In light of the continuing security concerns and the Supreme Court police's record of providing appropriate protection over the past 18 years for the Justices, court employees, and official visitors, I support making permanent the Supreme Court police's authority to provide security on and off Supreme Court grounds.

As a result, Mr. Speaker, I urge my colleagues to support the bill.

Mr. Speaker, I yield back the balance of my time.

Mr. CANADY of Florida. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. GIBBONS). The question is on the motion offered by the gentleman from Florida (Mr. CANADY) that the House suspend the rules and pass the bill, H.R. 5136.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

VISA WAIVER PERMANENT PROGRAM ACT

Mr. SMITH of Texas. Mr. Speaker, I move to suspend the rules and concur in the Senate amendments to the bill (H.R. 3767) to amend the Immigration and Nationality Act to make improvements to, and permanently authorize, the visa waiver pilot program under section 217 of such Act.

The Clerk read as follows:

Senate amendments:

Page 5, line 12, strike out ''2006'' and insert ''2007''.

Page 7, line 11, strike out all after ''(g)'' down to and including ''SYSTEM'' in line 13 and insert ''VISA APPLICATION SOLE METHOD TO DISPUTE DENIAL OF WAIVER BASED ON A GROUND OF INADMISSIBILITY

Page 7, line 13, strike out all after ''alien'' down to and including ''use'' in line 16 and insert'' denied a waiver under the program by reason of a ground of inadmissibility described in section 212(a) that is discovered at the time of the alien's application for the waiver or through the use''.

Page 7, strike out all after line 22 over to and including line 15 on page 8

Page 9, line 6, strike out ''United States);'' and insert ''United States and the existence and effectiveness of its agreements and procedures for extraditing to the United States individuals, including its own nationals, who commit crimes that violate United States law);''.

Page 9, line 11, strike out all after ''Judiciary'' down to and including ''and'' in line 12 and insert ''and the Committee on International Relations of the House of Representatives and the Committee on the Judiciary and the Committee on Foreign Relations''.

Page 10, line 7, strike out ''United States);'' and insert ''United States and the existence and effectiveness of its agreements and procedures for extraditing to the United States individuals, including its own nationals, who commit crimes that violate United States law);''.

Page 10, line 8, after ''determine'' insert '', based upon the evaluation in subclause (I),''.

Page 10, line 14, strike out all after ''ary'' down to and including ''and'' in line 15 and insert ''and the Committee on International Relations of the House of Representatives and the Committee on the Judiciary and the Committee on Foreign Relations''.

Page 10, line 25, strike out all after ''General,'' over to and including ''Register'' in line 3 on page 11 and insert ''in consultation with the Secretary of State''.

Page 11, strike out all after line 12 over to and including line 9 on page 12

Page 12, line 10, strike out ''(C)'' and insert ''(B)''.

Page 13, line 3, after ''ity)'' insert ''on the territory of the program country''.

Page 13, strike out all after line 3 down to and including line 6 and insert:

''(III) a severe breakdown in law and order affecting a significant portion of the program country's territory;

''(IV) a severe economic collapse in the program country; or''.

Page 13, line 8, after ''event'' insert ''in the program country''.

Page 13, line 12, after ''States)'' insert ''and where the country's participation in the program could contribute to that threat''.

Page 13, line 17, after ''General'' insert '', in consultation with the Secretary of State,''.

Page 14, line 7, strike out ''(D)'' and insert ''(C)''.

Page 14, line 12, strike out '', (B), or (C)'' and insert ''or (B)''.

Page 14, line 18, strike out ''a designation''

Page 15, line 11, after ''arrives'' insert ''and departs''.

Page 16, line 25, strike out all after ''RECORD.—'' over to and including ''Senate'' in line 6 on page 17 and insert ''As part of the annual report required to be submitted under section 110(e)(1) of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996, the Attorney General shall include a section''.

Page 17, line 8, after ''year'' insert '', together with an analysis of that information''.

Page 17, line 10, strike out ''October 1'' and insert ''December 31''.

Page 18, after line 2 insert:

''The report required by this clause may be combined with the annual report required to be submitted on that date under section 110(e)(1) of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996.''

Page 19, line 21, after ''name'' insert ''or Service identification number''.

Page 20, strike out all after line 21 over to and including line 4 on page 21 and insert:

''(6) COMPUTATION OF VISA REFUSAL RATES.—For purposes of determining the eligibility of a country to be designated as a program country, the calculation of visa refusal rates shall not include any visa refusals which incorporate any procedures based on, or are otherwise based on, race, sex, or disability, unless otherwise specifically authorized by law or regulation. No court shall have jurisdiction under this paragraph to review any visa refusal, the denial of admission to the United States of any alien by the Attorney General, the Secretary's computation of the visa refusal rate, or the designation or nondesignation of any country.''.

Page 21, after line 4 insert:

''SEC. 207. VISA WAIVER INFORMATION.

''Section 217(c) of the Immigration and Nationality Act (8 U.S.C. 1187(c)), as amended by sections 204(b) and 206 of this Act, is further amended by adding at the end the following:

''(7) VISA WAIVER INFORMATION.—

''(A) IN GENERAL.—In refusing the application of nationals of a program country for United States visas, or the applications of nationals of a country seeking entry into the visa waiver program, a consular officer shall not knowingly or intentionally classify the refusal of the visa under a category that is not included in the calculation of the visa refusal rate only so that the percentage of that country's visa refusals is less than the percentage limitation applicable to qualification for participation in the visa waiver program.

''(B) REPORTING REQUIREMENT.—On May 1 of each year, for each country under consideration for inclusion in the visa waiver program, the Secretary of State shall provide to the appropriate congressional committees—

''(i) the total number of nationals of that country that applied for United States visas in that country during the previous calendar year;

''(ii) the total number of such nationals who received United States visas during the previous calendar year;

''(iii) the total number of such nationals who were refused United States visas during the previous calendar year;

''(iv) the total number of such nationals who were refused United States visas during the previous calendar year under each provision of this Act under which the visas were refused; and

''(v) the number of such nationals that were refused under section 214(b) as a percentage of the visas that were issued to such nationals.

''(C) CERTIFICATION.—Not later than May 1 of each year, the United States chief of mission, acting or permanent, to each country under consideration for inclusion in the visa waiver program shall certify to the appropriate congressional committees that the information described in subparagraph (B) is accurate and provide a copy of that certification to those committees.

''(D) CONSIDERATION OF COUNTRIES IN THE VISA WAIVER PROGRAM.—Upon notification to the Attorney General that a country is under consideration for inclusion in the visa waiver program, the Secretary of State shall provide all of the information described in subparagraph (B) to the Attorney General.

''(E) DEFINITION.—In this paragraph, the term 'appropriate congressional committees' means the Committee on the Judiciary and the Committee on Foreign Relations of the Senate and the Committee on the Judiciary and the Committee on International Relations of the House of Representatives.''.

''TITLE III—IMMIGRATION STATUS OF ALIEN EMPLOYEES OF INTELSAT AFTER PRIVATIZATION

''SEC. 301. MAINTENANCE OF NONIMMIGRANT AND SPECIAL IMMIGRANT STATUS NOTWITHSTANDING INTELSAT PRIVATIZATION.

''(a) OFFICERS AND EMPLOYEES.—

''(1) AFTER PRIVATIZATION.—In the case of an alien who, during the 6-month period ending on the day before the date of privatization, was continuously an officer or employee of INTELSAT, and pursuant to such position continuously maintained, during such period, the status of a lawful nonimmigrant described in section 101(a)(15)(G)(iv) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)(G)(iv)), the alien shall be considered as maintaining such nonimmigrant status on and after the date of privatization, but only during the period in which the alien is an officer or employee of INTELSAT or any successor or separated entity of INTELSAT.

''(2) PRECURSORY EMPLOYMENT WITH SUCCESSOR BEFORE PRIVATIZATION COMPLETION.—In the case of an alien who commences service as an officer or employee of a successor or separated entity of INTELSAT before the date of privatization, but after the date of the enactment of the ORBIT Act (Public Law 106–180; 114 Stat. 48) and in anticipation of

privatization, if the alien, during the 6-month period ending on the day before such commencement date, was continuously an officer or employee of INTELSAT, and pursuant to such position continuously maintained, during such period, the status of a lawful nonimmigrant described in section 101(a)(15)(G)(iv) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)(G)(iv)), the alien shall be considered as maintaining such nonimmigrant status on and after such commencement date, but only during the period in which the alien is an officer or employee of any successor or separated entity of INTELSAT.

''(b) IMMEDIATE FAMILY MEMBERS.—

''(1) ALIENS MAINTAINING STATUS.—

''(A) AFTER PRIVATIZATION.—An alien who, on the day before the date of privatization, was a member of the immediate family of an alien described in subsection (a)(1), and had the status of a lawful nonimmigrant described in section 101(a)(15)(G)(iv) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)(G)(iv)) on such day, shall be considered as maintaining such nonimmigrant status on and after the date of privatization, but, only during the period in which the alien described in subsection (a)(1) is an officer or employee of INTELSAT or any successor or separated entity of INTELSAT.

''(B) AFTER PRECURSORY EMPLOYMENT.—An alien who, on the day before a commencement date described in subsection (a)(2), was a member of the immediate family of the commencing alien, and had the status of a lawful nonimmigrant described in section 101(a)(15)(G)(iv) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)(G)(iv)) on such day, shall be considered as maintaining such nonimmigrant status on and after such commencement date, but only during the period in which the commencing alien is an officer or employee of any successor or separated entity of INTELSAT.

''(2) ALIENS CHANGING STATUS.—In the case of an alien who is a member of the immediate family of an alien described in paragraph (1) or (2) of subsection (a), the alien may be granted and may maintain status as a nonimmigrant described in section 101(a)(15)(G)(iv) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)(G)(iv)) on the same terms as an alien described in subparagraph (A) or (B), respectively, of paragraph (1).

''(c) SPECIAL IMMIGRANTS.—For purposes of section 101(a)(27)(I) (8 U.S.C. 1101(a)(27)(I)) of the Immigration and Nationality Act, the term ''international organization'' includes INTELSAT or any successor or separated entity of INTELSAT.

''SEC. 302. TREATMENT OF EMPLOYMENT FOR PURPOSES OF OBTAINING IMMIGRANT STATUS AS A MULTINATIONAL EXECUTIVE OR MANAGER.

''(a) IN GENERAL.—Notwithstanding section 212(e) of the Immigration and Nationality Act (8 U.S.C. 1182(e)), in the case of an alien described in subsection (b)—

''(1) any services performed by the alien in the United States as an officer or employee of INTELSAT or any successor or separated entity of INTELSAT, and in a capacity that is managerial or executive, shall be considered employment outside the United States by an employer described in section 203(b)(1)(C) of such Act (8 U.S.C. 1153(b)(1)(C)), if the alien has the status of a lawful nonimmigrant described in section 101(a)(15)(G)(iv) of such Act (8 U.S.C. 1101(a)(15)(G)(iv)) during such period of service; and

''(2) the alien shall be considered as seeking to enter the United States in order to continue to render services to the same employer.

''(b) ALIENS DESCRIBED.—An alien described in this subsection is an alien—

''(1) whose nonimmigrant status is maintained pursuant to section 301(a); and

''(2) who seeks adjustment of status after the date of privatization to that of an alien lawfully admitted for permanent residence under section 245 of the Immigration and Nationality Act (8 U.S.C. 1255) based on section 203(b)(1)(C) of such Act (8 U.S.C. 1153(b)(1)(C)) during the period in which the alien is—

''(A) an officer or employee of INTELSAT or any successor or separated entity of INTELSAT; and

''(B) rendering services as such an officer or employee in a capacity that is managerial or executive.

''SEC. 303. DEFINITIONS.

''For purposes of this title—

''(1) the terms ''INTELSAT'', ''separated entity'', and ''successor entity'' shall have the meaning given such terms in the ORBIT Act (Public Law 106–180; 114 Stat. 48);

'(2) the term ''date of privatization'' means the date on which all or substantially all of the then existing assets of INTELSAT are legally transferred to one or more stock corporations or other similar commercial entities; and

''(3) all other terms shall have the meaning given such terms in section 101(a) of the Immigration and Nationality Act (8 U.S.C. 1101(a)).

''TITLE IV—MISCELLANEOUS PROVISIONS

''SEC. 401. AMENDMENT TO SECTION 214 OF THE IMMIGRATION AND NATIONALITY ACT.

''Section 214(c) of the Immigration and Nationality Act (8 U.S.C. 1184(c)) is amended by adding the following new paragraph:

''(10) An amended H–1B petition shall not be required where the petitioning employer is involved in a corporate restructuring, including but not limited to a merger, acquisition, or consolidation, where a new corporate entity succeeds to the interests and obligations of the original petitioning employer and where the terms and conditions of employment remain the same but for the identity of the petitioner.''.

''SEC. 402. THE IMMIGRANT INVESTOR PILOT PROGRAM.

''(a) EXTENSION OF PROGRAM.—Section 610(b) of the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 1993 (8 U.S.C. 1153 note) is amended by striking ''seven years'' and inserting ''ten years''.

''(b) DETERMINATIONS OF JOB CREATION.—Section 610(c) of such Act is amended by inserting '', improved regional productivity, job creation, or increased domestic capital investment'' after ''increased exports''.

''SEC. 403. PARTICIPATION OF BUSINESS AIRCRAFT IN THE VISA WAIVER PROGRAM.

''(a) ENTRY OF BUSINESS AIRCRAFT.—Section 217(a)(5) of the Immigration and Nationality Act (as redesignated by this Act) is amended by striking all after ''carrier'' and inserting the following: '', including any carrier conducting operations under part 135 of title 14, Code of Federal Regulations, or a noncommercial aircraft that is owned or operated by a domestic corporation conducting operations under part 91 of title 14, Code of Federal Regulations which has entered into an agreement with the Attorney General pursuant to subsection (e). The Attorney General is authorized to require a carrier conducting operations under part 135 of title 14, Code of Federal Regulations, or a domestic corporation conducting operations under part 91 of that title, to give suitable and proper bond, in such reasonable amount and containing such conditions as the Attorney General may deem sufficient to ensure compliance with the indemnification requirements of this section, as a term of such an agreement.''.

''(b) ROUND-TRIP TICKET.—Section 217(a)(8) of the Immigration and Nationality Act (as redesignated by this Act) is amended by inserting ''or the alien is arriving at the port of entry on an aircraft operated under part 135 of title 14, Code of Federal Regulations, or a noncommercial aircraft that is owned or operated by a domestic corporation conducting operations under part 91 of title 14, Code of Federal Regulations'' after ''regulations''.

''(c) AUTOMATED SYSTEM CHECK.—Section 217(a) (8 U.S.C. 1187(a)) of the Immigration and Nationality Act is amended by adding at the end the following: ''Operators of aircraft under part 135 of title 14, Code of Federal Regulations, or operators of noncommercial aircraft that are owned or operated by a domestic corporation conducting operations under part 91 of title 14, Code of Federal Regulations, carrying any alien passenger who will apply for admission under this section shall furnish such information as the Attorney General by regulation shall prescribe as necessary for the identification of any alien passenger being transported and for the enforcement of the immigration laws. Such information shall be electronically transmitted not less than one hour prior to arrival at the port of entry for purposes of checking for inadmissibility using the automated electronic database.''.

''(d) CARRIER AGREEMENT REQUIREMENTS TO INCLUDE BUSINESS AIRCRAFT.—

''(1) IN GENERAL.—Section 217(e) (8 U.S.C. 1187(e)) of the Immigration and Nationality Act is amended—

''(A) by striking ''carrier'' each place it appears and inserting ''carrier (including any carrier conducting operations under part 135 of title 14, Code of Federal Regulations) or a domestic corporation conducting operations under part 91 of that title''; and

''(B) in paragraph (2), by striking ''carrier's failure'' and inserting ''failure by a carrier (including any carrier conducting operations under part 135 of title 14, Code of Federal Regulations) or a domestic corporation conducting operations under part 91 of that title''.

''(2) BUSINESS AIRCRAFT REQUIREMENTS.—Section 217(e) (8 U.S.C. 1187(e)) of the Immigration and Nationality Act is amended by adding at the end the following new paragraph:

''(3) BUSINESS AIRCRAFT REQUIREMENTS.—

''(A) IN GENERAL.—For purposes of this section, a domestic corporation conducting operations under part 91 of title 14, Code of Federal Regulations that owns or operates a noncommercial aircraft is a corporation that is organized under the laws of any of the States of the United States or the District of Columbia and is accredited by or a member of a national organization that sets business aviation standards. The Attorney General shall prescribe by regulation the provision of such information as the Attorney General deems necessary to identify the domestic corporation, its officers, employees, shareholders, its place of business, and its business activities.

''(B) COLLECTIONS.—In addition to any other fee authorized by law, the Attorney General is authorized to charge and collect, on a periodic basis, an amount from each domestic corporation conducting operations under part 91 of title 14, Code of Federal Regulations, for nonimmigrant visa waiver admissions on noncommercial aircraft owned or operated by such domestic corporation equal to the total amount of fees assessed for issuance of nonimmigrant visa waiver arrival/departure forms at land border ports of

entry. All fees collected under this paragraph shall be deposited into the Immigration User Fee Account established under section 286(h).''.

''(e) REPORT REQUIRED.—Not later than two years after the date of enactment of this Act, the Attorney General shall submit a report to the Committees on the Judiciary of the House of Representatives and the Senate assessing the effectiveness of the program implemented under the amendments made by this section for simplifying the admission of business travelers from visa waiver program countries and compliance with the Immigration and Nationality Act by such travelers under that program.

SEC. 404. MORE EFFICIENT COLLECTION OF INFORMATION FEE.

''Section 641(e) of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (division C of Public Law 104–208) is amended—

''(1) in paragraph (1)—

''(A) by striking ''an approved institution of higher education and a designated exchange visitor program'' and inserting ''the Attorney General'';

''(B) by striking ''the time—'' and inserting the following: ''a time prior to the alien being classified under subparagraph (F), (J), or (M) of section 101(a)(15) of the Immigration and Nationality Act.''; and

''(C) by striking subparagraphs (A) and (B);

''(2) by amending paragraph (2) to read as follows:

''(2) REMITTANCE.—The fees collected under paragraph (1) shall be remitted by the alien pursuant to a schedule established by the Attorney General for immediate deposit and availability as described under section 286(m) of the Immigration and Nationality Act.'';

''(3) in paragraph (3)—

''(A) by striking ''has'' the first place it appears and inserting ''seeks''; and

''(B) by striking ''has'' the second place it appears and inserting ''seeks to'';

''(4) in paragraph (4)—

''(A) by inserting before the period at the end of the second sentence of subparagraph (A) the following: '', except that, in the case of an alien admitted under section 101(a)(15)(J) of the Immigration and Nationality Act as an au pair, camp counselor, or participant in a summer work travel program, the fee shall not exceed $40''; and

''(B) by adding at the end of subparagraph (B) the following new sentence: ''Such expenses include, but are not necessarily limited to, those incurred by the Secretary of State in connection with the program under subsection (a).''; and

''(5) by adding at the end the following new paragraphs:

''(5) PROOF OF PAYMENT.—The alien shall present proof of payment of the fee before the granting of—

''(A) a visa under section 222 of the Immigration and Nationality Act or, in the case of an alien who is exempt from the visa requirement described in section 212(d)(4) of the Immigration and Nationality Act, admission to the United States; or

''(B) change of nonimmigrant classification under section 248 of the Immigration and Nationality Act to a classification described in paragraph (3).

''(6) IMPLEMENTATION.—The provisions of section 553 of title 5, United States Code (relating to rule-making) shall not apply to the extent the Attorney General determines necessary to ensure the expeditious, initial implementation of this section.''.

''SEC. 405. NEW TIME-FRAME FOR IMPLEMENTATION OF DATA COLLECTION PROGRAM.

''Section 641(g)(1) of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (division C of Public Law 104–208) is amended to read as follows:

''(1) EXPANSION OF PROGRAM.—Not later than 12 months after the submission of the report required by subsection (f), the Attorney General, in consultation with the Secretary of State and the Secretary of Education, shall commence expansion of the program to cover the nationals of all countries.''.

''SEC. 406. TECHNICAL AMENDMENTS.

''Section 641 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (division C of Public Law 104–208) is amended—

''(1) in subsection (h)(2)(A), by striking ''Director of the United States Information Agency'' and inserting ''Secretary of State''; and

''(2) in subsection (d)(1), by inserting ''institutions of higher education or exchange visitor programs'' after ''by''.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Texas (Mr. SMITH) and the gentlewoman from Texas (Ms. JACKSON-LEE) each will control 20 minutes.

The Chair recognizes the gentleman from Texas (Mr. SMITH).

GENERAL LEAVE

Mr. SMITH of Texas. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous matter on the legislation under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. SMITH of Texas. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the visa waiver pilot program allows aliens traveling from certain designated countries to come to the United States as temporary visitors for business or pleasure without having to obtain the nonimmigrant visa normally required to enter the United States. There are currently 29 countries participating in this program.

H.R. 3767 is a bipartisan bill. It was passed unanimously by the Subcommittee on Immigration and Claims in the Committee on the Judiciary. The Senate modifications to the House-passed language were worked out on a bipartisan basis with the Committee on the Judiciary.

Since its initial enactment as a temporary program in 1986, the Visa Waiver Pilot Program has been regularly extended by Congress. However, the latest extension expired on April 30.

Fourteen years is a long time for a pilot program. H.R. 3767, The Visa Waiver Permanent Program Act, makes the visa waiver program more secure and by ending the need to periodically reauthorize it, makes the program.

H.R. 3767 is a bipartisan bill. It was passed unanimously by the Subcommittee on Immigration and Claims and the Judiciary Committee. The Senate modifications to the House-passed language were worked out on a bipartisan basis with the Judiciary Committee.

The tourism and travel industry strongly supports this legislation. Visa-free travel under the program has stimulated tourism in the United States from participating countries. More than 17 million visitors enter the United States under the Visa Waiver Program each year. A permanent program will be a long term benefit to the tourism industry and remove the uncertainty caused by the periodic expiration of the program.

A permanent program should not be authorized if the program poses a threat to the safety and well-being of the United States or allows large numbers of aliens to use the program to circumvent immigration laws. Thus, H.R. 3767 contains several provisions that are needed to strengthen the program.

First, the current requirement that participating countries have a machine readable passport has been strengthened by establishing a date certain for all countries in the program to implement a machine readable passport.

Second, H.R. 3767 requires the INS to develop a fully automated system for tracking the entry and departure of visa waiver travelers entering by air and sea.

Third, H.R. 3767 establishes procedures for periodic reviews of countries already in the program and for suspending a country's participation in the program during emergency situations such as war, economic collapse, or a breakdown in law and order. Such procedures ensure that a permanent visa waiver program does not pose a threat to the law enforcement and security interests of the United States.

Finally, H.R. 3767 requires the INS and the Department of State to upgrade their automated lookout systems for screening visa waiver travelers.

H.R. 3767, as passed by the Senate, includes a number of new provisions that are agreeable to the Judiciary Committee. The first two modify the visa waiver program. The first would allow corporate aircraft to utilize the visa waiver program under the same conditions and with the same safeguards as may commercial air carriers. This provision will facilitate travel for those large number American businesses utilizing non-commercial air transport and will promote the economic health of the business aviation industry.

The second new measure requires the Secretary of State to provide Congress with information regarding countries under consideration for inclusion in the visa waiver program. It requires that visa refusal data not be manipulated by consular officers so as to favor a country's qualification for the visa waiver program.

The bill also includes new provisions not relating to the visa waiver program. The first deals with the immigration law consequences of the privatization of INTELSAT, the International Telecommunications Satellite Organization.

Prior to privatization, foreign INTELSAT employees in the United States received ''G–4'' nonimmigrant visas which are available to officers and employees (and their family members) of international organizations. Such employees (and their family members) are eligible for permanent residence upon retirement (and under certain other circumstances) pursuant to the special immigrant visa program.

Without legislative action, INTELSAT's foreign employees would be forced to leave the United States upon the entity's privatization.

The bill provides that foreign employees (and their family members) who worked for INTELSAT in the United States for at least 6

months prior to privatization can continue to use their G–4 visas for as long as they work for INTELSAT or a successor or separated entity. The bill further provides that these foreign employees (and their families) can continue to make use of the special immigrant visa program despite INTELSAT's privatization.

Finally, the bill provides that those qualifying foreign employees of INTELSAT who work in a managerial or executive capacity may seek permanent residence under the multinational executive and manager green card program.

The bill extends the length of the regional center pilot program of the employment creation immigrant visa program through October 1, 2003. This pilot program sets aside 3,000 visas a year for aliens investing in regional centers that promote economic growth. Under the pilot as amended by this bill, qualifying regional centers may create jobs indirectly through revenues generated from increased exports, improved regional productivity, job creation, or increased domestic capital investment.

The bill modifies the program set up under the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 to collect information on alien post-secondary students and exchange visitors. In 1995, the Immigration and Naturalization Service issued a report which found that ''Americans have a fundamental, basic expectation that their Government is effectively monitoring and controlling foreign students. . . . Because there have been high profile instances where terrorists and criminal aliens have been linked to student visas, there is a growing degree of public concern about this issue.''

Section 641 of IIRIRA required the implementation (first as a pilot program) of a system which would collect electronically information from schools on foreign students including identity and address, current academic status and any disciplinary action taken by a school against a student as a result of the commission of a crime. The system is soon to go into effect nationwide.

This bill clarifies that the fee funding this program shall be collected by the Attorney General prior to the issuance of a visa, and not by the institution of higher education or exchange visitor program when the alien registers or first commences activities.

In addition, the bill provides that aliens subject to the program who are admitted under ''J'' exchange visas as au pairs, camp counselors, or participants in summer work travel programs shall pay a fee of no more than $40.

Finally, the bill provides that employers utilizing the H–1B program do not have to file amended petitions for alien workers as a result of their being involved in corporate restructurings, including but not limited to mergers, acquisitions, or consolidations, where new corporate entities succeed to the interest and obligations of the original employers and where the terms and conditions of employment remain the same.

I urge my colleagues to vote for the Visa Waiver Permanent Program Act.

Mr. Speaker, I reserve the balance of my time.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I yield myself such time as I may consume.

(Ms. JACKSON-LEE of Texas asked and was given permission to revise and extend her remarks.)

Ms. JACKSON-LEE of Texas. Mr. Speaker, let me add my appreciation to the chairman of the subcommittee, and, as well, to all of those who worked to move this legislation along.

Mr. Speaker, I support H.R. 3767. It is an important vehicle to improve the ability for tourism in the United States. Many entities worked to ensure that the visa waiver program became permanent.

This is, of course, to allow short-term visitors to travel to the United States without having to obtain a non-immigrant visa, thereby encouraging and facilitating international tourism to the United States. This will help all of our States, and particularly my State of Texas, that ranks number four in the Nation in overall visitor spending and travel.

Mr. Speaker, let me conclude by simply saying that I would hope that we would have the opportunity to look at countries in the continent of Africa, particularly South Africa, to include in this program, and that this program will continue to grow in a positive way so we can continue to have the important exchange that is so very important in the United States of America to promote cooperation and exchange.

Mr. FARR of California. Mr. Speaker, as co-chair of the House Travel and Tourism Caucus, I express my strong support for passage of the Visa Waiver Permanent Program Act (H.R. 3767) to permanently reauthorize the Visa Waiver Pilot Program.

The Visa Waiver Program facilitates and streamlines international travel by allowing visitors from 29 low-risk countries to enter the U.S. visa-free for up to 90 days. A permanent program will encourage international travel to the United States at a time when we should be promoting the U.S. travel and tourism industry. As the fastest growing industry in the United States, the third-largest retail industry, and one of the Nation's largest employers, tourism is one of our most vibrant economic industries.

More than 46 million international visitors come to the United States each year, and the numbers keep on increasing. These tourists spend more than $90 billion in the United States, supporting directly and indirectly 16.9 million American jobs, and creating a tourism trade surplus of $14.2 billion. More than 94 percent of these jobs are created by small businesses located in communities in every corner of the United States. In fact, the travel industry provides jobs for more than 800,000 people in California and 20,000 in my district alone. As the second largest economic engine on the central coast, bringing in $1.5 billion a year, tourism is absolutely integral to my district's economic success story.

Nearly half of all overseas visitors currently arrive under the Visa Waiver Program. Without this program, the number of international tourists will decrease substantially—which will be felt on Main Street, USA nationwide.

This success of the Visa Waiver Program has been an integral component in our increased international tourism, which has in turn provided substantial economic benefits to the United States. Therefore, on behalf of bed and breakfasts, retail shop owners, taxi drivers and tour operators across the Nation, I urge your support for making the Visa Waiver Pilot Program permanent.

Mr. UNDERWOOD. Mr. Speaker, thank you for allowing me the opportunity to comment in support of H.R. 3767, a bill which will make permanent the Visa Waiver Program Act. The original program allowed visitors from certain foreign countries to enter the United States and the Territories without having to apply for a visa.

Since the program expired on April 30 of this year, visitors to Guam from Japan and other countries covered under the program, have entered the island under INS paroling rules. This has created a burden of additional paperwork for INS agents to process; and, as a consequence, visitors are enduring longer lines in immigration. The average waiting period for processing ballooned from 45 minutes to up to 4 hours. Imagine yourself as a visitor traveling from Japan for 3 hours then waiting in line for an additional 4 hours to process through immigration before your able to leave the airport and begin your vacation. This is a reality that some visitors to Guam have had to endure.

This program is crucial to the success of American communities that rely on tourism as their main source of revenue. For 14 years the program has soundly demonstrated its ability to expand our travel and tourism base and aid our country's economic growth. Indeed, Guam has itself reaped the benefits of this program, alleviating the process for applying for a visa to certain visitors traveling to the United States for business or pleasure.

Since 1988, travel to the United States from foreign countries has consistently risen each year. International travel has given our country a trade surplus within the tourism industry totaling as much as $26 billion in 1996. It is clear that with revenues like this, we should make the Visit Waiver Program permanent.

Mr. Speaker, I urge the passage today of H.R. 3767, the Visa Waiver Permanent Program Act, which is instrumental to continuing the prosperity of our nations' economy, including my home island of Guam.

Mr. CONYERS. Mr. Speaker, on April 11, 2000, the House passed H.R. 3767, the Visa Waiver Permanent Program Act, which included an amendment I offered during the Judiciary Committee markup. My amendment prohibits the use of visa refusal rates to disqualify countries from the visa waiver program when visa refusals are based on the discriminatory practices of the adjudicating Consulate. The amendment as passed by both the committee and the House ensures that Consulates and Embassies abroad adjudicate visa applications based on the merits of the applications, and not on the basis of ''race, sex, sexual orientation, or disability.'' Unfortunately, this bill's Senate counterpart has been held up in large part because of opposition to my amendment by the senior Senator from North Carolina and others in the Senate majority.

In an effort to reach a compromise, the Senate bill retains my amendment, except for the prohibition of discrimination on the basis of sexual orientation. In addition, the Senate amendment provides that:

No court shall have jurisdiction under [the Conyers' amendment] to review any visa refusal or the Secretary's computation of the visa refusal rate.

I would have preferred that these changes not have been made, but, given the lateness

in the session and the importance of the visa waiver program being extended, I am willing to support the legislation before us.

The impetus for the amendment was U.S. District Court Judge Stanley Sporkin's decisive findings in the case of Olden versus Albright in December 1997 that the U.S. Consulate General in Sao Paulo, Brazil, based its nonimmigrant visa determinations in large part on the applicants' race, ethnicity or national origin. For example, Korean and Chinese nationals were rarely issued visas unless they were older and had previously received a visa. According to the Consular Section Head, ''Filipinos and Nigerians have high fraud rates, and their applications should be viewed with extreme suspicion, while British and Japanese citizens rarely overstay, and generally require less scrutiny.'' Further, identifying cities ''known for fraud'' (most with predominantly black populations), the Consulate's manual stated that ''anyone born in these locations is suspect unless older, well-traveled, etc.''

Judge Sporkin correctly stated:

The principle that government must not discriminate against particular individuals because of the color of their skin or the place of their birth means that the use of generalizations based on these factors is unfair and unjustified.

When, as in the Olsen case, that discriminatory profiling is occurring and where it occurs at the Federal level, it is particularly important that Congress act to prevent further discrimination.

Notwithstanding the Senate's revision to the bill, the final language makes it clear to the U.S. Consulates and Embassies abroad that it is a violation of U.S. law for visa refusals to occur based on generalizations that by their very nature are not applicable to the individual application. The revised language continues to ensure that Embassies and Consulates adjudicate visas based on the merits of the applications, and not on the basis of irrelevant and harmful discriminatory stereotypes. Further, the Olson decision continues to stand for the legal proposition that the use of generalizations based on race, sex, and disability (as well as sexual orientation, nationality, place of birth, and place of residence) is unfair, unjustified, and contrary to law.

The amendment added in the Senate will have no practical legal effect and I understand from my Senate colleagues that it is merely a symbolic gesture. Nonetheless, court stripping provisions, whether symbolic or not, is contrary to our democratic principles. I hesitate before supporting another bill out of this Congress that removes the ability of immigrants to have administrative determinations reviewed by a court. It seems to me ironic that our Republican friends demanded only a short while ago that Elian Gonzalez be afforded the right of judicial review. These demands must also have been only symbolic.

The bill passed by the Senate also includes a new title III to permit INTELSAT's foreign employees to maintain their nonimmigrant status notwithstanding the organization's privatization. At the present time, INTELSAT's foreign employees are in a visa status based on their employment by an international organization. After INTELSAT privatizes, its current employees will no longer be eligible to maintain their current visa status without this change in the law. the purpose of title III is not to give INTELSAT an unfair advantage with regard to its hiring practices as compared with its competitors. Let me just clarify my understanding of two references within Title III.

First, in sections 301(a)(1) and (a)(2), the phrase ''separate entity of INTELSAT'' is intended to address the situation in which, between passage of this bill and privatization, INTELSAT establishes a new separated entity as a shell company in anticipation of privatization. It is not our intent for an employee of INTELSAT who, post-privatization, becomes an employee of a separated entity that predates this legislation (e.g., New Skies Satellites N.V.) to retain his or her nonimmigrant status.

Second, in sections 301(a)(1) and (a)(2), the phrase ''the date of privatization'' means either the date that INTELSAT privatizes or April 1, 2001, whichever is earlier. The ORBIT Act specifies April 1, 2001 as the date by which INTELSAT must privatize, without regard to whether INTELSAT is granted an extension, pursuant to Section 621(5) of the ORBIT Act, to conduct an initial public offering.

Finally, I would like to thank the Travel Industry Association, and in particular its president, Bill Norman, for their exemplary work on ensuring the final passage of this bill.

The Visa Waiver Permanent Program Act is too important to our business and tourism industries to delay it any longer. I therefore urge my colleagues to support this bill.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I yield back the balance of my time.

Mr. SMITH of Texas. Mr. Speaker, I urge my colleagues to support this bill, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Texas (Mr. SMITH) that the House suspend the rules and concur in the Senate amendments to the bill, H.R. 3767.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the Senate amendments were concurred in.

A motion to reconsider was laid on the table.

DISABLED IMMIGRANT NATURALIZATION OATH WAIVER

Mr. SMITH of Texas. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4838) to amend the Immigration and Nationality Act to provide a waiver of the oath of renunciation and allegiance for naturalization of aliens having certain disabilities, as amended.

The Clerk read as follows:

H.R. 4838

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. WAIVER OF OATH OF RENUNCIATION AND ALLEGIANCE FOR NATURALIZATION OF ALIENS HAVING CERTAIN DISABILITIES.

(a) IN GENERAL.—Section 337(a) of the Immigration and Nationality Act (8 U.S.C. 1448(a)) is amended by adding at the end the following:

''The Attorney General may waive the taking of the oath by a person if in the opinion of the Attorney General the person is unable to understand, or to communicate an understanding of, its meaning because of a physical or developmental disability or mental impairment. If the Attorney General waives the taking of the oath by a person under the preceding sentence, the person shall be considered to have met the requirements of section 316(a)(3) with respect to attachment to the principles of the Constitution and well disposition to the good order and happiness of the United States.''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to persons applying for naturalization before, on, or after the date of the enactment of this Act.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Texas (Mr. SMITH) and the gentlewoman from Texas (Ms. JACKSON-LEE) each will control 20 minutes.

The Chair recognizes the gentleman from Texas (Mr. SMITH).

GENERAL LEAVE

Mr. SMITH of Texas. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. SMITH of Texas. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I thank the gentlewoman from Florida (Ms. ROS-LEHTINEN) for introducing this bill, and I appreciate the effort she put into it to get to the point it is in today.

Mr. Speaker, H.R. 4838 permits the Attorney General to waive the taking of the oath of allegiance by a naturalization applicant if, in the opinion of the Attorney General, the applicant is unable to understand or to communicate an understanding of the oath's meaning because of a physical or developmental disability or mental impairment.

Mr. Speaker, some disabled, lawful permanent resident aliens have been unable to overcome obstructions at various stages in the naturalization process because of their disabilities. The Immigration and Nationality Act permits the Attorney General to waive the taking of the oath by a child if the child is unable to understand its meaning. Yet, some of those disabled individuals who were granted a medical