

## **VITTER AMENDMENT SA 4515**

### **TEXT OF AMENDMENT**

**SA 4515.** Mr. VITTER submitted an amendment intended to be proposed by him to the bill S. 2943, to authorize appropriations for fiscal year 2017 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle I of title X, add the following:

#### **SEC. 1097. TERMINATION OF LAWFUL PERMANENT RESIDENT STATUS OF CERTAIN ALIENS WHO RETURN TO AFGHANISTAN WITHOUT ADVANCE PERMISSION.**

Section 602(b) of the Afghan Allies Protection Act of 2009 (8 U.S.C. 1101 note) is amended—

(1) by redesignating paragraphs (10) through (16) as paragraphs (11) through (17), respectively;

(2) by inserting after paragraph (9), the following:

“(10) **TERMINATION OF LAWFUL PERMANENT RESIDENCE UPON UNAUTHORIZED RETURN TO AFGHANISTAN.**—

“(A) **IN GENERAL.**—The Secretary of Homeland Security shall terminate the lawful permanent resident status of any alien granted such status under paragraph (9) who is outside the United States if the Secretary determines that the alien has visited Afghanistan without obtaining advance permission to travel pursuant to subparagraph (D)(ii).

“(B) **SERVICE.**—The termination of lawful permanent residence status under subparagraph (A) shall be effective on the date that is 3 days after the date on which the Secretary serves notice of such termination—

“(i) by publishing such notice in the Federal Register;

“(ii) by mailing such notice to the alien’s most recent United States address, as provided to the Secretary under section 265 of the Immigration and Nationality Act (8 U.S.C. 1305) or otherwise under the immigration laws; or

“(iii) through personal service on the alien abroad in accordance with applicable law.

“(C) **CHALLENGE TO NOTICE OF TERMINATION.**—

“(i) **IN GENERAL.**—An alien whose status is terminated pursuant to subparagraph (A) may challenge such termination by seeking admission as an immigrant at a designated United States port of entry not later than 180 days after the effective date of such termination.

“(ii) **REMOVAL PROCEEDING.**—If an alien challenges a termination in accordance with clause (i), the Secretary shall place the alien in a removal proceeding under section 240 of the Immigration and Nationality Act (8 U.S.C. 1229a). For the purpose of such removal proceeding, the alien shall be considered to be an alien lawfully admitted for permanent residence who is seeking an admission into the United States. If the alien prevails in the removal proceeding, or on a petition for review of such proceeding under section 242 of such Act (8 U.S.C. 1252), the alien shall be admitted to the United States for lawful permanent residence. If the alien does not prevail in the removal proceeding, or on a petition for review of such proceeding, the alien shall be removed from the United States.

“(D) TRAVEL.—The Secretary of Homeland Security—

“(i) upon receiving a request from an alien challenging a notice of termination under subparagraph (C), shall authorize travel of the alien to a designated United States port of entry for the purpose of the removal proceeding described in subparagraph (C)(ii); and

“(ii) shall establish a process through which an alien granted lawful permanent residence under this section may apply in advance for permission to travel to Afghanistan.

“(E) JUDICIAL REVIEW.—Except as specifically provided under subparagraph (C), and notwithstanding any other provision of law (statutory or nonstatutory), including section 2241 of title 28, United States Code, or any other habeas corpus provision, and sections 1361 and 1651 of such title, no court shall have jurisdiction to review any determination made by the Secretary under this paragraph.

“(F) RULE OF CONSTRUCTION.—Nothing in this paragraph may be construed—

“(i) to authorize any alien whose status has not been terminated under this paragraph to travel to or to be admitted to the United States;

“(ii) to require the Secretary to terminate the status of an alien under this subsection so that the alien may travel to the United States for the purpose of a removal proceeding or for any other reason; or

“(iii) to limit the applicability of any no-fly list or other travel security or public health measure otherwise authorized by law.”; and

(3) in paragraph (14), as redesignated, by striking “paragraph (12)(B)” and inserting “paragraph (13)(B)”.