

SOVIET SCIENTISTS IMMIGRATION ACT OF 1992 (House of Representatives - September 21, 1992)

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Mr. MAZZOLI. Mr. Speaker, I move to suspend the rules and pass the Senate bill (S. 2201) 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, as amended.

The Clerk read as follows:

S. 2201

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 `Soviet Scientists Immigration Act of 1992'.

SEC. 2. DEFINITIONS.

For purposes of this Act--

- (1) the term `Baltic states' means the sovereign nations of Latvia, Lithuania, and Estonia;
- (2) the term `independent states of the former Soviet Union' means the sovereign nations of Armenia, Azerbaijan, Belarus, Georgia, Kazakhstan, Kyrgyzstan, Moldova, Russia, Tajikistan, Turkmenistan, Ukraine, and Uzbekistan; and
- (3) the term `eligible independent states and Baltic scientists' means aliens--
 - (A) who are nationals of any of the independent states of the former Soviet Union 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.

SEC. 3. 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 independent states or Baltic scientist who is applying for admission to the United States for permanent residence in accordance with that section.



SEC. 4. CLASSIFICATION OF INDEPENDENT STATES SCIENTISTS AS HAVING EXCEPTIONAL ABILITY.

- (a) **In General:** The Attorney General shall designate a class of eligible independent states 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 independent states 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.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Kentucky [Mr. **Mazzoli**] will be recognized for 20 minutes, and the gentleman from California [Mr. **Moorhead**] will be recognized for 20 minutes.

The Chair recognizes the gentleman from Kentucky [Mr. **Mazzoli**].

GENERAL LEAVE

Mr. MAZZOLI. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days within which to revise and extend their remarks on the Senate bill presently under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Kentucky?

There was no objection.

Mr. MAZZOLI. Mr. Speaker, I yield myself such time as I may consume.

At the outset, I would like to thank our chairman, the gentleman from Texas, Chairman **Brooks**, for having scheduled the bill, both at the full committee and for putting it on the floor today, to thank my ranking member on the Subcommittee on International Law, Immigration, and Refugees, from which this bill came, the gentleman from Florida [Mr. **McCollum**], with whom I have worked very happily for many years, and to thank the gentleman from Florida [Mr. **Fascell**], chairman of the House Committee on Foreign Affairs, who had joint referral of the bill and was very cooperative with the gentleman from Texas, Chairman **Brooks**, on moving this bill rapidly forward.

Mr. Speaker, the dissolution of the Soviet Union and the collapse of the Soviet-led Warsaw Pact has produced many results, most of them are happy results. Certainly, the tone is optimistic about the future.

But, there have been some unexpected events, including the unemployment of thousands upon thousands of former Soviet, primarily Russian, nuclear scientists and technicians, formerly employed in the Soviet defense industries.

These unemployed scientists could, of course, be either a stabilizing or a destabilizing influence on not only the surviving states of what was the Soviet Union, the current Commonwealth of Independent States, but also, of course, upon Europe and the world.

Basically, it all depends on where these people go to earn a living and what they do to earn that living. That is where this bill comes in.

It serves, I think, in a harmonious way, to handle this rather happy problem that we have of talented and very industrious and trained technical and scientific people, who formerly had been working in the defense industries, and now want to do something with these talents. So the bill before us has as its objective to permit many of these Soviet nuclear scientists, Russian nuclear scientists, and others to enter the United States and to devote their considerable talents, heretofore devoted to producing weapons of war, to producing weapons and techniques of peace.

S. 2201, the bill before the House today, not only facilitates the entry of some of the most creative and talented scientists in the world with, again, broad and happy implications on their ability to sharpen our, the United States', competitive edge for the next century, but that, of course, would also interrupt any tendency they would have, born of economic need, for example, to accept employment in nations of the world which are seeking to develop or to expand a nuclear weapons' capability.

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I might say, Mr. Speaker, this is not really a theoretical concern. In Senate testimony delivered earlier this year by Robert Gates, who is the Director of the Central Intelligence Agency, he indicated that the Soviet brain drain is one of the highest concerns to the agency itself.

Earlier this year Russian President Boris Yeltsin himself expressed concern to President Bush that nuclear scientists in need of jobs, after all, they have families that they have to support, could find irresistible job offers coming from nations which are seeking to either develop nuclear capability or expand it.

To the end of channeling all of this talent into peaceful and healthful pursuits, Mr. Speaker, in March the United States, Russia, Japan, Canada, and the nations of the European Community announced jointly the establishment of the International Science and Technology Center which will serve as a focal point for efforts to provide employment for these former Soviet scientists around the world in pursuits other than developing nuclear weapons and weapons of mass destruction.

Mr. Speaker, as the House will recall, in 1990 we substantially increased from 54,000 to 140,000 the visas which are permitted to be granted to immigrants who wish to enter the United States to work because they have certain kinds of job skills needed here.

S. 2201 does not increase that 140,000 yearly ceiling in order to accommodate these former Soviet scientists, but it does amend the 1990 act slightly to accommodate their special needs.

Specifically, S. 2201, Mr. Speaker, waives a legal requirement, which is in the 1990 law now, but only waives it for a 4-year period, not permanently, and only for a total of 750 Soviet scientists. However, S. 2201 would waive the requirement that currently requires such skilled workers seeking entry into the United States to have a firm job offer from a U.S. employer which has secured a labor certificate for that particular worker.

Visa numbers under S. 2201 will be taken from the second preference employment category, which has 40,000 of the 120,000 employment-based numbers, and that 40,000 in the second preference is designated for persons of exceptional ability in the sciences, the arts, and business, the former Soviet scientists would fit into that category.

Again, Mr. Speaker, S. 2201 raises no quotas nor ceilings on foreign workers. It only opens the door slightly and somewhat facilitates for a limited period of time and for a limited number of former Soviet scientists their entry into the United States for the very laudable purpose of increasing our domestic economy, of providing a competitive edge for the United States as it enters the next century, and of course, not incidentally, of reducing the tendency toward proliferation of nuclear arms which could be developed by these selfsame people if they go to other countries.

Mr. Speaker, I urge the House to support passage of S. 2201.

Mr. Speaker, I reserve the balance of my time.

Mr. MOORHEAD. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of S. 2201. This legislation will make it substantially easier for up to 750 qualified scientists from the former Soviet Union to immigrate to the United States over a period of 4 years.

It accomplishes this end by directing the Attorney General to designate a class of scientists and engineers with expertise in the nuclear, chemical, biological, or other high technology, defense-related fields who will be treated as having exceptional ability in the sciences. Such a level of expertise is required in order to qualify for an immigrant visa under the employment-based, second preference visa category.

Another requirement for qualifying for a visa in the employment-based second preference is a job offer from an employer in the United States. S. 2201 waives this requirement.

S. 2201, as referred to the House, contained some provisions outside of the Judiciary Committee's jurisdiction. Those provisions have been stripped from the bill we are considering today.

This action was taken in order to move the bill quickly through the House; in no way does it alter the intent or effect of the bill.

This legislation is narrowly targeted to address a specific and highly unique situation. With the dissolution of the Soviet Union, many highly trained and qualified scientists are out of work or receiving very low pay. Some foreign governments have sought to entice them to their countries to develop or advance nuclear, chemical, or biological weapons industries.

This is not in the best interest of world stability and peace.

By providing some of these scientists with the alternative of immigrating to the United States, we hope to discourage the spread of weapons of mass destruction.

We can do this without cost to the American taxpayer and without displacing anyone who has been waiting to immigrate to the United States. The visa category under which these scientists would be admitted is current; in other words, it has no waiting list.

S. 2201 promotes a very desirable goal in a very reasonable manner. It is similar to a bill introduced in the House by Congressman **Bereuter** and cosponsored by 19 of our colleagues from both sides of the aisle. I strongly urge its adoption by this Chamber.

Mr. Speaker, I yield such time as he may consume to the gentleman from Nebraska [Mr. **Bereuter**], the author of the legislation.

Mr. BEREUTER. Mr. Speaker, this Member rises in strong support for S. 2201, legislation that facilitates the immigration of a limited number of scientists from the former Soviet Union who possess special skills and expertise.

I thank my distinguished colleague, the gentleman from California [Mr. **Moorhead**], for yielding me this time. I want to also recognize the distinguished junior Senator from Colorado [Mr. **Brown**], who deserves special recognition for his leadership on this legislation.

The House leadership of both the Committee on the Judiciary and secondarily, the Committee on Foreign Affairs also deserves recognition for bringing this legislation to the floor today. The details of the legislation have just been ably described by the distinguished gentleman from Kentucky [Mr. **Mazzoli**] and the distinguished gentleman from California [Mr. **Moorhead**]. As a member of the Committee on Foreign Affairs, this Member would emphasize that the collapse of the former Soviet Union and the end of the cold war have fundamentally changed our security considerations.

The United States and the former Soviet Republics are working together to destroy thousands of nuclear weapons. Nuclear-tipped missiles that were once pointed at every major city in the United States are now being warehoused while they await destruction. With the Freedom Support Act, which this body will consider in the next few days, we will be providing broad-ranging authority to help dismantle these weapons. Together, we are moving toward a positive new relationship that dramatically reduces the threat of nuclear, biological, or chemical holocaust.

Despite these positive developments, serious risks remain. The legislation that this body is considering today seeks to address one such threat.

For while the production lines have ceased and the former Soviet Republics are not adding to their arsenal of nuclear, chemical, and biological weapons, there are many highly trained Soviet scientists who have spent their careers designing and building these weapons. In the current chaos these scientists and engineers have been discarded by Moscow as an unnecessary and undesirable expense. These scientists, who had previously been the elite of Soviet society, are now unable to find work or even feed their families.

Mr. Speaker, Moscow may not be interested in these scientists, but there are rogue nations who are willing to pay handsomely for their skills. As reported in the press, the Yelstin government has uncovered evidence that Libyan agents have tried to enlist former Soviet nuclear scientists. Other Middle Eastern countries are reported to have made similar overtures. It is indeed ironic and troubling that, as the United States and the former Soviet Union rush to dismantle their nuclear arsenals, terrorist regimes are scrambling to acquire these weapons of mass destruction.

My colleagues, this is a very serious problem. If nothing is done, some of the most dangerous regimes in the world could leap frog forward into the ranks of the nuclear powers. CIA Director Robert Gates has testified in open hearings that this is a troubling possibility that could seriously undermine national security.

S. 2201 seeks to address this problem. By permitting 750 former Soviet scientists to enter the United States, it provides these scientists with special skills an attractive alternative to working for Qadhafi or Saddam Hussein.

Mr. Speaker, this member felt so strongly about this matter that I introduced the House version of S. 2201. Other Members of the House have co-sponsored my legislation. While this legislation is certainly not the total solution to this problem, it goes a long way toward alleviating this very dangerous threat to world peace. When combined with the Freedom Support Act, this body will have devised a comprehensive response to the threat of nuclear weapons proliferation emanating from the former Soviet Union.

Mr. Speaker, this Member urges adoption of S. 2201.

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Mr. MOORHEAD. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. MAZZOLI. Mr. Speaker, I yield myself 30 seconds.

Mr. Speaker, I want to commend the gentleman from Nebraska [Mr. **Bereuter**], who is an outstanding Member of this body on many subject areas, and certainly on this one particularly. So we want to thank him for his work on this bill. And I want to thank my friend from California [Mr. **Moorhead**], who has helped me move the bill today. I urge support of S. 2201 and yield back the balance of my time.

Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. **Montgomery**). The question is on the motion offered by the gentleman from Kentucky [Mr. **Mazzoli**] that the

House suspend the rules and pass the Senate bill, S. 2201, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the Senate bill, as amended, was passed.

The title of the Senate bill was amended so as to read: `An act to authorize the admission to the United States of certain scientists of the independent states of the former Soviet Union and the Baltic States as employment-based immigrants under the Immigration and Nationality Act.'.

A motion to reconsider was laid on the table.

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