

In the Senate of the United States,

October 3 (legislative day, September 22), 2000.

Resolved, That the bill from the House of Representatives (H.R. 3767) entitled “An Act 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.”, do pass with the following

AMENDMENTS:

- 1 **(1)**Page 5, line 12, strike out **[2006]** and insert: *2007*

- 2 **(2)**Page 7, line 11, strike out all after “(g)” down to and
3 including “SYSTEM” in line 13 and insert: *VISA APPLICA-*
4 *TION SOLE METHOD TO DISPUTE DENIAL OF WAIVER*
5 *BASED ON A GROUND OF INADMISSIBILITY*

- 6 **(3)**Page 7, line 13, strike out all after “alien” down to
7 and including “use” in line 16 and insert: *denied a waiver*
8 *under the program by reason of a ground of inadmissibility*
9 *described in section 212(a) that is discovered at the time*
10 *of the alien’s application for the waiver or through the use*

1 **(4)**Page 7, strike out all after line 22 over to and includ-
2 ing line 15 on page 8

3 **(5)**Page 9, line 6, strike out **【United States);】** and insert:
4 *United States and the existence and effectiveness of its*
5 *agreements and procedures for extraditing to the United*
6 *States individuals, including its own nationals, who com-*
7 *mit crimes that violate United States law);*

8 **(6)**Page 9, line 11, strike out all after “Judiciary” down
9 to and including “and” in line 12 and insert: *and the Com-*
10 *mittee on International Relations of the House of Rep-*
11 *resentatives and the Committee on the Judiciary and the*
12 *Committee on Foreign Relations*

13 **(7)**Page 10, line 7, strike out **【United States);】** and in-
14 sert: *United States and the existence and effectiveness of*
15 *its agreements and procedures for extraditing to the United*
16 *States individuals, including its own nationals, who com-*
17 *mit crimes that violate United States law);*

18 **(8)**Page 10, line 8, after “determine” insert: *, based upon*
19 *the evaluation in subclause (I),*

20 **(9)**Page 10, line 14, strike out all after “ary” down to
21 and including “and” in line 15 and insert: *and the Com-*
22 *mittee on International Relations of the House of Rep-*

1 *representatives and the Committee on the Judiciary and the*
 2 *Committee on Foreign Relations*

3 **(10)**Page 10, line 25, strike out all after “General,” over
 4 to and including “Register” in line 3 on page 11 and in-
 5 sert: *in consultation with the Secretary of State*

6 **(11)**Page 11, strike out all after line 12 over to and in-
 7 cluding line 9 on page 12

8 **(12)**Page 12, line 10, strike out **[(C)]** and insert: *(B)*

9 **(13)**Page 13, line 3, after “ity)” insert: *on the territory*
 10 *of the program country*

11 **(14)**Page 13, strike out all after line 3 down to and in-
 12 cluding line 6 and insert:

13 *“(III) a severe breakdown in law*
 14 *and order affecting a significant por-*
 15 *tion of the program country’s territory;*

16 *“(IV) a severe economic collapse*
 17 *in the program country; or*

18 **(15)**Page 13, line 8, after “event” insert: *in the program*
 19 *country*

20 **(16)**Page 13, line 12, after “States)” insert: *and where*
 21 *the country’s participation in the program could contribute*
 22 *to that threat*

1 **(17)**Page 13, line 17, after “General” insert: , *in con-*
2 *sultation with the Secretary of State,*

3 **(18)**Page 14, line 7, strike out **[(D)]** and insert: *(C)*

4 **(19)**Page 14, line 12, strike out **[, (B), or (C)]** and in-
5 sert: *or (B)*

6 **(20)**Page 14, line 18, strike out **[a designation]**

7 **(21)**Page 15, line 11, after “arrives” insert: *and departs*

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

14 **(23)**Page 17, line 8, after “year” insert: , *together with*
15 *an analysis of that information*

16 **(24)**Page 17, line 10, strike out **[October 1]** and insert:
17 *December 31*

18 **(25)**Page 18, after line 2 insert:

19 *The report required by this clause may be*
20 *combined with the annual report required*
21 *to be submitted on that date under section*

1 *110(e)(1) of the Illegal Immigration Reform*
2 *and Immigrant Responsibility Act of 1996.*

3 **(26)**Page 19, line 21, after “name” insert: *or Service*
4 *identification number*

5 **(27)**Page 20, strike out all after line 21 over to and in-
6 cluding line 4 on page 21 and insert:

7 “(6) *COMPUTATION OF VISA REFUSAL RATES.—*
8 *For purposes of determining the eligibility of a coun-*
9 *try to be designated as a program country, the cal-*
10 *culatation of visa refusal rates shall not include any*
11 *visa refusals which incorporate any procedures based*
12 *on, or are otherwise based on, race, sex, or disability,*
13 *unless otherwise specifically authorized by law or reg-*
14 *ulation. No court shall have jurisdiction under this*
15 *paragraph to review any visa refusal, the denial of*
16 *admission to the United States of any alien by the*
17 *Attorney General, the Secretary’s computation of the*
18 *visa refusal rate, or the designation or nondesignation*
19 *of any country.”.*

20 **(28)**Page 21, after line 4 insert:

21 **SEC. 207. VISA WAIVER INFORMATION.**

22 *Section 217(c) of the Immigration and Nationality Act*
23 *(8 U.S.C. 1187(c)), as amended by sections 204(b) and 206*
24 *of this Act, is further amended by adding at the end the*
25 *following:*

1 “(7) *VISA WAIVER INFORMATION.*—

2 “(A) *IN GENERAL.*—*In refusing the applica-*
3 *tion of nationals of a program country for*
4 *United States visas, or the applications of na-*
5 *tionals of a country seeking entry into the visa*
6 *waiver program, a consular officer shall not*
7 *knowingly or intentionally classify the refusal of*
8 *the visa under a category that is not included in*
9 *the calculation of the visa refusal rate only so*
10 *that the percentage of that country’s visa refusals*
11 *is less than the percentage limitation applicable*
12 *to qualification for participation in the visa*
13 *waiver program.*

14 “(B) *REPORTING REQUIREMENT.*—*On May*
15 *1 of each year, for each country under consider-*
16 *ation for inclusion in the visa waiver program,*
17 *the Secretary of State shall provide to the appro-*
18 *priate congressional committees—*

19 “(i) *the total number of nationals of*
20 *that country that applied for United States*
21 *visas in that country during the previous*
22 *calendar year;*

23 “(ii) *the total number of such nation-*
24 *als who received United States visas during*
25 *the previous calendar year;*

1 “(iii) the total number of such nation-
2 als who were refused United States visas
3 during the previous calendar year;

4 “(iv) the total number of such nation-
5 als who were refused United States visas
6 during the previous calendar year under
7 each provision of this Act under which the
8 visas were refused; and

9 “(v) the number of such nationals that
10 were refused under section 214(b) as a per-
11 centage of the visas that were issued to such
12 nationals.

13 “(C) CERTIFICATION.—Not later than May
14 1 of each year, the United States chief of mis-
15 sion, acting or permanent, to each country under
16 consideration for inclusion in the visa waiver
17 program shall certify to the appropriate congres-
18 sional committees that the information described
19 in subparagraph (B) is accurate and provide a
20 copy of that certification to those committees.

21 “(D) CONSIDERATION OF COUNTRIES IN
22 THE VISA WAIVER PROGRAM.—Upon notification
23 to the Attorney General that a country is under
24 consideration for inclusion in the visa waiver
25 program, the Secretary of State shall provide all

1 of the information described in subparagraph
2 (B) to the Attorney General.

3 “(E) *DEFINITION.*—In this paragraph, the
4 term ‘appropriate congressional committees’
5 means the Committee on the Judiciary and the
6 Committee on Foreign Relations of the Senate
7 and the Committee on the Judiciary and the
8 Committee on International Relations of the
9 House of Representatives.”.

10 **TITLE III—IMMIGRATION STA-**
11 **TUS OF ALIEN EMPLOYEES OF**
12 **INTELSAT AFTER PRIVATIZA-**
13 **TION**

14 **SEC. 301. MAINTENANCE OF NONIMMIGRANT AND SPECIAL**
15 **IMMIGRANT STATUS NOTWITHSTANDING**
16 **INTELSAT PRIVATIZATION.**

17 (a) *OFFICERS AND EMPLOYEES.*—

18 (1) *AFTER PRIVATIZATION.*—In the case of an
19 alien who, during the 6-month period ending on the
20 day before the date of privatization, was continuously
21 an officer or employee of INTELSAT, and pursuant
22 to such position continuously maintained, during
23 such period, the status of a lawful nonimmigrant de-
24 scribed in section 101(a)(15)(G)(iv) of the Immigra-
25 tion and Nationality Act (8 U.S.C.

1 1101(a)(15)(G)(iv)), the alien shall be considered as
2 maintaining such nonimmigrant status on and after
3 the date of privatization, but only during the period
4 in which the alien is an officer or employee of
5 INTELSAT or any successor or separated entity of
6 INTELSAT.

7 (2) *PRECURSORY EMPLOYMENT WITH SUCCESSOR*
8 *BEFORE PRIVATIZATION COMPLETION.*—In the case of
9 an alien who commences service as an officer or em-
10 ployee of a successor or separated entity of
11 INTELSAT before the date of privatization, but after
12 the date of the enactment of the *ORBIT Act* (Public
13 Law 106–180; 114 Stat. 48) and in anticipation of
14 privatization, if the alien, during the 6-month period
15 ending on the day before such commencement date,
16 was continuously an officer or employee of
17 INTELSAT, and pursuant to such position continu-
18 ously maintained, during such period, the status of a
19 lawful nonimmigrant described in section
20 101(a)(15)(G)(iv) of the *Immigration and Nation-*
21 *ality Act* (8 U.S.C. 1101(a)(15)(G)(iv)), the alien
22 shall be considered as maintaining such non-
23 immigrant status on and after such commencement
24 date, but only during the period in which the alien

1 *is an officer or employee of any successor or separated*
2 *entity of INTELSAT.*

3 *(b) IMMEDIATE FAMILY MEMBERS.—*

4 *(1) ALIENS MAINTAINING STATUS.—*

5 *(A) AFTER PRIVATIZATION.—An alien who,*
6 *on the day before the date of privatization, was*
7 *a member of the immediate family of an alien*
8 *described in subsection (a)(1), and had the status*
9 *of a lawful nonimmigrant described in section*
10 *101(a)(15)(G)(iv) of the Immigration and Na-*
11 *tionality Act (8 U.S.C. 1101(a)(15)(G)(iv)) on*
12 *such day, shall be considered as maintaining*
13 *such nonimmigrant status on and after the date*
14 *of privatization, but, only during the period in*
15 *which the alien described in subsection (a)(1) is*
16 *an officer or employee of INTELSAT or any suc-*
17 *cessor or separated entity of INTELSAT.*

18 *(B) AFTER PRECURSORY EMPLOYMENT.—*

19 *An alien who, on the day before a commencement*
20 *date described in subsection (a)(2), was a mem-*
21 *ber of the immediate family of the commencing*
22 *alien, and had the status of a lawful non-*
23 *immigrant described in section 101(a)(15)(G)(iv)*
24 *of the Immigration and Nationality Act (8*
25 *U.S.C. 1101(a)(15)(G)(iv)) on such day, shall be*

1 *considered as maintaining such nonimmigrant*
2 *status on and after such commencement date, but*
3 *only during the period in which the commencing*
4 *alien is an officer or employee of any successor*
5 *or separated entity of INTELSAT.*

6 (2) *ALIENS CHANGING STATUS.*—*In the case of*
7 *an alien who is a member of the immediate family*
8 *of an alien described in paragraph (1) or (2) of sub-*
9 *section (a), the alien may be granted and may main-*
10 *tain status as a nonimmigrant described in section*
11 *101(a)(15)(G)(iv) of the Immigration and Nation-*
12 *ality Act (8 U.S.C. 1101(a)(15)(G)(iv)) on the same*
13 *terms as an alien described in subparagraph (A) or*
14 *(B), respectively, of paragraph (1).*

15 (c) *SPECIAL IMMIGRANTS.*—*For purposes of section*
16 *101(a)(27)(I) (8 U.S.C. 1101(a)(27)(I)) of the Immigration*
17 *and Nationality Act, the term “international organization”*
18 *includes INTELSAT or any successor or separated entity*
19 *of INTELSAT.*

20 **SEC. 302. TREATMENT OF EMPLOYMENT FOR PURPOSES OF**
21 **OBTAINING IMMIGRANT STATUS AS A MULTI-**
22 **NATIONAL EXECUTIVE OR MANAGER.**

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

1 (1) *any services performed by the alien in the*
2 *United States as an officer or employee of*
3 *INTELSAT or any successor or separated entity of*
4 *INTELSAT, and in a capacity that is managerial or*
5 *executive, shall be considered employment outside the*
6 *United States by an employer described in section*
7 *203(b)(1)(C) of such Act (8 U.S.C. 1153(b)(1)(C)), if*
8 *the alien has the status of a lawful nonimmigrant de-*
9 *scribed in section 101(a)(15)(G)(iv) of such Act (8*
10 *U.S.C. 1101(a)(15)(G)(iv)) during such period of*
11 *service; and*

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

15 (b) *ALIENS DESCRIBED.*—*An alien described in this*
16 *subsection is an alien—*

17 (1) *whose nonimmigrant status is maintained*
18 *pursuant to section 301(a); and*

19 (2) *who seeks adjustment of status after the date*
20 *of privatization to that of an alien lawfully admitted*
21 *for permanent residence under section 245 of the Im-*
22 *migration and Nationality Act (8 U.S.C. 1255) based*
23 *on section 203(b)(1)(C) of such Act (8 U.S.C.*
24 *1153(b)(1)(C)) during the period in which the alien*
25 *is—*

1 (A) *an officer or employee of INTELSAT or*
2 *any successor or separated entity of INTELSAT;*
3 *and*

4 (B) *rendering services as such an officer or*
5 *employee in a capacity that is managerial or ex-*
6 *ecutive.*

7 **SEC. 303. DEFINITIONS.**

8 *For purposes of this title—*

9 (1) *the terms “INTELSAT”, “separated entity”,*
10 *and “successor entity” shall have the meaning given*
11 *such terms in the ORBIT Act (Public Law 106–180;*
12 *114 Stat. 48);*

13 (2) *the term “date of privatization” means the*
14 *date on which all or substantially all of the then ex-*
15 *isting assets of INTELSAT are legally transferred to*
16 *one or more stock corporations or other similar com-*
17 *mercial entities; and*

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

1 **TITLE IV—MISCELLANEOUS**
2 **PROVISIONS**

3 **SEC. 401. AMENDMENT TO SECTION 214 OF THE IMMIGRA-**
4 **TION AND NATIONALITY ACT.**

5 *Section 214(c) of the Immigration and Nationality Act*
6 *(8 U.S.C. 1184(c)) is amended by adding the following new*
7 *paragraph:*

8 “(10) *An amended H–1B petition shall not be*
9 *required where the petitioning employer is involved in*
10 *a corporate restructuring, including but not limited*
11 *to a merger, acquisition, or consolidation, where a*
12 *new corporate entity succeeds to the interests and ob-*
13 *ligations of the original petitioning employer and*
14 *where the terms and conditions of employment re-*
15 *main the same but for the identity of the petitioner.”.*

16 **SEC. 402. THE IMMIGRANT INVESTOR PILOT PROGRAM.**

17 *(a) EXTENSION OF PROGRAM.—Section 610(b) of the*
18 *Departments of Commerce, Justice, and State, the Judici-*
19 *ary, and Related Agencies Appropriations Act, 1993 (8*
20 *U.S.C. 1153 note) is amended by striking “seven years” and*
21 *inserting “ten years”.*

22 *(b) DETERMINATIONS OF JOB CREATION.—Section*
23 *610(c) of such Act is amended by inserting “, improved re-*
24 *gional productivity, job creation, or increased domestic cap-*
25 *ital investment” after “increased exports”.*

1 **SEC. 403. PARTICIPATION OF BUSINESS AIRCRAFT IN THE**
2 **VISA WAIVER PROGRAM.**

3 (a) *ENTRY OF BUSINESS AIRCRAFT.*—Section
4 217(a)(5) of the Immigration and Nationality Act (as re-
5 designated by this Act) is amended by striking all after
6 “carrier” and inserting the following: “, including any car-
7 rier conducting operations under part 135 of title 14, Code
8 of Federal Regulations, or a noncommercial aircraft that
9 is owned or operated by a domestic corporation conducting
10 operations under part 91 of title 14, Code of Federal Regu-
11 lations which has entered into an agreement with the Attor-
12 ney General pursuant to subsection (e). The Attorney Gen-
13 eral is authorized to require a carrier conducting operations
14 under part 135 of title 14, Code of Federal Regulations,
15 or a domestic corporation conducting operations under part
16 91 of that title, to give suitable and proper bond, in such
17 reasonable amount and containing such conditions as the
18 Attorney General may deem sufficient to ensure compliance
19 with the indemnification requirements of this section, as a
20 term of such an agreement.”.

21 (b) *ROUND-TRIP TICKET.*—Section 217(a)(8) of the
22 Immigration and Nationality Act (as redesignated by this
23 Act) is amended by inserting “or the alien is arriving at
24 the port of entry on an aircraft operated under part 135
25 of title 14, Code of Federal Regulations, or a noncommercial
26 aircraft that is owned or operated by a domestic corpora-

1 *tion conducting operations under part 91 of title 14, Code*
2 *of Federal Regulations” after “regulations”.*

3 (c) *AUTOMATED SYSTEM CHECK.*—Section 217(a) (8
4 *U.S.C. 1187(a)) of the Immigration and Nationality Act*
5 *is amended by adding at the end the following: “Operators*
6 *of aircraft under part 135 of title 14, Code of Federal Regu-*
7 *lations, or operators of noncommercial aircraft that are*
8 *owned or operated by a domestic corporation conducting*
9 *operations under part 91 of title 14, Code of Federal Regu-*
10 *lations, carrying any alien passenger who will apply for*
11 *admission under this section shall furnish such information*
12 *as the Attorney General by regulation shall prescribe as nec-*
13 *essary for the identification of any alien passenger being*
14 *transported and for the enforcement of the immigration*
15 *laws. Such information shall be electronically transmitted*
16 *not less than one hour prior to arrival at the port of entry*
17 *for purposes of checking for inadmissibility using the auto-*
18 *mated electronic database.”.*

19 (d) *CARRIER AGREEMENT REQUIREMENTS TO IN-*
20 *CLUDE BUSINESS AIRCRAFT.*—

21 (1) *IN GENERAL.*—Section 217(e) (8 *U.S.C.*
22 *1187(e)) of the Immigration and Nationality Act is*
23 *amended—*

24 (A) *by striking “carrier” each place it ap-*
25 *pears and inserting “carrier (including any car-*

1 rier conducting operations under part 135 of
2 title 14, Code of Federal Regulations) or a do-
3 mestic corporation conducting operations under
4 part 91 of that title”; and

5 (B) in paragraph (2), by striking “carrier’s
6 failure” and inserting “failure by a carrier (in-
7 cluding any carrier conducting operations under
8 part 135 of title 14, Code of Federal Regula-
9 tions) or a domestic corporation conducting op-
10 erations under part 91 of that title”.

11 (2) *BUSINESS AIRCRAFT REQUIREMENTS.*—*Sec-*
12 *tion 217(e) (8 U.S.C. 1187(e)) of the Immigration*
13 *and Nationality Act is amended by adding at the end*
14 *the following new paragraph:*

15 “(3) *BUSINESS AIRCRAFT REQUIREMENTS.*—

16 “(A) *IN GENERAL.*—*For purposes of this*
17 *section, a domestic corporation conducting oper-*
18 *ations under part 91 of title 14, Code of Federal*
19 *Regulations that owns or operates a noncommer-*
20 *cial aircraft is a corporation that is organized*
21 *under the laws of any of the States of the United*
22 *States or the District of Columbia and is accred-*
23 *ited by or a member of a national organization*
24 *that sets business aviation standards. The Attor-*
25 *ney General shall prescribe by regulation the*

1 *provision of such information as the Attorney*
2 *General deems necessary to identify the domestic*
3 *corporation, its officers, employees, shareholders,*
4 *its place of business, and its business activities.*

5 “(B) *COLLECTIONS.*—*In addition to any*
6 *other fee authorized by law, the Attorney General*
7 *is authorized to charge and collect, on a periodic*
8 *basis, an amount from each domestic corporation*
9 *conducting operations under part 91 of title 14,*
10 *Code of Federal Regulations, for nonimmigrant*
11 *visa waiver admissions on noncommercial air-*
12 *craft owned or operated by such domestic cor-*
13 *poration equal to the total amount of fees as-*
14 *essed for issuance of nonimmigrant visa waiver*
15 *arrival/departure forms at land border ports of*
16 *entry. All fees collected under this paragraph*
17 *shall be deposited into the Immigration User Fee*
18 *Account established under section 286(h).”.*

19 (i) *REPORT REQUIRED.*—*Not later than two years*
20 *after the date of enactment of this Act, the Attorney General*
21 *shall submit a report to the Committees on the Judiciary*
22 *of the House of Representatives and the Senate assessing*
23 *the effectiveness of the program implemented under the*
24 *amendments made by this section for simplifying the ad-*
25 *mission of business travelers from visa waiver program*

1 *countries and compliance with the Immigration and Na-*
2 *tionality Act by such travelers under that program.*

3 **SEC. 404. MORE EFFICIENT COLLECTION OF INFORMATION**

4 **FEE.**

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

8 *(1) in paragraph (1)—*

9 *(A) by striking “an approved institution of*
10 *higher education and a designated exchange vis-*
11 *itor program” and inserting “the Attorney Gen-*
12 *eral”;*

13 *(B) by striking “the time—” and inserting*
14 *the following: “a time prior to the alien being*
15 *classified under subparagraph (F), (J), or (M) of*
16 *section 101(a)(15) of the Immigration and Na-*
17 *tionality Act.”; and*

18 *(C) by striking subparagraphs (A) and (B);*

19 *(2) by amending paragraph (2) to read as fol-*
20 *lows:*

21 *“(2) REMITTANCE.—The fees collected under*
22 *paragraph (1) shall be remitted by the alien pursuant*
23 *to a schedule established by the Attorney General for*
24 *immediate deposit and availability as described*

1 *under section 286(m) of the Immigration and Nation-*
2 *ality Act.”;*

3 *(3) in paragraph (3)—*

4 *(A) by striking “has” the first place it ap-*
5 *pears and inserting “seeks”; and*

6 *(B) by striking “has” the second place it*
7 *appears and inserting “seeks to”;*

8 *(4) in paragraph (4)—*

9 *(A) by inserting before the period at the end*
10 *of the second sentence of subparagraph (A) the*
11 *following: “, except that, in the case of an alien*
12 *admitted under section 101(a)(15)(J) of the Im-*
13 *migration and Nationality Act as an au pair,*
14 *camp counselor, or participant in a summer*
15 *work travel program, the fee shall not exceed*
16 *\$40”; and*

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

22 *(5) by adding at the end the following new para-*
23 *graphs:*

1 “(5) *PROOF OF PAYMENT.*—*The alien shall*
2 *present proof of payment of the fee before the granting*
3 *of—*

4 “(A) *a visa under section 222 of the Immi-*
5 *gration and Nationality Act or, in the case of an*
6 *alien who is exempt from the visa requirement*
7 *described in section 212(d)(4) of the Immigra-*
8 *tion and Nationality Act, admission to the*
9 *United States; or*

10 “(B) *change of nonimmigrant classification*
11 *under section 248 of the Immigration and Na-*
12 *tionality Act to a classification described in*
13 *paragraph (3).*

14 “(6) *IMPLEMENTATION.*—*The provisions of sec-*
15 *tion 553 of title 5, United States Code (relating to*
16 *rule-making) shall not apply to the extent the Attor-*
17 *ney General determines necessary to ensure the expe-*
18 *ditious, initial implementation of this section.”.*

19 **SEC. 405. NEW TIME-FRAME FOR IMPLEMENTATION OF**
20 **DATA COLLECTION PROGRAM.**

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

24 “(1) *EXPANSION OF PROGRAM.*—*Not later than*
25 *12 months after the submission of the report required*

1 *by subsection (f), the Attorney General, in consulta-*
2 *tion with the Secretary of State and the Secretary of*
3 *Education, shall commence expansion of the program*
4 *to cover the nationals of all countries.”.*

5 **SEC. 406. TECHNICAL AMENDMENTS.**

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

9 *(1) in subsection (h)(2)(A), by striking “Director*
10 *of the United States Information Agency” and insert-*
11 *ing “Secretary of State”; and*

12 *(2) in subsection (d)(1), by inserting “institu-*
13 *tions of higher education or exchange visitor pro-*
14 *grams” after “by”.*

Attest:

Secretary.

106TH CONGRESS
2D SESSION

H. R. 3767

AMENDMENTS

HR 3767 EAS—2

HR 3767 EAS—3

HR 3767 EAS—4

HR 3767 EAS—5