

107TH CONGRESS
2^D SESSION

S. 3079

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.

IN THE SENATE OF THE UNITED STATES

OCTOBER 8, 2002

Mr. BIDEN (for himself and Mr. SPECTER) introduced the following bill; which was read twice and referred to the Committee on the Judiciary

A BILL

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 known as the “Iraqi Scientists Lib-
5 eration Act of 2002”.

6 **SEC. 2. FINDINGS.**

7 Congress makes the following findings:

1 (1) The President stated in substance the fol-
2 lowing to the United Nations General Assembly:

3 (A) In 1991, the Iraqi regime agreed to
4 destroy and stop developing all weapons of mass
5 destruction and long-range missiles, and to
6 prove to the world it has done so by complying
7 with rigorous inspections. Iraq has broken every
8 aspect of this fundamental pledge.

9 (B) Today, Iraq continues to withhold im-
10 portant information about its nuclear program:
11 weapons design, procurement logs, experiment
12 data, an accounting of nuclear materials, and
13 documentation of foreign assistance. Iraq's
14 state-controlled media has reported numerous
15 meetings between Saddam Hussein and his nu-
16 clear scientists, leaving little doubt about his
17 continued appetite for these weapons.

18 (C) Iraq also possesses a force of Scud-
19 type missiles with ranges greater than the 150
20 kilometers permitted by the United Nations.

21 (2) United Nations Special Commission
22 (UNSCOM) experts concluded that Iraq's declara-
23 tions on biological agents vastly understated the ex-
24 tent of its program, and that Iraq actually produced
25 two to four times the amount of most agents, includ-

1 ing anthrax and botulinum toxin, than it had de-
2 clared.

3 (3) UNSCOM reported to the United Nations
4 Security Council in April 1995 that Iraq had con-
5 cealed its biological weapons program and had failed
6 to account for 3 tons of growth material for biologi-
7 cal agents.

8 (4) Gaps identified by UNSCOM in Iraqi ac-
9 counting and current production capabilities strongly
10 suggest that Iraq maintains stockpiles of chemical
11 agents, probably VX, sarin, cyclosarin, and mustard.

12 (5) Iraq has not accounted for hundreds of tons
13 of chemical precursors and tens of thousands of un-
14 filled munitions, including Scud variant missile war-
15 heads.

16 (6) Iraq has not accounted for at least 15,000
17 artillery rockets that in the past were its preferred
18 vehicle for delivering nerve agents, nor has it ac-
19 counted for about 550 artillery shells filled with
20 mustard agent.

21 (7) For nearly 4 years, Iraq has been able to
22 pursue its weapons of mass destruction programs
23 free of inspections.

24 (8) Inspections will fail if United Nations and
25 International Atomic Energy Agency inspectors do

1 not have speedy and complete access to any and all
2 sites of interest to them.

3 (9) Inspections will be much less effective if
4 those scientists, engineers, and technicians whom the
5 inspectors interview are monitored and subjected to
6 pressure by agents of Saddam Hussein's regime.

7 (10) As the President made clear in his speech
8 to the Nation on October 7, 2002, the most effective
9 international inspection of Iraq would include inter-
10 views with persons who are unmonitored by Saddam
11 Hussein's regime and who are protected from it in
12 return for providing reliable information.

13 (11) The emigration from Iraq of key scientists,
14 engineers, and technicians could substantially disable
15 Saddam Hussein's programs to produce weapons of
16 mass destruction and the means to deliver them.

17 **SEC. 3. SENSE OF CONGRESS.**

18 It is the sense of Congress that—

19 (1) Iraq must give United Nations and Inter-
20 national Atomic Energy Agency inspectors speedy
21 and complete access to any and all sites of interest
22 to them;

23 (2) United Nations and International Atomic
24 Energy Agency inspections in Iraq should include
25 interviews with persons who are unmonitored by

1 Saddam Hussein's regime and who are protected
2 from it in return for providing reliable information;
3 and

4 (3) key scientists, engineers, and technicians in
5 Saddam Hussein's programs to produce weapons of
6 mass destruction and the means to deliver them
7 should be encouraged to leave those programs and
8 provide information to governments and inter-
9 national institutions that are committed to disman-
10 tling those programs.

11 **SEC. 4. ADMISSION OF CRITICAL ALIENS.**

12 (a) **AUTHORITY.**—Notwithstanding the provisions of
13 the Immigration and Nationality Act (8 U.S.C. 1101 et
14 seq.), whenever the Secretary of State and the Attorney
15 General, acting jointly, determine that the admission into
16 the United States of an alien described in subsection (b)
17 is in the public interest, the alien, and any member of the
18 alien's immediate family accompanying or following to
19 join, shall be eligible to receive an immigrant visa and to
20 be admitted to the United States for permanent residence.

21 (b) **ELIGIBILITY.**—An alien described in this sub-
22 section is an alien who—

23 (1) is a scientist, engineer, or technician who
24 has worked at any time since December 16, 1998,

1 in an Iraqi program to produce weapons of mass de-
2 struction or the means to deliver them;

3 (2) is in possession of critical reliable informa-
4 tion concerning any such Iraqi program;

5 (3) is willing to provide, or has provided, such
6 information to inspectors of the United Nations, in-
7 spectors of the International Atomic Energy Agency,
8 or any department, agency, or other entity of the
9 United States Government; and

10 (4) will be or has been placed in danger as a
11 result of providing such information.

12 (c) LIMITATION.—Not more than 500 principal aliens
13 may be admitted to the United States under subsection
14 (a). The limitation in this subsection does not apply to
15 any immediate family member accompanying or following
16 to join a principal alien.

17 (d) EXPIRATION OF AUTHORITY.—The authority
18 granted in this section shall expire 36 months after the
19 date of enactment of this Act.

20 **SEC. 5. RULES AND REGULATIONS.**

21 The Attorney General, in consultation with the Sec-
22 retary of State, is authorized to prescribe such rules and
23 regulations as may be necessary to carry out the provi-
24 sions of this Act.

1 **SEC. 6. WEAPON OF MASS DESTRUCTION DEFINED.**

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

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

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