

AMENDMENT TO H.R. 3648, AS REPORTED

OFFERED BY M .

Page 18, after line 8, insert the following:

1 (g) MEMBERSHIP IN TOTALITARIAN PARTY.—Sec-
2 tion 214(g) of the Immigration and Nationality Act (8
3 U.S.C. 1184(g)), as amended by subsections (e) and (f),
4 is further amended by adding at the end the following:

5 “(14)(A) Except as provided in this paragraph,
6 an alien who is or has been a member of or affiliated
7 with the Communist or any other totalitarian party
8 (or subdivision or affiliate thereof), domestic or for-
9 eign, may not be issued a visa or admitted under
10 section 101(a)(15)(H)(i).

11 “(B) Subparagraph (A) shall not apply to an
12 alien because of membership or affiliation if the
13 alien establishes to the satisfaction of the consular
14 officer when applying for a visa (or to the satisfac-
15 tion of the Secretary of Homeland Security when ap-
16 plying for admission) under section 101(a)(15)(H)(i)
17 that the membership or affiliation is or was involun-
18 tary, or is or was solely when under 16 years of age,
19 by operation of law, or for purposes of obtaining em-

1 ployment, food rations, or other essentials of living
2 and whether necessary for such purposes.

3 “(C) Subparagraph (A) shall not apply to an
4 alien because of membership or affiliation if the
5 alien establishes to the satisfaction of the consular
6 officer when applying for a visa (or to the satisfac-
7 tion of the Secretary of Homeland Security when ap-
8 plying for admission) under section 101(a)(15)(H)(i)
9 that—

10 “(i) the membership or affiliation termi-
11 nated at least—

12 “(I) 2 years before the date of such
13 application; or

14 “(II) 5 years before the date of such
15 application, in the case of an alien whose
16 membership or affiliation was with the
17 party controlling the government of a for-
18 eign state that is a totalitarian dictatorship
19 as of such date; and

20 “(ii) the alien is not a threat to the secu-
21 rity of the United States.

22 “(D) The Secretary of Homeland Security may,
23 in the Secretary’s discretion, waive the application of
24 subparagraph (A) in the case of an alien who is the
25 parent, spouse, son, daughter, brother, or sister of

1 a citizen of the United States or a spouse, son, or
2 daughter of an alien lawfully admitted for perma-
3 nent residence for humanitarian purposes, to assure
4 family unity, or when it is otherwise in the public in-
5 terest if the alien is not a threat to the security of
6 the United States.”.

