

AMENDMENT NO. \_\_\_\_\_ Calendar No. \_\_\_\_\_

Purpose: To require the Department of Homeland Security to submit annual reports to Congress regarding special interest alien encounters and a plan on how the Department will provide the public with information regarding such encounters.

**IN THE SENATE OF THE UNITED STATES—118th Cong., 2d Sess.**

**S. 5102**

To require annual reports on counter illicit cross-border tunnel operations, and for other purposes.

Referred to the Committee on \_\_\_\_\_ and ordered to be printed

Ordered to lie on the table and to be printed

AMENDMENT intended to be proposed by Mr. LANKFORD

Viz:

1 At the end of the bill, add the following:

2 **SEC. 3. ANNUAL REPORT AND PLAN ON SPECIAL INTEREST**

3 **ALIENS ENCOUNTERS.**

4 (a) ANNUAL REPORT.—Not later than 60 days after

5 the date of the enactment of this Act, and annually there-

6 after for the following 3 years, the Secretary of Homeland

7 Security shall submit a report to the Committee on Home-

8 land Security and Governmental Affairs of the Senate and

9 the Committee on Homeland Security of the House of

1 Representatives that identifies, with respect to the applica-  
2 ble reporting period—

3 (1) any changes to the definition of “special in-  
4 terest alien encounter” during the reporting period;

5 (2) what factors would lead to an encounter  
6 being designated as a special interest alien encoun-  
7 ter;

8 (3) the underlying targeting criteria, method-  
9 ology, and rationale for the determination of each of  
10 the factors referred to in paragraph (2);

11 (4) the internal Department of Homeland Secu-  
12 rity review process for updating the factors referred  
13 to in paragraph (2);

14 (5) how the designation of a special interest  
15 alien encounter differs from the definition of an en-  
16 counter with a known or suspected terrorist;

17 (6) the policies, procedures, and tools the De-  
18 partment of Homeland Security has implemented to  
19 address the underlying threats addressed through  
20 special interest alien encounters;

21 (7) the number of individuals screened by U.S.  
22 Customs and Border Protection during special inter-  
23 est alien encounters, disaggregated by component;

24 (8) the number of such individuals for whom no  
25 derogatory information was identified who—

1 (A) are being detained by the Department  
2 of Homeland Security;

3 (B) have been transferred to, or are being  
4 monitored by, another Federal agency;

5 (C) have been released from detention with  
6 reporting requirements by the Department of  
7 Homeland Security; or

8 (D) were removed from the United States;

9 (9) the number of individuals screened by U.S.  
10 Customs and Border Protection during special inter-  
11 est alien encounters for whom derogatory informa-  
12 tion was identified, disaggregated by the type of de-  
13 rogatory information, who—

14 (A) are being detained by the Department  
15 of Homeland Security;

16 (B) have been transferred to, or are being  
17 monitored by, another Federal agency;

18 (C) have been released from detention with  
19 reporting requirements by the Department of  
20 Homeland Security;

21 (D) have been released from detention  
22 without reporting requirements by the Depart-  
23 ment of Homeland Security; or

24 (E) were removed from the United States.

1 (b) PLAN.—Not later than 60 days after the date of  
2 the enactment of this Act the Secretary of Homeland Se-  
3 curity shall submit a plan to the Committee on Homeland  
4 Security and Governmental Affairs of the Senate and the  
5 Committee on Homeland Security of the House of Rep-  
6 resentatives for posting, on a publicly accessible website  
7 of the Department of Homeland Security, information re-  
8 garding the number of individuals screened by U.S. Cus-  
9 toms and Border Protection during special interest alien  
10 encounters, including how the Department will provide the  
11 public with information regarding—

12 (1) the definition of special interest alien en-  
13 counter;

14 (2) the number of individuals screened by U.S.  
15 Customs and Border Protection during special inter-  
16 est alien encounters, disaggregated by component;  
17 and

18 (3) the number of such individuals for whom  
19 derogatory information was identified who—

20 (A) are being detained by the Department  
21 of Homeland Security;

22 (B) have been transferred to, or are being  
23 monitored by, another Federal agency;

1                   (C) have been released from detention with  
2                   reporting requirements by the Department of  
3                   Homeland Security;

4                   (D) have been released from detention  
5                   without reporting requirements by the Depart-  
6                   ment of Homeland Security; or

7                   (E) were removed from the United States.

8           (c) IMPLEMENTATION.—Not later than 60 days after  
9           submitting the plan to Congress pursuant to subsection  
10          (b), the Department of Homeland Security shall imple-  
11          ment such plan.