

1 RELIEF FOR IRAQI, MONTAGNARDS, HMONG AND OTHER
2 REFUGEES WHO DO NOT POSE A THREAT TO THE
3 UNITED STATES

4 SEC. 691. (a) AMENDMENT TO AUTHORITY TO DE-
5 TERMINE THE BAR TO ADMISSION INAPPLICABLE.—Sec-
6 tion 212(d)(3)(B)(i) of the Immigration and Nationality
7 Act (8 U.S.C. 1182(d)(3)(B)(i)) is amended to read as
8 follows:

9 “The Secretary of State, after consultation with the
10 Attorney General and the Secretary of Homeland Secu-
11 rity, or the Secretary of Homeland Security, after con-
12 sultation with the Secretary of State and the Attorney
13 General, may determine in such Secretary’s sole
14 unreviewable discretion that subsection (a)(3)(B) shall not
15 apply with respect to an alien within the scope of that
16 subsection or that subsection (a)(3)(B)(vi)(III) shall not
17 apply to a group within the scope of that subsection, ex-
18 cept that no such waiver may be extended to an alien who
19 is within the scope of subsection (a)(3)(B)(i)(II), no such
20 waiver may be extended to an alien who is a member or
21 representative of, has voluntarily and knowingly engaged
22 in or endorsed or espoused or persuaded others to endorse
23 or espouse or support terrorist activity on behalf of, or
24 has voluntarily and knowingly received military-type train-
25 ing from a terrorist organization that is described in sub-

1 clause (I) or (II) of subsection (a)(3)(B)(vi), and no such
2 waiver may be extended to a group that has engaged ter-
3 rorist activity against the United States or another demo-
4 cratic country or that has purposefully engaged in a pat-
5 tern or practice of terrorist activity that is directed at ci-
6 vilians. Such a determination shall neither prejudice the
7 ability of the United States Government to commence
8 criminal or civil proceedings involving a beneficiary of such
9 a determination or any other person, nor create any sub-
10 stantive or procedural right or benefit for a beneficiary
11 of such a determination or any other person. Notwith-
12 standing any other provision of law (statutory or non-
13 statutory), including section 2241 of title 28, or any other
14 habeas corpus provision, and sections 1361 and 1651 of
15 such title, no court shall have jurisdiction to review such
16 a determination or revocation except in a proceeding for
17 review of a final order of removal pursuant to section 1252
18 of this title, and review shall be limited to the extent pro-
19 vided in section 1252(a)(2)(D). The Secretary of State
20 may not exercise the discretion provided in this clause with
21 respect to an alien at any time during which the alien is
22 the subject of pending removal proceedings under section
23 1229a of this title.”

24 (b) AUTOMATIC RELIEF FOR THE HMONG AND
25 OTHER GROUPS THAT DO NOT POSE A THREAT TO THE

1 UNITED STATES.—For purposes of section 212(a)(3)(B)
2 of the Immigration and Nationality Act (8 U.S.C.
3 1182(a)(3)(B)), the Karen National Union/Karen Libera-
4 tion Army (KNU/KNLA), the Chin National Front/Chin
5 National Army (CNF/CNA), the Chin National League
6 for Democracy (CNLD), the Kayan New Land Party
7 (KNLP), the Arakan Liberation Party (ALP), the Mus-
8 tangs, the Alzados, the Karenni National Progressive
9 Party, and appropriate groups affiliated with the Hmong
10 and the Montagnards shall not be considered to be a ter-
11 rorist organization on the basis of any act or event occur-
12 ring before the date of enactment of this section. Nothing
13 in this subsection may be construed to alter or limit the
14 authority of the Secretary of State or the Secretary of
15 Homeland Security to exercise his discretionary authority
16 pursuant to 212(d)(3)(B)(i) of the Immigration and Na-
17 tionality Act (8 U.S.C. 1182(d)(3)(B)(i)).

18 (c) TECHNICAL CORRECTION.—(1) In General.—Sec-
19 tion 212(a)(3)(B)(ii) of the Immigration and Nationality
20 Act (8 U.S.C. 1182(a)(3)(B)(ii)) is amended by striking
21 “Subclause (VII)” and replacing it with “Subclause (IX)”.

22 (d) DESIGNATION OF THE TALIBAN AS A TERRORIST
23 ORGANIZATION.—For purposes of section 212(a)(3)(B) of
24 the Immigration and Nationality Act (8 U.S.C.
25 1182(a)(3)(B)), the Taliban shall be considered to be a

1 terrorist organization described in subclause (I) of clause
2 (vi) of that section.

3 (e) REPORT ON DURESS WAIVERS.—The Secretary
4 of Homeland Security shall provide to the Committees on
5 the Judiciary of the United States Senate and House of
6 Representatives a report, not less than 180 days after the
7 enactment of this Act and every year thereafter, which
8 may include a classified annex, if appropriate, describ-
9 ing—

10 (1) the number of individuals subject to re-
11 moval from the United States for having provided
12 material support to a terrorist group who allege that
13 such support was provided under duress;

14 (2) a breakdown of the types of terrorist orga-
15 nizations to which the individuals described in para-
16 graph (1) have provided material support;

17 (3) a description of the factors that the Depart-
18 ment of Homeland Security considers when evalu-
19 ating duress waivers; and

20 (4) any other information that the Secretary
21 believes that the Congress should consider while
22 overseeing the Department's application of duress
23 waivers.

24 (f) EFFECTIVE DATE.—The amendments made by
25 this section shall take effect on the date of enactment of

1 this section, and these amendments and sections
2 212(a)(3)(B) and 212(d)(3)(B) of the Immigration and
3 Nationality Act (8 U.S.C. 1182(a)(3)(B) and
4 1182(d)(3)(B)), as amended by these sections, shall apply
5 to—

6 (1) removal proceedings instituted before, on, or
7 after the date of enactment of this section; and

8 (2) acts and conditions constituting a ground
9 for inadmissibility, excludability, deportation, or re-
10 moval occurring or existing before, on, or after such
11 date.

12 REPORT ON ANTI-CORRUPTION ACTIVITIES

13 SEC. 692. Not later than August 1, 2008, the Sec-
14 retary of State, in consultation with the Administrator of
15 the United States Agency for International Development
16 and the Chief Executive Officer of the Millennium Chal-
17 lenge Corporation, shall submit to the Committees on Ap-
18 propriations a report on the level of corruption in each
19 country that receives development assistance appropriated
20 in this Act.

21 DEMOCRACY, THE RULE OF LAW, AND GOVERNANCE IN

22 IRAN

23 SEC. 693. Of the funds appropriated in this Act,
24 \$60,000,000 should be made available for programs to
25 promote democracy, the rule of law, and governance in
26 Iran.