

118TH CONGRESS
1ST SESSION

S. 3132

To require regular reporting to Congress on individuals encountered along a border of the United States or a port of entry, and for other purposes.

IN THE SENATE OF THE UNITED STATES

OCTOBER 25, 2023

Mr. MARSHALL (for himself, Mr. CORNYN, Mr. DAINES, and Mr. KENNEDY) introduced the following bill; which was read twice and referred to the Committee on Homeland Security and Governmental Affairs

A BILL

To require regular reporting to Congress on individuals encountered along a border of the United States or a port of entry, and for other purposes.

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 “Where Are The Terror-
5 ists Now Act”.

6 **SEC. 2. REPORTING ON TERRORIST WATCH LIST.**

7 (a) DEFINITIONS.—In this section:

8 (1) TERRORIST ORGANIZATION.—The term
9 “terrorist organization” means—

1 (A) an organization described in subclause
2 (I), (II), or (III) of section 212(a)(3)(B)(vi) of
3 the Immigration and Nationality Act (8 U.S.C.
4 1182(a)(3)(B)(vi)); and

5 (B) any organization that has ever been
6 described in such section 212(a)(3)(B)(vi).

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

11 (b) **REPORT.**—Not later than 14 days after the date
12 of enactment of this Act, and every month thereafter for
13 1 year, and biannually thereafter, the Secretary of Home-
14 land Security, in coordination with the Attorney General
15 and the Director of National Intelligence, submit to Con-
16 gress a report on individuals encountered by U.S. Customs
17 and Border Protection, U.S. Immigration and Customs
18 Enforcement, or U.S. Citizenship and Immigration Serv-
19 ices along a border of the United States or a port of entry,
20 which shall include—

21 (1) the number of individuals encountered along
22 a border of the United States or a port of entry that
23 are in the terrorist screening database, and the bor-
24 der or port of entry where they were encountered;

1 (2) a description of why each such individual is
2 in the terrorist screening database;

3 (3) any ties each such individual has to a ter-
4 rorist organization;

5 (4) the nation of origin of each such individual;

6 (5) any previous criminal conviction of each
7 such individual in the United States;

8 (6) how each such individual traveled to the
9 border or port of entry, as applicable;

10 (7) if the individual has been detained, where
11 they were detained, if they are still detained, how
12 long they were detained, whether they have been de-
13 ported or transferred to another agency, and their
14 known whereabouts if they have been released;

15 (8) if the individual has been released, how the
16 determination was made that the individual does not
17 present a danger to the United States;

18 (9) whether, and if so, how many times, the in-
19 dividual has been falsely identified in the terrorist
20 screening database; and

21 (10) the total number of individuals added, re-
22 jected, or removed from the terrorist screening data-
23 base since the last report was submitted, and the
24 total number of individuals on the terrorist screening
25 database as of the date of the report.

1 (c) FORM.—To the extent possible, the Secretary of
2 Homeland Security shall submit each report required
3 under subsection (b) in unclassified form, but may submit
4 such a report, or portion of such a report, in classified
5 form if the Secretary of Homeland Security determines
6 that publication of such report or portion of such report
7 would compromise the national security of the United
8 States.

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