

IRAQI SCIENTISTS IMMIGRATION
ACT OF 2003

Mr. NICKLES. Mr. President, I ask unanimous consent the Senate proceed to the immediate consideration of Calendar No. 9, S. 205.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (S. 205) to authorize the issuance of immigrant visas to, and the admission to the United States for permanent residence of, certain scientists, engineers, and technicians who have worked in Iraqi weapons of mass destruction programs.

There being no objection, the Senate proceeded to consider the bill.

Mr. LEAHY. I applaud the Senate for passing S. 205, the Iraqi Scientists Immigration Act. I am a cosponsor of this legislation, along with Senators BIDEN, HATCH, LUGAR, and SPECTER. When Senator BIDEN introduced this last year, I worked closely with him, discharging the bill from the Judiciary Committee and encouraging the Senate to pass it. I was pleased when the Senate did so, and disappointed that the House failed to act.

This bill could not be more timely. As the United States and United Nations seek to obtain information about Iraq's development of weapons of mass destruction, the scientists who have worked on biological, chemical, and nuclear weapons for Iraq hold critical information. Thus far, however, those scientists have refused to speak privately with U.N. inspectors, instead insisting that Iraqi government representatives be included in interviews. Many have suggested that these scientists fear they will be executed if they provide material assistance to the inspectors.

The Iraqi Scientists Immigration Act offers a potential way around this quandary by offering a benefit to those scientists who would like to share what they know about Iraq's weapons development. It provides for the admission to the United States of scientists who want to provide useful information about Iraq's efforts to develop weapons of mass destruction, along with those scientists' families. Eventually, these scientists could become legal permanent residents of the United States.

This bill has taken on increased importance since the Homeland Security Act—which has caused severe disruption in the processing of asylum and refugee applications—has taken effect. Many Iraqi scientists would surely be eligible for asylum and/or refugee status. Section 457 of the Homeland Security Act, however, eliminated the surcharges on applicants for immigration benefits, which had been used to fund the processing of asylum and refugee applications, which are generally made by destitute people. This was apparently an oversight in the hasty and secret process by which the Homeland Security Act was written by Congressional Republicans and the administration. This provision has left the asylum and refugee programs in limbo. The

Senate-passed omnibus appropriations bill includes language to strike section 457 and restore the status quo, but the prospects for that change will remain unclear until the conference committee has completed its work. This gives us an added incentive to pass the Iraqi Scientists Immigration Act as quickly as possible. I urge the House to take the bill up and pass it without further delay.

Mr. NICKLES. Mr. President, I ask unanimous consent the bill be read a third time, passed, the motion to reconsider be laid upon the table, and any statements related thereto be printed in the RECORD, without further intervening action or debate.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (S. 205) was read the third time and passed, as follows:

S. 205

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

SECTION 1. SHORT TITLE.

This Act may be cited as the "Iraqi Scientists Immigration Act of 2003".

SEC. 2. ADMISSION OF CRITICAL ALIENS.

(a) NONIMMIGRANT CATEGORY.—Section 101(a)(15) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)) is amended—

(1) by striking "or" at the end of subparagraph (U);

(2) by striking the period at the end of subparagraph (V) and inserting "; or"; and

(3) by adding at the end the following new subparagraph:

"(W) Subject to section 214(s), an alien—
 "(i) who the Attorney General determines, in coordination with the Secretary of State, the Director of Central Intelligence, and such other officials as he may deem appropriate, and in the Attorney General's unreviewable discretion, is an individual—
 "(I) who has worked at any time in an Iraqi program to produce weapons of mass destruction or the means to deliver them;
 "(II) who is in possession of critical and reliable information concerning any such Iraqi program;
 "(III) who is willing to provide, or has provided, such information to the United States Government;
 "(IV) who may be willing to provide, or has provided, such information to inspectors of the United Nations or of the International Atomic Energy Agency;
 "(V) who will be or has been placed in danger as a result of providing such information; and
 "(VI) whose admission would be in the public interest or in the interest of national security; or
 "(ii) who is the spouse, married or unmarried son or daughter, parent, or other relative, as determined by the Attorney General in his unreviewable discretion, of an alien described in clause (i), if accompanying or following to join such alien, and whose admission the Attorney General, in coordination with the Secretary of State and the Director of Central Intelligence, determines in his unreviewable discretion is in the public interest or in the interest of national security."

(b) LIMITATIONS AND CONDITIONS APPLICABLE TO "W" NONIMMIGRANTS.—Section 214 of the Immigration and Nationality Act (8 U.S.C. 1184) is amended—

(1) by redesignating subsections (m) (as added by section 105 of Public Law 106-313),

(n) (as added by section 107(e) of Public Law

106-386), (o) (as added by section 1513(c) of Public Law 106-386), (o) (as added by section 1102(b) of the Legal Immigration Family Equity Act), and (p) (as added by section 1503(b) of the Legal Immigration Family Equity Act) as subsections (n), (o), (p), (q), and (r), respectively; and

(2) by adding at the end the following new subsection:

"(s) NUMERICAL LIMITATIONS AND CONDITIONS OF ADMISSION AND STAY FOR NONIMMIGRANTS ADMITTED UNDER SECTION 101(a)(15)(W).—

"(1) LIMITATION.—The number of aliens who may be admitted to the United States or otherwise granted status under section 101(a)(15)(W)(i) may not exceed a total of 500.

"(2) CONDITIONS.—As a condition for the admission, and continued stay in lawful status, of any alien admitted to the United States or otherwise granted status as a nonimmigrant under section 101(a)(15)(W), the nonimmigrant—

"(A) shall report to the Attorney General such information concerning the alien's whereabouts and activities as the Attorney General may require;

"(B) may not be convicted of any criminal offense punishable by a term of imprisonment of 1 year or more after the date of such admission or grant of status;

"(C) must have executed a form that waives the nonimmigrant's right to contest, other than on the basis of an application for withholding of removal or for protection under the Convention Against Torture, any action for removal of the alien instituted before the alien obtains lawful permanent resident status;

"(D) shall cooperate fully with all requests for information from the United States Government including, but not limited to, fully and truthfully disclosing to the United States Government all information in the alien's possession concerning any Iraqi program to produce weapons of mass destruction or the means to deliver them; and

"(E) shall abide by any other condition, limitation, or restriction imposed by the Attorney General."

(c) ADJUSTMENT OF STATUS.—Section 245 of the Immigration and Nationality Act (8 U.S.C. 1255) is amended—

(1) in subsection (c)—

(A) by striking "or" before "(8)"; and

(B) by inserting before the period "or (9) an alien who was admitted as a nonimmigrant described in section 101(a)(15)(W)";

(2) by redesignating subsection (l), relating to "U" visa nonimmigrants, as subsection (m); and

(3) by adding at the end the following new subsection:

"(n) ADJUSTMENT TO PERMANENT RESIDENT STATUS OF 'W' NONIMMIGRANTS.—

"(1) IN GENERAL.—If, in the opinion of the Attorney General, a nonimmigrant admitted into the United States (or otherwise provided nonimmigrant status) under section 101(a)(15)(W)(i) has complied with section 214(s) since such admission or grant of status, the Attorney General may, in coordination with the Secretary of State and the Director of Central Intelligence, and in his unreviewable discretion, adjust the status of the alien (and any alien who has accompanied or followed to join such alien pursuant to section 101(a)(15)(W)(ii) and who has complied with section 214(s) since admission or grant of nonimmigrant status) to that of an alien lawfully admitted for permanent residence if the alien is not described in section 212(a)(3)(E).

"(2) RECORD OF ADMISSION; REDUCTION IN VISA NUMBERS.—Upon the approval of adjustment of status of any alien under paragraph (1), the Attorney General shall record the

alien's lawful admission for permanent residence as of the date of such approval and the Secretary of State shall reduce by one the number of visas authorized to be issued under sections 201(d) and 203(b)(4) for the fiscal year then current."

(d) **WAIVER AUTHORITY.**—Section 212(d) of the Immigration and Nationality Act (8 U.S.C. 1182(d)) is amended by inserting after paragraph (1) the following new paragraph:

"(2) The Attorney General shall determine whether a ground of inadmissibility exists with respect to a nonimmigrant described in section 101(a)(15)(W). The Attorney General, in the Attorney General's discretion, may waive the application of subsection (a) in the case of such a nonimmigrant if the Attorney General considers it to be in the public interest or in the interest of national security."

(e) **CONFORMING AMENDMENT.**—Section 248(1) of the Immigration and Nationality Act (8 U.S.C. 1258(1)) is amended by striking "or (S)" and inserting "(S), or (W)".

SEC. 3. WEAPON OF MASS DESTRUCTION DEFINED.

(a) **IN GENERAL.**—In this Act, the term "weapon of mass destruction" has the meaning given the term in section 1403(1) of the

Defense Against Weapons of Mass Destruction Act of 1996 (title XIV of Public Law 104-201; 110 Stat. 2717; 50 U.S.C. 2302(1)), as amended by subsection (b).

(b) **TECHNICAL CORRECTION.**—Section 1403(1)(B) of the Defense Against Weapons of Mass Destruction Act of 1996 (title XIV of Public Law 104-201; 110 Stat. 2717; 50 U.S.C. 2302(1)(B)) is amended by striking "a disease organism" and inserting "a biological agent, toxin, or vector (as those terms are defined in section 178 of title 18, United States Code)".

MEASURES READ THE FIRST TIME—H.R. 5, H.R. 975, H.R. 1047, AND H.R. 1308

Mr. NICKLES. Mr. President, I understand the following bills are at the desk, and I ask they be read for the first time en bloc: H.R. 5, H.R. 975, H.R. 1047, and H.R. 1308.

The PRESIDING OFFICER. The clerk will read the titles of the bills for the first time.

The legislative clerk read as follows:

A bill (H.R. 5) to improve patient access to health care services and provide improved medical care by reducing the excessive burden the liability system places on the health care delivery system.

A bill (H.R. 975) to amend title 11 of the United States Code, and for other purposes.

A bill (H.R. 1047) to amend the Harmonized Tariff Schedule of the United States to modify temporarily certain rates of duty, to make other technical amendments to the trade laws, and for other purposes.

A bill (H.R. 1308) to amend the Internal Revenue Code of 1986 to end certain abusive tax practices, to provide tax relief and simplification, and for other purposes.

Mr. NICKLES. I now ask for their second reading and object to further proceeding on these matters en bloc.

The PRESIDING OFFICER. Objection is heard. The bills will be read for the second time on the next legislative day.