigrant Visa Application form  
17 (commonly known as the “DS–160”) and shall not  
18 include fingerprinting service, which shall be com-  
19 pleted by applicants, at their own expense, through  
20 an approved third-party vendor who will share the  
21 fingerprints directly with the Department of State  
22 and the Department of Homeland Security.

23 (d) RETENTION OF DISCRETIONARY AUTHORITY.—  
24 Notwithstanding subparagraph (B) of section 221(c)(2) of  
25 the Immigration and Nationality Act (8 U.S.C.

1 1201(c)(2)), as amended by subsection (b), the Secretary  
2 of State and the Secretary of Homeland Security shall  
3 have discretionary authority to require visitors seeking an  
4 extension of their period of authorized stay in the United  
5 States to leave the United States and complete in-person  
6 interviews in their respective countries of origin if the Sec-  
7 retary of State or the Secretary of Homeland Security de-  
8 termine that such requirement is necessary for safety or  
9 security purposes.

○