

## Calendar No. 742

118TH CONGRESS  
2D SESSION**S. 5102****[Report No. 118-322]**

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

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 IN THE SENATE OF THE UNITED STATES

SEPTEMBER 18, 2024

Mr. PETERS (for himself, Mr. CORNYN, Ms. SINEMA, and Mr. OSSOFF) introduced the following bill; which was read twice and referred to the Committee on Homeland Security and Governmental Affairs

DECEMBER 19 (legislative day, DECEMBER 16), 2024

Reported by Mr. PETERS, with an amendment

[Insert the part printed in italic]

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**A BILL**

To require annual reports on counter illicit cross-border  
tunnel operations, 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 “Cross-Border Tunnel  
5 Report Act”.

1 **SEC. 2. ANNUAL REPORTS ON COUNTER ILLICIT CROSS-**  
2 **BORDER TUNNEL OPERATIONS.**

3 Section 7134(a)(2) of the James M. Inhofe National  
4 Defense Authorization Act for Fiscal Year 2023 (Public  
5 Law 117–263; 6 U.S.C. 257 note) is amended by inserting  
6 “and annually thereafter,” after “development of the stra-  
7 tegic plan,”.

8 **SEC. 3. ANNUAL REPORT AND PLAN ON SPECIAL INTEREST**  
9 **ALIENS ENCOUNTERS.**

10 *(a) ANNUAL REPORT.—Not later than 60 days after*  
11 *the date of the enactment of this Act, and annually there-*  
12 *after for the following 3 years, the Secretary of Homeland*  
13 *Security shall submit a report to the Committee on Home-*  
14 *land Security and Governmental Affairs of the Senate and*  
15 *the Committee on Homeland Security of the House of Rep-*  
16 *resentatives that identifies, with respect to the applicable*  
17 *reporting period—*

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

20 *(2) what factors would lead to an encounter*  
21 *being designated as a special interest alien encounter;*

22 *(3) the underlying targeting criteria, method-*  
23 *ology, and rationale for the determination of each of*  
24 *the factors referred to in paragraph (2);*

1           (4) *the internal Department of Homeland Security*  
2 *review process for updating the factors referred to*  
3 *in paragraph (2);*

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

7           (6) *the policies, procedures, and tools the Depart-*  
8 *ment of Homeland Security has implemented to ad-*  
9 *dress the underlying threats addressed through special*  
10 *interest alien encounters;*

11           (7) *the number of individuals screened by U.S.*  
12 *Customs and Border Protection during special inter-*  
13 *est alien encounters, disaggregated by component;*

14           (8) *the number of such individuals for whom no*  
15 *derogatory information was identified who—*

16                (A) *are being detained by the Department*  
17 *of Homeland Security;*

18                (B) *have been transferred to, or are being*  
19 *monitored by, another Federal agency;*

20                (C) *have been released from detention with*  
21 *reporting requirements by the Department of*  
22 *Homeland Security; or*

23                (D) *were removed from the United States;*

24           (9) *the number of individuals screened by U.S.*  
25 *Customs and Border Protection during special inter-*

1 *est alien encounters for whom derogatory information*  
2 *was identified, disaggregated by the type of deroga-*  
3 *tory information, who—*

4 *(A) are being detained by the Department*  
5 *of Homeland Security;*

6 *(B) have been transferred to, or are being*  
7 *monitored by, another Federal agency;*

8 *(C) have been released from detention with*  
9 *reporting requirements by the Department of*  
10 *Homeland Security;*

11 *(D) have been released from detention with-*  
12 *out reporting requirements by the Department of*  
13 *Homeland Security; or*

14 *(E) were removed from the United States.*

15 *(b) PLAN.—Not later than 60 days after the date of*  
16 *the enactment of this Act the Secretary of Homeland Secu-*  
17 *rity shall submit a plan to the Committee on Homeland*  
18 *Security and Governmental Affairs of the Senate and the*  
19 *Committee on Homeland Security of the House of Rep-*  
20 *resentatives for posting, on a publicly accessible website of*  
21 *the Department of Homeland Security, information regard-*  
22 *ing the number of individuals screened by U.S. Customs*  
23 *and Border Protection during special interest alien encoun-*  
24 *ters, including how the Department will provide the public*  
25 *with information regarding—*

1           (1) *the definition of special interest alien en-*  
2 *counter;*

3           (2) *the number of individuals screened by U.S.*  
4 *Customs and Border Protection during special inter-*  
5 *est alien encounters, disaggregated by component; and*

6           (3) *the number of such individuals for whom de-*  
7 *rogatory information was identified who—*

8                 (A) *are being detained by the Department*  
9 *of Homeland Security;*

10                (B) *have been transferred to, or are being*  
11 *monitored by, another Federal agency;*

12                (C) *have been released from detention with*  
13 *reporting requirements by the Department of*  
14 *Homeland Security;*

15                (D) *have been released from detention with-*  
16 *out reporting requirements by the Department of*  
17 *Homeland Security; or*

18                (E) *were removed from the United States.*

19           (c) *IMPLEMENTATION.—Not later than 60 days after*  
20 *submitting the plan to Congress pursuant to subsection (b),*  
21 *the Department of Homeland Security shall implement*  
22 *such plan.*

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118<sup>TH</sup> CONGRESS  
2<sup>D</sup> SESSION

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