

108TH CONGRESS  
1ST SESSION

# S. 205

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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 2003”.

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

2 (a) NONIMMIGRANT CATEGORY.—Section 101(a)(15)  
3 of the Immigration and Nationality Act (8 U.S.C.  
4 1101(a)(15)) is amended—

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

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

9 (3) by adding at the end the following new sub-  
10 paragraph:

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

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

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

22 “(II) who is in possession of critical  
23 and reliable information concerning any  
24 such Iraqi program;

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

4           “(IV) who may be willing to provide,  
5           or has provided, such information to in-  
6           spectors of the United Nations or of the  
7           International Atomic Energy Agency;

8           “(V) who will be or has been placed in  
9           danger as a result of providing such infor-  
10          mation; and

11          “(VI) whose admission would be in  
12          the public interest or in the interest of na-  
13          tional security; or

14          “(ii) who is the spouse, married or unmar-  
15          ried son or daughter, parent, or other relative,  
16          as determined by the Attorney General in his  
17          unreviewable discretion, of an alien described in  
18          clause (i), if accompanying or following to join  
19          such alien, and whose admission the Attorney  
20          General, in coordination with the Secretary of  
21          State and the Director of Central Intelligence,  
22          determines in his unreviewable discretion is in  
23          the public interest or in the interest of national  
24          security.”.

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

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

13 (2) by adding at the end the following new sub-  
14 section:

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

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

22 “(2) CONDITIONS.—As a condition for the ad-  
23 mission, and continued stay in lawful status, of any  
24 alien admitted to the United States or otherwise

1 granted status as a nonimmigrant under section  
2 101(a)(15)(W), the 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) ADJUSTMENT OF STATUS.—Section 245 of the  
5 Immigration and Nationality Act (8 U.S.C. 1255) is  
6 amended—

7           (1) in subsection (c)—

8                 (A) by striking “or” before “(8)”; and

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

12           (2) by redesignating subsection (l), relating to  
13           “U” visa nonimmigrants, as subsection (m); and

14           (3) by adding at the end the following new sub-  
15           section:

16           “(n) ADJUSTMENT TO PERMANENT RESIDENT STA-  
17 TUS OF ‘W’ NONIMMIGRANTS.—

18                 “(1) IN GENERAL.—If, in the opinion of the At-  
19           torney General, a nonimmigrant admitted into the  
20           United States (or otherwise provided nonimmigrant  
21           status) under section 101(a)(15)(W)(i) has complied  
22           with section 214(s) since such admission or grant of  
23           status, the Attorney General may, in coordination  
24           with the Secretary of State and the Director of Cen-  
25           tral Intelligence, and in his unreviewable discretion,

1       adjust the status of the alien (and any alien who has  
2       accompanied or followed to join such alien pursuant  
3       to section 101(a)(15)(W)(ii) and who has complied  
4       with section 214(s) since admission or grant of non-  
5       immigrant status) to that of an alien lawfully admit-  
6       ted for permanent residence if the alien is not de-  
7       scribed in section 212(a)(3)(E).

8               “(2) RECORD OF ADMISSION; REDUCTION IN  
9       VISA NUMBERS.—Upon the approval of adjustment  
10       of status of any alien under paragraph (1), the At-  
11       torney General shall record the alien’s lawful admis-  
12       sion for permanent residence as of the date of such  
13       approval and the Secretary of State shall reduce by  
14       one the number of visas authorized to be issued  
15       under sections 201(d) and 203(b)(4) for the fiscal  
16       year then current.”.

17       (d) WAIVER AUTHORITY.—Section 212(d) of the Im-  
18       migration and Nationality Act (8 U.S.C. 1182(d)) is  
19       amended by inserting after paragraph (1) the following  
20       new paragraph:

21               “(2) The Attorney General shall determine whether  
22       a ground of inadmissibility exists with respect to a non-  
23       immigrant described in section 101(a)(15)(W). The Attor-  
24       ney General, in the Attorney General’s discretion, may  
25       waive the application of subsection (a) in the case of such

1 a nonimmigrant if the Attorney General considers it to  
2 be in the public interest or in the interest of national secu-  
3 rity.”.

4 (e) CONFORMING AMENDMENT.—Section 248(1) of  
5 the Immigration and Nationality Act (8 U.S.C. 1258(1))  
6 is amended by striking “or (S)” and inserting “(S), or  
7 (W)”.

8 **SEC. 3. WEAPON OF MASS DESTRUCTION DEFINED.**

9 (a) IN GENERAL.—In this Act, the term “weapon of  
10 mass destruction” has the meaning given the term in sec-  
11 tion 1403(1) of the Defense Against Weapons of Mass De-  
12 struction Act of 1996 (title XIV of Public Law 104–201;  
13 110 Stat. 2717; 50 U.S.C. 2302(1)), as amended by sub-  
14 section (b).

15 (b) TECHNICAL CORRECTION.—Section 1403(1)(B)  
16 of the Defense Against Weapons of Mass Destruction Act  
17 of 1996 (title XIV of Public Law 104–201; 110 Stat.  
18 2717; 50 U.S.C. 2302(1)(B)) is amended by striking “a  
19 disease organism” and inserting “a biological agent, toxin,

1 or vector (as those terms are defined in section 178 of  
2 title 18, United States Code)''.

Passed the Senate March 20, 2003.

Attest:

*Secretary.*

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