

112TH CONGRESS
1ST SESSION

H. R. 3039

To promote job creation in the United States by directing the Secretary of State to address inefficiencies in the visa processing system that discourage overseas business and leisure travel to the United States, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

SEPTEMBER 23, 2011

Mr. HECK (for himself, Mr. MACK, Mr. AMODEI, Ms. BERKLEY, Mr. WILSON of South Carolina, and Mr. POSEY) introduced the following bill; which was referred to the Committee on the Judiciary, and in addition to the Committee on Foreign Affairs, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To promote job creation in the United States by directing the Secretary of State to address inefficiencies in the visa processing system that discourage overseas business and leisure travel 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 “Welcoming Business
5 Travelers and Tourists to America Act of 2011”.

1 **SEC. 2. FINDINGS.**

2 Congress finds the following:

3 (1) International travel to the United States
4 generates more than \$134 billion annually in exports
5 and supports 1.8 million United States jobs.

6 (2) Each overseas visitor spends an average of
7 \$4,000 at hotels, restaurants, and other United
8 States businesses.

9 (3) As an industry sector, travel and tourism
10 creates one of the country's only balance-of-trade
11 surpluses, valued at \$31.7 billion in 2010.

12 (4) Global travel spending is expected to double
13 over the next decade, reaching \$2.1 trillion.

14 (5) While world-wide long-haul international
15 travel grew by 40 percent between 2000 and 2010,
16 the United States market share of long-haul travel
17 dropped from 17 percent in 2000 to 12 percent dur-
18 ing the same timeframe.

19 (6) Over that decade, the United States lost the
20 opportunity to welcome 78 million visitors and gen-
21 erate \$606 billion in direct and downstream spend-
22 ing.

23 (7) The volume of travel to the United States,
24 as compared with other global destinations, is par-
25 ticularly uncompetitive from emerging markets with
26 fast growing demand.

1 (8) Lagging overseas arrivals result in large
2 part from a United States visa application process
3 that is perceived by potential business and leisure
4 travelers as inefficient, time consuming, and inacces-
5 sible.

6 (9) The Government Accountability Office has
7 reported that the Department of State's efforts to
8 address staffing, facilities, and other consular con-
9 straints are generally temporary, unsustainable, and
10 insufficient to meet expected increases in demand
11 for nonimmigrant visa applications.

12 (10) Instituting new procedures to make the
13 visa process more efficient without reducing security
14 protocols and developing longer-term plans that ac-
15 curately meet increasing workload demand can sys-
16 temically address visa application backlogs and inef-
17 ficiencies.

18 (11) By regaining 17 percent of the long-haul
19 travel market in 2015 and sustaining it through
20 2020, the United States can attract 98 million more
21 visitors, create 1.3 million additional jobs, and gen-
22 erate \$859 billion in United States economic output
23 by 2020.

24 (12) Increased international travel to the
25 United States also achieves United States foreign

1 policy objectives by introducing foreign visitors the
2 United States and to Americans, who are the United
3 States best goodwill ambassadors.

4 (13) The Department of State recently imple-
5 mented some reforms to accelerate visa application
6 processing in China and Brazil, laying the founda-
7 tion to increase capacity, but still requires additional
8 reforms to meet demand on a permanent, systemic
9 basis.

10 (14) Removing the self-imposed barriers in the
11 visa application process that currently discourage in-
12 bound international travel to the United States
13 would yield significant economic and public diplo-
14 macy benefits for the United States.

15 **SEC. 3. VISA PROCESSING.**

16 Notwithstanding any other provision of law, the Sec-
17 retary of State shall set a visa processing standard of 12
18 or fewer calendar days at United States diplomatic and
19 consular missions in China, Brazil, and India, and use ma-
20 chine readable nonimmigrant visa fees to hire a sufficient
21 number of Foreign Service officers and limited non-career
22 appointment consular officers to meet and maintain such
23 standard throughout the year.

1 **SEC. 4. VISA VIDEO-CONFERENCING.**

2 (a) PILOT PROGRAM.—The Secretary of State shall
3 conduct a two-year pilot program for the processing of
4 nonimmigrant visas using secure remote video-confer-
5 encing technology as a method for conducting visa inter-
6 views of applicants, and shall work with other Federal
7 agencies that use such secure communications to help en-
8 sure security of the video-conferencing transmission and
9 encryption.

10 (b) RULEMAKING.—Not later than 90 days after the
11 date of the enactment of this Act, the Secretary of State
12 shall initiate a rulemaking process to establish the pilot
13 program described in subsection (a), criteria for participa-
14 tion in such program, and the fee for such program in
15 accordance with subsection (d).

16 (c) PARTICIPATION.—The Secretary of State shall
17 ensure that the pilot program described in subsection (a)
18 includes as many visa applicants as practicable by—

19 (1) establishing a reasonable cost of enrollment;

20 (2) providing such applicants with clear and
21 consistent eligibility guidelines; and

22 (3) making program enrollment convenient and
23 easily accessible.

24 (d) FEES.—The Secretary of State may impose a fee
25 for the pilot program described in subsection (a). Such
26 fee may not exceed the aggregate costs associated with

1 such program and shall be credited to the Department of
2 State for purposes of carrying out such program. Amounts
3 so credited shall remain available until expended.

4 (e) REPORT.—Not later than one year after initiating
5 the pilot program described in subsection (a) and again
6 not later than 90 days after the conclusion of the two-
7 year period referred to in such subsection, the Secretary
8 of State shall submit to the Committee on Foreign Affairs
9 of the House of Representatives and the Committee on
10 Foreign Relations of the Senate a report on such pilot pro-
11 gram. Each such report shall assess the efficacy of using
12 secure remote video-conferencing technology as a method
13 for conducting visa interviews of applicants, including any
14 effect such method may have on an interviewer’s ability
15 to determine an applicant’s credibility and uncover fraud,
16 and shall include recommendations on whether such pro-
17 gram should be continued, broadened, or modified.

18 **SEC. 5. DATA ON VISA INTERVIEW WAIT TIMES.**

19 The Secretary of State shall post on the Web site of
20 the Department of State the following data relating to
21 nonimmigrant visas for each United States diplomatic and
22 consular mission:

23 (1) The monthly median wait times measured
24 in calendar days for the past 12 months for a non-
25 immigrant visa interview appointment.

1 (2) The monthly median wait times measured
2 in calendar days for the past 12 months for a non-
3 immigrant visa to be processed.

4 **SEC. 6. VISA SYSTEM PERFORMANCE ASSESSMENT.**

5 The Secretary of State shall submit to the Committee
6 on Foreign Affairs of the House of Representatives and
7 the Committee on Foreign Relations of the Senate a re-
8 port that includes the following:

9 (1) An annual forecast of demand through
10 2020 for nonimmigrant visas in the key high-growth
11 markets of Brazil, China, and India.

12 (2) A description of the methodology used to
13 determine the annual demand forecasts in accord-
14 ance with paragraph (1) for nonimmigrant visas in
15 Brazil, China, and India, including—

16 (A) details on the internal and external
17 studies utilized to prepare such forecasts; and

18 (B) details on whether such methodology
19 utilizes the Department of Commerce’s analysis
20 of visitor arrival projections.

21 (3) A comparison of the Department of State’s
22 nonimmigrant visa demand projections and the De-
23 partment of Commerce’s yearly visitor arrival projec-
24 tions for Brazil, China, and India through 2020 and
25 details on whether the Department of State’s work-

1 load projections for each such country align with the
2 Department of Commerce’s yearly visitor arrival
3 projections.

4 (4) A description of the practices and proce-
5 dures currently used by each United States diplo-
6 matic and consular mission in Brazil, China, and
7 India to manage nonimmigrant visa workload.

8 (5) Information on short- and long-term plans
9 developed to meet the forecasted demand for non-
10 immigrant visas through 2020 in Brazil, China, and
11 India, including facility expansion needs.

12 (6) The total number of limited non-career ap-
13 pointment (LNA) consular officers the Department
14 of State would need to hire annually through 2020
15 to maintain a 12 or fewer calendar day non-
16 immigrant visa processing standard in Brazil, China,
17 and India, in accordance with section 3.

18 (7) Information on the strategies the Depart-
19 ment of State will use to maximize existing consular
20 and embassy space to accommodate the new LNA
21 personnel referred to in paragraph (6).

22 **SEC. 7. VISA VALIDITY PERIOD.**

23 If the Secretary of State can demonstrate no adver-
24 sarial effects to the United States, the Secretary may
25 modify or enter into agreements with certain countries on

1 a non-reciprocal basis to allow for longer visa validity peri-
2 ods than the periods with such countries that are in exist-
3 ence as of the date of the enactment of this Act.

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