

107<sup>TH</sup> CONGRESS  
2<sup>D</sup> SESSION

# S. 3079

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## AN ACT

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.

1        *Be it enacted by the Senate and House of Representa-*  
2        *tives of the United States of America in Congress assembled,*

3        **SECTION 1. SHORT TITLE.**

4        This Act may be cited as the “Iraqi Scientists Immi-  
5        gration Act of 2002”.

1 **SEC. 2. ADMISSION OF CRITICAL ALIENS.**

2 (a) Section 101(a)(15) of the Immigration and Na-  
3 tionality Act (8 U.S.C. 1101(a)(15)), is amended—

4 (1) by striking “or” at the end of subparagraph  
5 (U);

6 (2) by striking the period at the end of sub-  
7 paragraph (V) and inserting “; or”; and

8 (3) by adding a new subparagraph (W), read-  
9 ing:

10 “(W) Subject to section 214(s), an alien—

11 “(i) who the Attorney General deter-  
12 mines, in coordination with the Secretary  
13 of State, the Director of Central Intel-  
14 ligence and such other officials as he may  
15 deem appropriate, and in the Attorney  
16 General’s unreviewable discretion, is an  
17 individual—

18 “(I) who has worked at any time  
19 in an Iraqi program to produce weap-  
20 ons of mass destruction or the means  
21 to deliver them;

22 “(II) who is in possession of crit-  
23 ical and reliable information con-  
24 cerning any such Iraqi program;

1                   “(III) who is willing to provide,  
2                   or has provided, such information to  
3                   the United States Government;

4                   “(IV) who may be willing to pro-  
5                   vide, or has provided, such informa-  
6                   tion to inspectors of the United Na-  
7                   tions or of the International Atomic  
8                   Energy Agency;

9                   “(V) who will be or has been  
10                  placed in danger as a result of pro-  
11                  viding such information; and

12                  “(VI) whose admission would be  
13                  in the public interest or in the interest  
14                  of national security; or

15                  “(ii) who is the spouse, married or  
16                  unmarried son or daughter, parent, or  
17                  other relative, as determined by the Attor-  
18                  ney General in his unreviewable discretion,  
19                  of an alien described in clause (i), if ac-  
20                  companying or following to join such alien,  
21                  and whose admission the Attorney General,  
22                  in coordination with the Secretary of State  
23                  and the Director of Central Intelligence,  
24                  determines in his unreviewable discretion is

1                   in the public interest or in the interest of  
2                   national security.”.

3           (b) Section 214 of the Immigration and Nationality  
4 Act (8 U.S.C. 1184), is amended by—

5           (1) redesignating subsections second (m) (as  
6           added by section 105 of Public Law 106–313), (n)  
7           (as added by section 107(e) of Public Law 106–  
8           386), (o) (as added by section 1513(c) of Public  
9           Law 106–386), second (o) (as added by section  
10           1102(b) of the Legal Immigration Family Equity  
11           Act), and (p) (as added by section 1503(b) of the  
12           Legal Immigration Family Equity Act), as sub-  
13           sections (n), (o), (p), (q), and (r) respectively; and

14           (2) adding a new subsection (s) reading:

15           “(s) Numerical limitations and conditions of admis-  
16 sion and stay for nonimmigrants admitted under section  
17 101(a)(15)(W).

18           “(1) The number of aliens who may be admit-  
19 ted to the United States or otherwise granted status  
20 under section 101(a)(15)(W)(i) may not exceed a  
21 total of 500.

22           “(2) As a condition for the admission, and con-  
23 tinued stay in lawful status, of any alien admitted  
24 to the United States or otherwise granted status as

1 a nonimmigrant under section 101(a)(15)(W), the  
2 nonimmigrant—

3 “(A) shall report to the Attorney General  
4 such information concerning the alien’s where-  
5 abouts and activities as the Attorney General  
6 may require;

7 “(B) may not be convicted of any criminal  
8 offense punishable by a term of imprisonment  
9 of 1 year or more after the date of such admis-  
10 sion or grant of status;

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

18 “(D) shall cooperate fully with all requests  
19 for information from the United States Govern-  
20 ment including, but not limited to, fully and  
21 truthfully disclosing to the United States Gov-  
22 ernment all information in the alien’s posses-  
23 sion concerning any Iraqi program to produce  
24 weapons of mass destruction or the means to  
25 deliver them; and

1           “(E) shall abide by any other condition,  
2           limitation, or restriction imposed by the Attor-  
3           ney General.”.

4           (c) Section 245 of the Immigration and Nationality  
5 Act (8 U.S.C. 1255), is amended by—

6           (1) In subsection (c), striking “or” before “(8)”  
7           and inserting before the period, “or (9) an alien who  
8           was admitted as a nonimmigrant described in sec-  
9           tion 101(a)(15)(W)”;

10          (2) redesignating subsection (l), relating to “U”  
11          visa nonimmigrants, as subsection (m); and

12          (3) adding a new subsection (n) reading:

13          “(n) Adjustment to permanent resident status of  
14          “W” nonimmigrants.

15          “(1) If, in the opinion of the Attorney General,  
16          a nonimmigrant admitted into the United States (or  
17          otherwise provided nonimmigrant status) under sec-  
18          tion 101(a)(15)(W)(i) has complied with section  
19          214(s) since such admission or grant of status, the  
20          Attorney General may, in coordination with the Sec-  
21          retary of State and the Director of Central Intel-  
22          ligence, and in his unreviewable discretion, adjust  
23          the status of the alien (and any alien who has ac-  
24          companied or followed to join such alien pursuant to  
25          section 101(a)(15)(W)(ii) and who has complied

1 with section 214(s) since admission or grant of non-  
2 immigrant status) to that of an alien lawfully admit-  
3 ted for permanent residence if the alien is not de-  
4 scribed in section 212(a)(3)(E).

5 “(2) Upon the approval of adjustment of status  
6 of any alien under paragraph (1), the Attorney Gen-  
7 eral shall record the alien’s lawful admission for per-  
8 manent residence as of the date of such approval  
9 and the Secretary of State shall reduce by one the  
10 number of visas authorized to be issued under sec-  
11 tions 201(d) and 203(b)(4) for the fiscal year then  
12 current.”.

13 (d) Section 212(d) of the Immigration and Nation-  
14 ality Act (8 U.S.C. 1182(d)), is amended by inserting a  
15 new paragraph (d)(2) reading:

16 “(2) The Attorney General shall determine  
17 whether a ground of inadmissibility exists with re-  
18 spect to a nonimmigrant described in section  
19 101(a)(15)(W). The Attorney General, in the Attor-  
20 ney General’s discretion, may waive the application  
21 of subsection (a) in the case of such a nonimmigrant  
22 if the Attorney General considers it to be in the pub-  
23 lic interest or in the interest of national security.”.

1 (e) Section 248(1) of the Immigration and Nation-  
2 ality Act (8 U.S.C. 1258(1)), is amended by striking “or  
3 (S)” and inserting “(S), or (W)”.

4 **SEC. 3. WEAPONS OF MASS DESTRUCTION DEFINED.**

5 (a) **IN GENERAL.**—In this Act, the term “weapon of  
6 mass destruction” has the meaning given the term in sec-  
7 tion 1403(1) of the Defense Against Weapons of Mass De-  
8 struction Act of 1996 (title XIV of Public Law 104–201;  
9 110 Stat. 2717; 50 U.S.C. 2302(1)), as amended by sub-  
10 section (b).

11 (b) **TECHNICAL CORRECTION.**—Section 1403(1)(B)  
12 of the Defense Against Weapons of Mass Destruction Act  
13 of 1996 (title XIV of Public Law 104–201; 110 Stat.  
14 2717; 50 U.S.C. 2302(1)(B)) is amended by striking “a  
15 disease organism” and inserting “a biological agent, toxin,  
16 or vector (as those terms are defined in section 178 of  
17 title 18, United States Code)”.

Passed the Senate November 20, 2002.

Attest:

*Secretary.*

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