

# ISSUE BRIEF

No. 3605 | MAY 15, 2012

## JOLT Act: Congress Moving in the Right Direction on Visa Reform

*Jessica Zuckerman*

On May 15, the Congress introduced a revised version of S. 2233, the Jobs Originated through Launching Travel (JOLT) Act. Written in consultation with the Departments of Homeland Security and State, the latest version is an improvement over past legislative proposals for reform. Together with related efforts in the House to reform the U.S. visa processing system, this revised Senate legislation represents a step in the right direction on the part of Congress in getting much-needed visa reform right.

With the considerable decline of the U.S. share of global travel over the past decade, it is well past time to reduce unnecessary barriers to issuing visas and facilitating travel to the U.S. In moving forward with reform, Congress should ensure that expansion of the Visa Waiver Program

(VWP) remain its top priority while also looking to expand the Visa Security Program (VSP) and do away with the 100 percent visa interview requirement.

**The JOLT Act Revisited.** The latest version of the JOLT Act does much to improve upon its past iteration. It removes much of the misguided priority programs and specialized provisions for different kinds of travelers seeking to visit the U.S.—notably provisions for extended visas for Chinese nationals and lowered fees for off-peak visas.

Instead, the JOLT Act now calls for:

- A pilot program for fee-based, expedited interviews at a limited number of consular posts;
- The State Department to publish information on times of low demand for visa interviews to encourage visitors to apply during these periods;
- A goal of interviewing 80 percent applicants within three weeks for all non-immigrant visas worldwide, with recognition of the need to concurrently maintain U.S. security and address resource allocation; and

- Increasing visa processing capacity in China and Brazil with a goal of conducting visa interviews within 15 days.

While the legislation does continue to contain certain priority provisions (such as increased periods of admittance for Canadian visitors over the age of 50 and the fee-based expedited interview pilot program), the act does a better job at recognizing the broader issue of capacity created by burdensome visa interview requirements.

**The Visa Waiver Program.** One thing in particular the JOLT Act gets right is the call for reform and expansion of the VWP, which allows for citizens of member nations to travel to the U.S. for up to 90 days without first obtaining a visa. First created in 1986, the VWP facilitates tourism and business travel for individuals from member nations and offers tremendous benefits in terms of economics, public diplomacy, and national security. In fiscal year 2009, 16.2 million visitors entered the U.S. under the VWP, making up nearly 51 percent of all foreign visitors.

Yet since 2008, the program has largely been placed on hold, its expansion tied to a mandate by Congress for the Department of

---

This paper, in its entirety, can be found at <http://report.heritage.org/ib3605>

Produced by the Douglas and Sarah Allison Center for Foreign Policy Studies

**The Heritage Foundation**  
214 Massachusetts Avenue, NE  
Washington, DC 20002  
(202) 546-4400 | [heritage.org](http://heritage.org)

Nothing written here is to be construed as necessarily reflecting the views of The Heritage Foundation or as an attempt to aid or hinder the passage of any bill before Congress.

Homeland Security (DHS) to implement a biometric air exit system.

When the mandate was not met in July 2009, Congress revoked DHS's ability to consider admitting nations with visa refusal rates (the percentage of visa applicants denied by the State Department from a particular nation) between 3 percent and 10 percent that otherwise met the requirements of the program. DHS is now prohibited from offering admittance into the VWP to any country with a visa refusal rate that exceeds 3 percent. DHS has since announced that the mandate will not be fulfilled, and it will instead work to roll out an enhanced biographic exit system.

Incorporating the language and provisions of the Visa Waiver Program Enhanced Security and Reform Act (H.R. 959) introduced earlier this year, the JOLT Act would address this issue by reinstating DHS's ability to waive the 3 percent refusal rate requirement for otherwise eligible nations and introduce visa refusal rates and overstay rates as eligibility criteria for country membership. Congress should seriously consider these vital reforms.

**Further Steps by Congress.** Of course, the Senate is not alone in its attempts at visa reform. Late last year in the House, Representative Joe Heck (R-NV) introduced H.R. 3039, the Welcoming Business Travelers and Tourists to America

Act of 2011. Like S. 2233, H.R. 3039 seeks to address the vexing problem of unreasonable wait times for applicants to obtain a visa interview with State Department consular officers, a step mandated by Congress in the visa approval process.

To do so, Heck's bill would require the State Department to publish data on wait times for visa interview appointments and visa application processing. It also calls for the establishment of a two-year pilot program to process non-immigrant visas via secure remote video conferencing. The bill would also require State to increase resources at consular offices in China, Brazil, and India to expedite visa processing times.

These measures, along with many of the provisions of the latest version of the JOLT Act, represent a step in the right direction on visa reform. However, more should be done.

In addition to reforming and expanding the VWP and reducing unnecessary barriers to travel, Congress should also look to enhance the VSP and do away with the 100 percent visa interview requirement. The VSP places homeland security officers in U.S. consulate offices to assist in reviewing visa applications and helping to interdict criminals, terrorists, and others who seek to exploit the U.S. visa system. The program provides an important added layer of security to

the visa process that is significantly underutilized.

Eliminating the 100 percent visa interview requirements, a mandate placed on the State Department by Congress, would further serve to enhance security within the visa process while also organically reducing the visa interview wait times for individuals seeking to travel to the U.S. Ultimately, this would do much more to alleviate the unnecessary burdens of the U.S. visa system and reduce vexing interview backlogs than priority programs, such as those contained in the JOLT Act. Instead, the State Department should be allowed to adopt a risk-based approach, focusing interview requirements on those individuals most likely to be malicious actors or to violate U.S. immigration laws.

**Promoting Prosperity and Security.** Reforms to the U.S. visa system remain long overdue. Getting reform right, however, requires that the nation's leadership advance policies that promote travel and tourism without compromising security.

—*Jessica Zuckerman is a Research Associate in the Douglas and Sarah Allison Center for Foreign Policy Studies, a division of the Kathryn and Shelby Cullom Davis Institute for International Studies, at The Heritage Foundation.*