

Floor Amendment No. 2947 to HR 4038

KIRK AMENDMENT SA 2947

TEXT OF AMENDMENT

SA 2947. Mr. Kirk (for himself, Mrs. Capito, and Mr. Inhofe) submitted an amendment intended to be proposed by him to the bill H.R. 4038, to require that supplemental certifications and background investigations be completed prior to the admission of certain aliens as refugees, and for other purposes; which was ordered to lie on the table; as follows:

On page 2, line 14, insert “, and has provided support to any foreign terrorist organization, which may include publishing or otherwise engaging in social media to promote or otherwise support a foreign terrorist organization” before the period at the end.

Beginning on page 3, strike line 15 and all that follows through page 5, line 2, and insert the following:

SEC. 3. INADMISSIBILITY FOR USE OF SOCIAL MEDIA TO PROMOTE TERRORISM.

(a) In General.—Section 212(a)(3)(B)(i)(VII) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(3)(B)(i)(VII)) is amended by inserting “, including through the use of social media” before the semicolon at the end.

(b) Rulemaking.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Homeland Security, in consultation with the Secretary of State, shall issue regulations, in accordance with section 553 of title 5, United States Code, to ensure that every covered alien who has violated section 212(a)(3)(B)(i)(VII) of such Act (8 U.S.C. 1182(a)(3)(B)(i)(VII))—

(1) does not receive an immigrant visa under section 203 of the Immigration and Nationality Act (8 U.S.C. 1153); and

(2) does not have his or her status adjusted to that of an alien lawfully admitted for permanent residence under section 245 of such Act (8 U.S.C. 1155).

(c) Effective Date.—The regulations issued under subsection (b) shall take effect on the date that is 30 days after the date on which such regulations are published in the Federal Register.

SEC. 4. DEFINITIONS.

(a) In General.—In this Act:

(1) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term “appropriate congressional committees” means—

(A) the Committee on Armed Services of the Senate;

(B) the Select Committee on Intelligence of the Senate;

(C) the Committee on the Judiciary of the Senate;

(D) the Committee on Homeland Security and Governmental Affairs of the Senate;

- (E) the Committee on Foreign Relations of the Senate;
- (F) the Committee on Appropriations of the Senate;
- (G) the Committee on Armed Services of the House of Representatives;
- (H) the Permanent Select Committee on Intelligence of the House of Representatives;
- (I) the Committee on the Judiciary of the House of Representatives;
- (J) the Committee on Homeland Security of the House of Representatives;
- (K) the Committee on Foreign Affairs of the House of Representatives; and
- (L) the Committee on Appropriations of the House of Representatives.

(2) COVERED ALIEN.—The term “covered alien” means any alien who—

- (A)(i) is applying for admission to the United States as a refugee; and
- (ii) is a national or resident of Iraq or Syria;
- (iii) has no known nationality and whose last habitual residence was in Iraq or in Syria; or
- (iv) has been present in Iraq or in Syria at any time on or after March 1, 2011.

(B) is not a citizen of Iraq who—

(i) is or was employed by or on behalf of the United States Government in Iraq on or after March 20, 2003, for not less than 1 year; and

(ii) provided faithful and valuable service to the United States Government, which is documented in a positive recommendation or evaluation described in subsection (c), from the employer’s senior supervisor in the United States Government or from a more senior person if the employee’s senior supervisor cannot be located;

(C) is not the spouse or child of an alien described in subparagraph (B); and

(D) is not an infant child without living parents who is younger than 4 years of age, as certified under procedures promulgated by the Secretary of State under subsection (b).

(3) FOREIGN TERRORIST ORGANIZATION.—The term “foreign terrorist organization” is a foreign organization that is designated as a foreign terrorist organization by the Secretary of State in accordance with section 219(a) of the Immigration and Nationality Act (8 U.S.C. 1189(a)).

(b) Certification.—

(1) IN GENERAL.—The Secretary of State shall issue regulations establishing procedures for certifying that an alien is an alien child without living parents who is younger than 4 years of age, as described in subsection (a)(2)(D).

(2) SUBMISSION.—Not later than 60 days after the date of the enactment of this Act, the Secretary of State shall submit the regulations issued under paragraph (1) to the appropriate congressional committees.

(3) IMPLEMENTATION.—Not earlier than 90 days after the submission of regulations under paragraph (2), the Secretary of State shall implement the regulations issued under paragraph (1).

(c) Approval by Chief of Mission Required.—Each recommendation or evaluation required under subsection (a)(2)(B)(ii) shall be accompanied by approval from the appropriate Chief of Mission, or his or her designee, who shall conduct a risk assessment of the alien and an independent review of records maintained by the United States Government or hiring organization or entity to confirm the alien’s employment and faithful and valuable service to the United States Government before the alien is exempted from definition of covered alien under subsection (a)(2)(B).