

AMENDMENT IN THE NATURE OF A SUBSTITUTE
TO H.R. _____
OFFERED BY MR. MCCLINTOCK OF CALIFORNIA

Strike all that follows after the enacting clause, and
insert the following:

1 SECTION 1. SHORT TITLE.

2 This Act may be cited as the “Transparency in Na-
3 tional Security Threats Act”.

4 SEC. 2. REQUIRED PROVISION OF MEMORANDUM OF UN-
5 DERSTANDING.

6 Not later than 30 days after the date of enactment
7 of this Act, the Attorney General shall submit to the ap-
8 propriate committees the memorandum of understanding
9 entitled “Integration and Use of Screening Information to
10 Protect Against Terrorism”, effective September 16,
11 2003, and any successor memoranda.

12 SEC. 3. REQUIRED REPORTS ON ENCOUNTERS WITH
13 ALIENS INCLUDED IN TERRORIST SCREEN-
14 ING DATABASE.

15 (a) MONTHLY REPORTS.—Subject to subsection (e)
16 and not later than 30 days after the date of enactment
17 of this Act, and every month thereafter, the Attorney Gen-
18 eral, in consultation with the Secretary of Homeland Secu-

1 rity, shall submit to the appropriate committees a report,
2 including, with respect to encounters, apprehensions, and
3 arrests during the month immediately preceding the date
4 of the report, the following information:

5 (1) The total number of covered aliens,
6 disaggregated by the geographic region of the en-
7 counter, apprehension, or arrest.

8 (2) The number of covered aliens who were pa-
9 roled, admitted, or otherwise released into the
10 United States.

11 (3) The citizenship of the covered aliens.

12 (b) ADDITIONAL INFORMATION.—The report under
13 subsection (a) shall also contain, disaggregated by each
14 covered alien, the following information:

15 (1) The geographic region of encounter, appre-
16 hension, or arrest for each covered alien.

17 (2) The derogatory information causing each
18 covered alien to be included in the terrorist screen-
19 ing database.

20 (3) The criminal history of each covered alien.

21 (4) If the covered alien was paroled, admitted,
22 or otherwise released into the United States.

23 (5) The citizenship of each covered alien.

1 (6) The immigration status of each covered
2 alien and any previous immigration status of such
3 alien, if any.

4 (7) Case history information on each covered
5 alien, including the alien's immigration history, any
6 applications made for an immigration benefit by the
7 alien, and the alien file.

8 (8) The detention status of each covered alien.

9 (9) For each covered alien who is not detained,
10 the location of the covered alien at the time of the
11 applicable report and, if such covered alien is en-
12 rolled in an alternative to detention program, the
13 type of alternatives to detention on which such cov-
14 ered alien has been placed.

15 (10) For each covered alien in the United
16 States, whether the covered alien has been placed in
17 removal proceedings and, for each covered alien not
18 placed in removal proceedings, an explanation of the
19 reason such covered alien was not placed in such
20 proceedings.

21 (11) The number of covered aliens removed
22 from the United States, disaggregated by the coun-
23 try to which each alien was removed.

24 (c) PUBLICATION.—Not later than 30 days after the
25 date of enactment of this Act, and every month thereafter,

1 the Attorney General, in coordination with the Secretary
2 of Homeland Security, shall publish, on a publicly acces-
3 sible website the information in paragraphs (1), (2), and
4 (3) of subsection (a) for the month immediately preceding
5 the date of the report.

6 (d) INSTANCE REPORTS.—Subject to subsection (e)
7 and beginning not later than 30 days after the date of
8 enactment of this Act, and within 96 hours of each en-
9 counter, apprehension, or arrest of a covered alien, the At-
10 torney General, in coordination with the Secretary of
11 Homeland Security, shall notify the appropriate commit-
12 tees of any such encounter, apprehension, or arrest. The
13 notification shall include the following:

14 (1) The derogatory information causing each
15 covered alien to be included in the terrorist screen-
16 ing database.

17 (2) The citizenship of the covered alien.

18 (3) The geographic region where the covered
19 alien was encountered, apprehended, or arrested.

20 (4) The detention status of each covered alien.

21 (e) CLASSIFICATION.—Only the following may be
22 submitted in a classified setting:

23 (1) Any information described in subsection

24 (b)(2).

1 (2) Any information described in subsection
2 (d)(1).

3 **SEC. 4. REQUIRED PROVISION OF SPECIAL INTEREST**
4 **COUNTRY LIST.**

5 (a) IN GENERAL.—Not later than 30 days after the
6 date of enactment of this Act, the Attorney General shall
7 provide to the appropriate committees the special interest
8 countries list.

9 (b) REVISION.—Not later than 30 days after any re-
10 vision to the special interest countries list, the Attorney
11 General shall notify the appropriate committees of such
12 revision.

13 **SEC. 5. REQUIRED REPORTING ON ENCOUNTERS.**

14 Not later than 30 days after the date of enactment
15 of this Act, and every month thereafter, the Secretary of
16 Homeland Security shall publish on a publicly accessible
17 website the number of aliens, disaggregated by citizenship,
18 who—

19 (1) are inadmissible under the immigration laws
20 (as such term is defined in section 101 of the Immi-
21 gration and Nationality Act (8 U.S.C. 1101)); and

22 (2) during the month immediately preceding the
23 date of publication, were encountered by the Sec-
24 retary of Homeland Security along the United
25 States border.

1 **SEC. 6. DEFINITIONS.**

2 In this Act:

3 (1) **ALIEN.**—The term “alien” shall have the
4 meaning given such term in section 101(a) of the
5 Immigration and Nationality Act (8 U.S.C.
6 1101(a)).

7 (2) **APPROPRIATE COMMITTEES.**—The term
8 “appropriate committees” means the Committee on
9 the Judiciary of the House of Representatives and
10 the Committee on the Judiciary of the Senate.

11 (3) **COVERED ALIEN.**—The term “covered
12 alien” means an alien—

13 (A) who is encountered, apprehended, or
14 arrested by the Secretary of Homeland Secu-
15 rity; and

16 (B) whose identifying information is found
17 to be included within the terrorist screening
18 database.

19 (4) **TERRORIST SCREENING DATABASE.**—The
20 term “terrorist screening database” shall have the
21 meaning given such term in section 2101 of the
22 Homeland Security Act of 2002 (6 U.S.C. 621).

23 (5) **SPECIAL INTEREST COUNTRY LIST.**—The
24 term “special interest country list” means the list
25 maintained by the Director of the Federal Bureau of

- 1 Investigation that identifies any country determined
- 2 by the Director to be a country of special interest.

