

.....
(Original Signature of Member)

118TH CONGRESS
1ST SESSION

H. R. _____

To direct the Attorney General, in coordination with the Secretary of Homeland Security, to report to the appropriate committees on encounters with covered aliens included in the terrorist screening database.

IN THE HOUSE OF REPRESENTATIVES

Mr. McCLINTOCK introduced the following bill; which was referred to the Committee on _____

A BILL

To direct the Attorney General, in coordination with the Secretary of Homeland Security, to report to the appropriate committees on encounters with covered aliens included in the terrorist screening database.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

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

1 **SEC. 2. REQUIRED PROVISION OF MEMORANDUM OF UN-**
2 **DERSTANDING.**

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

9 **SEC. 3. REQUIRED REPORTS ON ENCOUNTERS WITH**
10 **ALIENS INCLUDED IN TERRORIST SCREEN-**
11 **ING DATABASE.**

12 (a) MONTHLY REPORTS.—Subject to subsection (e)
13 and not later than 30 days after the date of enactment
14 of this Act, and every month thereafter, the Attorney Gen-
15 eral, in consultation with the Secretary of Homeland Secu-
16 rity, shall submit to the appropriate committees a report,
17 including, with respect to encounters, apprehensions, and
18 arrests during the month immediately preceding the date
19 of the report, the following information:

20 (1) The total number of covered aliens,
21 disaggregated by the geographic region of the en-
22 counter, apprehension, or arrest.

23 (2) The number of covered aliens who were pa-
24 roled, admitted, or otherwise released into the
25 United States.

26 (3) The citizenship of the covered aliens.

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

4 (1) The geographic region of encounter, appre-
5 hension, or arrest for each covered alien

6 (2) The derogatory information causing each
7 covered alien to be included in the terrorist screen-
8 ing database.

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

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

12 (5) The citizenship of each covered alien.

13 (6) The immigration status of each covered
14 alien and any previous immigration status of such
15 alien, if any.

16 (7) Case history information on each covered
17 alien, including the alien's immigration history, any
18 applications made for an immigration benefit by the
19 alien, and the alien file.

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

21 (9) For each covered alien who is not detained,
22 the location of the covered alien at the time of the
23 applicable report and, if such covered alien is en-
24 rolled in an alternative to detention program, the

1 type of alternatives to detention on which such cov-
2 ered alien has been placed.

3 (10) For each covered alien in the United
4 States, whether the covered alien has been placed in
5 removal proceedings and, for each covered alien not
6 placed in removal proceedings, an explanation of the
7 reason such covered alien was not placed in such
8 proceedings.

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

12 (c) PUBLICATION.—Not later than 30 days after the
13 date of enactment of this Act, and every month thereafter,
14 the Attorney General, in coordination with the Secretary
15 of Homeland Security, shall publish, on a publicly acces-
16 sible website the information in paragraphs (1), (2), and
17 (3) of subsection (a) for the month immediately preceding
18 the date of the report.

19 (d) INSTANCE REPORTS.—Subject to subsection (e)
20 and beginning not later than 30 days after the date of
21 enactment of this Act, and within 96 hours of each en-
22 counter, apprehension, or arrest of a covered alien, the At-
23 torney General, in coordination with the Secretary of
24 Homeland Security, shall notify the appropriate commit-

tees of any such encounter, apprehension, or arrest. The notification shall include the following:

(1) The derogatory information causing each covered alien to be included in the terrorist screening database.

(2) The citizenship of the covered alien.

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

(4) The detention status of each covered alien.

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

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

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

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

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

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

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

2 Not later than 30 days after the date of enactment
3 of this Act, and every month thereafter, the Secretary of
4 Homeland Security shall publish on a publicly accessible
5 website the number of aliens, disaggregated by citizenship,
6 who—

- 7 (1) are inadmissible under the immigration laws
8 (as such term is defined in section 101 of the Immi-
9 gration and Nationality Act (8 U.S.C. 1101)); and
10 (2) during the month immediately preceding the
11 date of publication, were encountered by the Sec-
12 retary of Homeland Security along the United
13 States border.

14 **SEC. 6. DEFINITIONS.**

15 In this Act:

16 (1) **ALIEN.**—The term “alien” shall have the
17 meaning given such term in section 101(a) of the
18 Immigration and Nationality Act (8 U.S.C.
19 1101(a)).

20 (2) **APPROPRIATE COMMITTEES.**—The term
21 “appropriate committees” means the Committee on
22 the Judiciary of the House of Representatives and
23 the Committee on the Judiciary of the Senate.

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

1 (A) who is encountered, apprehended, or
2 arrested by the Secretary of Homeland Secu-
3 rity; and

4 (B) whose identifying information is found
5 to be included within the terrorist screening
6 database.

7 (4) TERRORIST SCREENING DATABASE.—The
8 term “terrorist screening database” shall have the
9 meaning given such term in section 2101 of the
10 Homeland Security Act of 2002 (6 U.S.C. 621).

11 (5) SPECIAL INTEREST COUNTRY LIST.—The
12 term “special interest country list” means the list
13 maintained by the Director of the Federal Bureau of
14 Investigation that identifies any country determined
15 by the Director to be a country of special interest.