

112TH CONGRESS  
2D SESSION

# S. 2233

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

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## IN THE SENATE OF THE UNITED STATES

MARCH 26, 2012

Mr. SCHUMER (for himself, Mr. LEE, Ms. MIKULSKI, Mr. BLUNT, Ms. KLOBUCHAR, Mr. KIRK, Mr. RUBIO, and Mr. COONS) introduced the following bill; which was read twice and referred to the Committee on the Judiciary

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## A BILL

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

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” or the “JOLT Act”.

6 **SEC. 2. VISA VALIDITY PERIOD.**

7 If the Secretary of State demonstrates that the  
8 United States would not be adversely affected, the Sec-  
9 retary may modify or enter into agreements with certain  
10 countries on a nonreciprocal basis to allow for longer visa

1 validity periods than the periods with such countries that  
 2 are in existence as of the date of the enactment of this  
 3 Act.

4 **SEC. 3. EXPEDITING PRIORITY VISITORS.**

5 Section 286(u) of the Immigration and Nationality  
 6 Act (8 U.S.C. 1356(u)) is amended—

7 (1) by amending the subsection heading to read  
 8 as follows:

9 “(u) PREMIUM PROCESSING FEE.—”;

10 (2) by striking “The Attorney General” and in-  
 11 serting the following:

12 “(1) EMPLOYMENT-BASED PETITIONS AND AP-  
 13 PPLICATIONS.—The Secretary of Homeland Secu-  
 14 rity”;

15 (3) by striking “This fee” and inserting “The  
 16 fee authorized under this paragraph”;

17 (4) by striking “The Attorney General may ad-  
 18 just this fee” and inserting “The Secretary may ad-  
 19 just the fee authorized under this paragraph”; and

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

21 “(2) VISITOR VISAS.—The Secretary of State  
 22 shall offer premium processing for visitor visas  
 23 issued to nonimmigrants described in section  
 24 101(a)(15)(B) and shall ensure that applicants re-  
 25 questing premium processing for such visas are

1 interviewed and the visa application is adjudicated  
2 not later than 3 business days after the date of the  
3 applicant's request for a visa appointment, absent  
4 compelling security concerns. The Secretary shall  
5 charge a fee for premium processing services under  
6 this paragraph in an amount sufficient to recover  
7 the costs incurred—

8 “(A) to more quickly process such visas in  
9 India, China, and Brazil; and

10 “(B) to create mobile interview units to  
11 process visa applications and conduct visa inter-  
12 views in cities with more than 1,000,000 people  
13 that do not have a United States embassy or  
14 consulate.”.

15 **SEC. 4. ENCOURAGING CANADIAN TOURISM TO THE**  
16 **UNITED STATES.**

17 Section 211 of the Immigration and Nationality Act  
18 (8 U.S.C. 1181) is amended by adding at the end the fol-  
19 lowing:

20 “(d) CANADIAN RETIREES.—The Secretary of Home-  
21 land Security shall admit any alien, and the spouse and  
22 children of the alien, for a period of not less than 240  
23 days, if the alien demonstrates, to the satisfaction of the  
24 Secretary, that the alien—

25 “(1) is a citizen of Canada;

1 “(2) is older than 50 years of age;

2 “(3) owns a residence in the United States or  
3 has signed a rental agreement for accommodations  
4 in the United States for the duration of the alien’s  
5 stay in the United States;

6 “(4) is not inadmissible under section 212;

7 “(5) is not deportable under section 237;

8 “(6) will not engage in employment in the  
9 United States; and

10 “(7) will not seek any form of assistance or  
11 benefit described in section 403(a) of the Personal  
12 Responsibility and Work Opportunity Reconciliation  
13 Act of 1996 (8 U.S.C. 1613(a)).”.

14 **SEC. 5. INCENTIVES FOR FOREIGN VISITORS VISITING THE**  
15 **UNITED STATES DURING LOW PEAK SEA-**  
16 **SONS.**

17 (a) APPLICATION FEES.—The Secretary of State  
18 shall give foreign visitors an incentive to apply for a visa  
19 when the demand is lower by decreasing the visa applica-  
20 tion and issuance fees charged to nonimmigrants de-  
21 scribed in section 101(a)(15)(B) of the Immigration and  
22 Nationality Act (8 U.S.C. 1101(a)(15)(B)) in selected  
23 countries during periods when there is low demand for vis-  
24 itor visas in such countries.

1 (b) LIMITATION.—In decreasing visa application and  
 2 issuance fees under subsection (a), the Secretary shall—

3 (1) subject to paragraph (2), maximize the de-  
 4 mand for such visa applications; and

5 (2) maintain the total amount collected from  
 6 such fees.

7 **SEC. 6. VISA WAIVER PROGRAM ENHANCED SECURITY AND**  
 8 **REFORM.**

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

12 “(1) AUTHORITY TO DESIGNATE; DEFINI-  
 13 TIONS.—

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

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

20 “(i) APPROPRIATE CONGRESSIONAL  
 21 COMMITTEES.—The term ‘appropriate con-  
 22 gressional committees’ means—

23 “(I) the Committee on Foreign  
 24 Relations, the Committee on Home-  
 25 land Security and Governmental Af-

1           fairs, and the Committee on the Judi-  
2           ciary of the Senate; and

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

8           “(ii) OVERSTAY RATE.—

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

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

24                   “(bb) the number of nation-  
25          als of that country who were ad-

mitted to the United States on  
the basis of a nonimmigrant visa  
under section 101(a)(15)(B)  
whose periods of authorized stay  
ended during that fiscal year.

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

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

“(bb) the number of nation-  
als of that country who were ad-  
mitted to the United States  
under this section or on the basis

1 of a nonimmigrant visa under  
 2 section 101(a)(15)(B) whose pe-  
 3 riods of authorized stay ended  
 4 during that fiscal year.

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

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

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

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

23 (2) in subsection (c)—

24 (A) in paragraph (2)(C)(iii), by striking  
 25 “Committee on the Judiciary and the Com-



mittee on International Relations of the House of Representatives and the Committee on the Judiciary and the Committee on Foreign Relations of the Senate” and inserting “appropriate congressional committees”;

(B) in paragraph (5)(A)(i)(III), by striking “Committee on the Judiciary, the Committee on Foreign Affairs, and the Committee on Homeland Security, of the House of Representatives and the Committee on the Judiciary, the Committee on Foreign Relations, and the Committee on Homeland Security and Governmental Affairs of the Senate” and inserting “appropriate congressional committees”; and

(C) in paragraph (7), by striking subparagraph (E).

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

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

“(A) GENERAL NUMERICAL LIMITATIONS.—

“(i) LOW NONIMMIGRANT VISA REFUSAL RATE.—The percentage of nationals

1 of that country refused nonimmigrant visas  
2 under section 101(a)(15)(B) during the  
3 previous full fiscal year was not more than  
4 3 percent of the total number of nationals  
5 of that country who were granted or re-  
6 fused nonimmigrant visas under such sec-  
7 tion during such year.

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

12 (2) QUALIFICATION CRITERIA.—Section  
13 217(c)(3) of such Act (8 U.S.C. 1187(c)(3)) is  
14 amended to read as follows:

15 “(3) QUALIFICATION CRITERIA.—After the ini-  
16 tial period, a country may not be designated as a  
17 program country unless the Secretary of Homeland  
18 Security, in consultation with the Secretary of State,  
19 determines, pursuant to the requirements under  
20 paragraph (5), that the designation will be contin-  
21 ued.”.

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

1 “(II) shall determine, based upon  
 2 the evaluation in subclause (I), wheth-  
 3 er any such designation under sub-  
 4 section (d) or (f), or probation under  
 5 subsection (f), ought to be continued  
 6 or terminated;”.

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

10 “(6) COMPUTATION OF VISA REFUSAL RATES  
 11 AND JUDICIAL REVIEW.—

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

21 “(B) JUDICIAL REVIEW.—No court shall  
 22 have jurisdiction under this section to review  
 23 any visa refusal, the Secretary of State’s com-  
 24 putation of a visa refusal rate, the Secretary of  
 25 Homeland Security’s computation of an over-

1 stay rate, or the designation or nondesignation  
2 of a country as a program country.”.

3 (5) VISA WAIVER INFORMATION.—Section  
4 217(c)(7) of such Act (8 U.S.C. 1187(c)(7)) is  
5 amended—

6 (A) by striking subparagraphs (B) through  
7 (E); and

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

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

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

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

21 “(B) the Secretary of Homeland Security  
22 determines that the totality of the country’s se-  
23 curity risk mitigation measures provide assur-  
24 ance that the country’s participation in the pro-  
25 gram would not compromise the law enforce-

1           ment, security interests, or enforcement of the  
2           immigration laws of the United States;

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

7           “(D) the country consistently cooperated  
8           with the Government of the United States on  
9           counterterrorism initiatives, information shar-  
10          ing, preventing terrorist travel, and extradition  
11          of the country’s nationals to the United States  
12          before the date of its designation as a program  
13          country, and the Secretary of Homeland Secu-  
14          rity and the Secretary of State assess that such  
15          cooperation is likely to continue; and

16          “(E) the percentage of nationals of the  
17          country refused a nonimmigrant visa under sec-  
18          tion 101(a)(15)(B) during the previous full fis-  
19          cal year was not more than 10 percent of the  
20          total number of nationals of that country who  
21          were granted or refused such nonimmigrant  
22          visas.”.

23          (d) TERMINATION OF DESIGNATION; PROBATION.—

24          Section 217(f) of the Immigration and Nationality Act (8  
25          U.S.C. 1187(f)) is amended to read as follows:

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

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

3 “(A) PROBATIONARY PERIOD.—The term  
4 ‘probationary period’ means the fiscal year in  
5 which a probationary country is placed in pro-  
6 bationary status under this subsection.

7 “(B) PROGRAM COUNTRY.—The term ‘pro-  
8 gram country’ has the meaning given that term  
9 in subsection (c)(1)(B).

10 “(2) DETERMINATION, NOTICE, AND INITIAL  
11 PROBATIONARY PERIOD.—

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

20 “(B) INITIAL PROBATIONARY PERIOD.—If  
21 the Secretary of Homeland Security determines  
22 that a program country visa is not in compli-  
23 ance with the program requirements under sub-  
24 paragraphs (A)(ii) through (F) of subsection  
25 (c)(2), the Secretary of Homeland Security

1           shall place the program country in probationary  
2           status for the fiscal year following the fiscal  
3           year in which the periodic evaluation is com-  
4           pleted.

5           “(3) ACTIONS AT THE END OF THE INITIAL  
6           PROBATIONARY PERIOD.—At the end of the initial  
7           probationary period of a country under paragraph  
8           (2)(B), the Secretary of Homeland Security shall  
9           take 1 of the following actions:

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

19                 “(B) NONCOMPLIANCE DURING INITIAL  
20           PROBATIONARY PERIOD.—If the Secretary de-  
21           termines that any instance of noncompliance  
22           with the program requirements under subpara-  
23           graphs (A)(ii) through (F) of subsection (c)(2)  
24           that were identified in the latest periodic eval-

uation 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 proba-  
tionary periods granted to a country pursuant to  
paragraph (3)(B)(ii), the Secretary shall take 1 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 com-  
pliance with the program requirements under  
subparagraphs (A)(ii) through (F) of subsection  
(c)(2).



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

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

18                  “(6) TREATMENT OF NATIONALS AFTER TERMI-  
19                  NATION.—For purposes of this subsection and sub-  
20                  section (d)—

21                         “(A) nationals of a country whose designa-  
22                         tion is terminated under paragraph (3) or (4)  
23                         shall remain eligible for a waiver under sub-  
24                         section (a) until the effective date of such ter-  
25                         mination; and

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

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

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

18               (1) to track aliens entering and exiting the  
19          United States; and

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

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

1           (1) an evaluation of the security risks of aliens  
 2           who enter the United States without an approved  
 3           Electronic System for Travel Authorization  
 4           verification; and

5           (2) a description of any improvements needed  
 6           to minimize the number of aliens who enter the  
 7           United States without the verification described in  
 8           paragraph (1).

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

17       **SEC. 7. EXPEDITING ENTRY FOR PRIORITY VISITORS.**

18           Section 7208(k)(4) of the Intelligence Reform and  
 19          Terrorism Prevention Act of 2004 (8 U.S.C. 1365b(k)(4))  
 20          is amended to read as follows:

21                   “(4) EXPEDITING ENTRY FOR PRIORITY VISI-  
 22          TORS.—

23                           “(A) IN GENERAL.—The Secretary of  
 24                   Homeland Security shall expand the enrollment  
 25                   in the Global Entry Trusted Traveler Network

1 (referred to in this paragraph as ‘Global  
2 Entry’) to include individuals employed by  
3 international organizations, selected by the Sec-  
4 retary, which maintain strong working relation-  
5 ships with the United States.

6 “(B) SPONSORS.—An individual may not  
7 be enrolled in Global Entry unless the indi-  
8 vidual is sponsored by—

9 “(i) an international organization se-  
10 lected by the Secretary under subpara-  
11 graph (A); and

12 “(ii) the government that issued the  
13 passport that the individual is using to  
14 participate in Global Entry.

15 “(C) SECURITY REQUIREMENTS.—An indi-  
16 vidual may not be enrolled in Global Entry un-  
17 less the individual has successfully completed all  
18 applicable security requirements established by  
19 the Secretary, including cooperation from the  
20 applicable foreign government, to ensure that  
21 the individual does not pose a risk to the  
22 United States.

23 “(D) DISCRETION.—Except as provided in  
24 subparagraph (E), the Secretary shall retain

1           unreviewable discretion to offer or revoke en-  
2           rollment in Global Entry to any individual.

3           “(E) INELIGIBLE TRAVELERS.—An indi-  
4           vidual who is a citizen of a state sponsor of ter-  
5           rorism (as defined in section 301(13) of the  
6           Comprehensive Iran Sanctions, Accountability,  
7           and Divestment Act of 2010 (22 U.S.C.  
8           8541(13)) may not be enrolled in Global  
9           Entry.”.

10 **SEC. 8. VISA PROCESSING.**

11           (a) IN GENERAL.—Notwithstanding any other provi-  
12          sion of law, the Secretary of State shall—

13           (1) require United States diplomatic and con-  
14          sular missions—

15           (A) to conduct visa interviews for non-  
16          immigrant visa applications determined to re-  
17          quire a consular interview—

18           (i) not later than 15 days after the  
19          date on which the applicant requests a visa  
20          appointment; and

21           (ii) beginning 1 year after the date of  
22          the enactment of this Act, not later than  
23          10 days after the date on which the appli-  
24          cant requests a visa appointment; and

1 (B) to adjudicate nonimmigrant visa appli-  
2 cations determined not to require a consular  
3 interview not later than 10 days after the re-  
4 ceipt of the completed application and passport;  
5 and

6 (2) not later than 90 days after the date of the  
7 enactment of this Act, submit a detailed strategic  
8 plan that describes the resources needed to carry out  
9 paragraph (1)(A)(ii) to—

10 (A) the Committee on the Judiciary of the  
11 Senate;

12 (B) the Committee on Foreign Relations of  
13 the Senate;

14 (C) the Committee on the Judiciary of the  
15 House of Representatives; and

16 (D) the Committee on Foreign Affairs of  
17 the House of Representatives.

18 (b) ADDITIONAL OFFICERS.—The Secretary shall use  
19 machine readable nonimmigrant visa fees to hire a suffi-  
20 cient number of Foreign Service officers and limited non-  
21 career appointment consular officers to continuously meet  
22 and maintain the standards set forth in subsection (a).

23 (c) QUARTERLY REPORT.—Not later than 30 days  
24 after the end of the first full quarter after the implementa-  
25 tion of subsection (a), and not later than 30 days after

1 the end of each subsequent quarter, the Secretary shall  
2 submit a report to the congressional committees set forth  
3 in subsection (a)(2) that identifies—

4 (1) each consular post that failed to comply  
5 with the standards set forth in subsection (a) during  
6 such quarter;

7 (2) the cause for such noncompliance; and

8 (3) reforms that the Secretary will be imple-  
9 ment to comply with such standards.

10 (d) WAIVER.—

11 (1) IN GENERAL.—The provisions under sub-  
12 section (a) shall be temporarily waived if a national  
13 security emergency requires the Secretary of State  
14 to redistribute personnel and resources to assist the  
15 affected and surrounding areas.

16 (2) REINSTATEMENT.—

17 (A) IN GENERAL.—Except as provided in  
18 subparagraph (B), the provisions under sub-  
19 section (a) shall be reinstated not later than 1  
20 year after the national security emergency ends.

21 (B) NONCOMPLIANCE REPORT.—If the  
22 provisions under subsection (a) are not rein-  
23 stated by the deadline described in subpara-  
24 graph (A), the Secretary of State shall submit  
25 a report to the Committee on Foreign Relations

1 of the Senate and the Committee on Foreign  
 2 Affairs of the House of Representatives that—

3 (i) describes the cause for noncompli-  
 4 ance with the provisions under subsection  
 5 (a); and

6 (ii) includes a detailed timeframe for  
 7 compliance with such provisions.

8 (e) SAVINGS PROVISION.—

9 (1) IN GENERAL.—Nothing in subsection (a)  
 10 may be construed to affect the consular officer’s au-  
 11 thority—

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

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

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

20 (f) EFFECTIVE DATE.—Beginning not later than 90  
 21 days after the date of the enactment of this Act, the Sec-  
 22 retary shall be in full compliance with the provisions under  
 23 subsection (a)(1).

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