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COMMONWEALTH SCIENTISTS IMMIGRATION AND EXCHANGE ACT (Senate - May 20, 1992)

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Mr. FORD. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar Number 438, S. 2201, a bill to authorize the admission to the United States of certain scientists of the Commonwealth of Independent States as employment-based immigrants under the Immigration and Nationality Act; that the committee reported substitute amendment be agreed to; the bill be deemed read for a third time, that the bill be passed and the motion to reconsider be laid upon the table.

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

So, the committee amendment in the nature of a substitute was agreed to and the bill was deemed read for a third time and passed, as follows:

SECTION 1. SHORT TITLE.

This Act may be cited as the `Commonwealth and Baltic Scientists Immigration and Exchange Act of 1992'.

SEC. 2. PURPOSES.

(a) **In General.**--The purposes of this Act are--

(1) to deter the proliferation of expertise in nuclear, chemical, biological, or other high technology fields which may be applied to defense projects in Third World countries; and

(2) to enhance American competitiveness with foreign economies.

(b) **Construction.**--Nothing in this Act may be construed to affect adversely the employment, wages, or working conditions of workers in the United States.

SEC. 3. DEFINITIONS.

For purposes of this Act--

(1) the term `Baltic states' means the sovereign nations of Latvia, Lithuania, and Estonia;

(2) the term `Commonwealth of Independent States' includes the sovereign nations of Armenia, Azerbaijan, Belarus, Kazakhstan, Kyrgyzstan, Moldova, Russia, Tajikistan, Turkmenistan, Ukraine, and Uzbekistan;

(3) the term `eligible Commonwealth and Baltic scientists' means aliens--

(A) who are nationals of any of the sovereign nations of the Commonwealth of Independent States or the Baltic states; and

(B) who are scientists or engineers who have expertise in nuclear, chemical, biological or other high technology fields or who are working on nuclear, chemical, biological or other high-technology defense projects, as defined by the Attorney General; and

(4) the term `Soviet threat reduction funds' means funds which were transferred under section 221 of the Soviet Nuclear Threat Reduction Act of 1991 (Public Law 102-228) for use in reducing the Soviet military threat in accordance with that Act.

SEC. 4. WAIVER OF JOB OFFER REQUIREMENT.

The requirement in section 203(b)(2)(A) of the Immigration and Nationality Act (8 U.S.C. 1153(b)(2)(A)) that an alien's services in the sciences, arts, or business be sought by an employer in the United States shall not apply to any eligible Commonwealth or Baltic scientist who is applying for admission to the United States for permanent residence in accordance with that section.

SEC. 5. CLASSIFICATION OF COMMONWEALTH SCIENTISTS AS HAVING EXCEPTIONAL ABILITY.

(A) **In General.**--The Attorney General shall designate a class of eligible Commonwealth and Baltic scientists, based on their level of expertise, as aliens who possess 'exceptional ability in the sciences', for purposes of section 203(b)(2)(A) of the Immigration and Nationality Act (8 U.S.C. 1153(b)(2)(A)), whether or not such scientists possess advanced degrees.

(b) **Regulations.**--The Attorney General shall prescribe regulations to carry out subsection (a).

(c) **Limitation.**--Not more than 750 eligible Commonwealth and Baltic scientists (excluding spouses and children if accompanying or following to join) within the class designated under subsection (a) may be allotted visas under section 203(b)(2)(A) of the Immigration and Nationality Act (8 U.S.C. 1153(b)(2)(A)).

(d) **Termination.**--The authority of subsection (a) shall terminate 4 years after the date of enactment of this Act.

SEC. 6. INTERNATIONAL EXCHANGE PROGRAMS.

It is the sense of the Congress--

(1) eligible Commonwealth and Baltic scientists should be given priority consideration for all United States Government exchange and scholarship programs which were available, before December 25, 1991, to students and citizens of the former Union of Soviet Socialist Republics for which such scientists would otherwise have been eligible;

(2) the President should make every effort to define existing programs broadly enough to accommodate eligible Commonwealth and Baltic scientists seeking graduate education in the commercial applications of their field or specialty; and

(3) the President should make every effort to permit eligible Commonwealth and Baltic scientists to apply for graduate exchange programs that would cross-train them in another specialty, including business law.

SEC. 7. POLICY ON USE OF SOVIET THREAT REDUCTION FUNDS.

It is the sense of the Congress that, in making available Soviet threat reduction funds--

(1) priority should be given to ensure that eligible Commonwealth and Baltic scientists are gainfully employed in the Commonwealth of Independent States, or in the Baltic states, as the case may be, in research and other projects which would enhance the objectives of nonproliferation of weapons of mass destruction, without affecting the jobs of American scientists

(2) the byproducts of such research and other projects should be designed to enhance American competitiveness and to provide financial returns to the taxpayer to the greatest extent possible; and

(3) priority should be given to the creation of educational fellowships and other internships for eligible Commonwealth and Baltic scientists with American industry in order to train such scientists in commercial and business applications of their specialties for the purpose of facilitating the process of economic reform in the Commonwealth of Independent States and the Baltic States.

The title was amended so as to read: 'A bill to authorize the admission to the United States of certain scientists of the Commonwealth of Independent States and the Baltic states as employment-based immigrants under the Immigration and Nationality Act, and for other purposes.'

Mr. KENNEDY. Mr. President, as chairman of the Subcommittee on Immigration and Refugee Affairs, I was delighted to support this legislation introduced by Senator **Brown** and Senator **Dole**, and I moved it expeditiously through the Subcommittee and the Judiciary Committee.

This bill is a good piece of legislation both substantively as well as symbolically. It offers a statement of hope to some Soviet scientists who have been thrown out of professional jobs because the current economic turmoil in the former Soviet Union. And it is a small symbol of America's concern to help the people of Russia and the other Republics in whatever way we can.

This bill is a small step in that direction.

Mr. President, this legislation simply relaxes some immigration criteria and procedures for admitting as immigrants scientists from the former Soviet Union. The bill limits to 750 the number of scientists covered, but this should be sufficient to accommodate the initial numbers in need.

Again, this bill simply expedites their admission as immigrants under the provisions of The Immigration Act of 1990 and existing laws. All the scientists covered by this bill would be eligible under the law's high-skilled provisions. It just temporarily puts a small number of Soviet scientists to the head of the line.

Finally, this bill is in our interest as well. Noted Soviet scientists who now feel they must leave their country because they do not have jobs should be able to come here, instead of to Iraq or Libya.

Mr. FORD. Mr. President, I move to reconsider the vote.

Mr. HATFIELD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

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