H.R. 4971, the "Terrorist Watchlist Data Accuracy and Transparency Act"

As Introduced by Ranking Member Bennie G. Thompson (D-MS)

In the wake of the 9/11 terrorist attacks, the *Intelligence Reform and Terrorism Prevention Act (IRTPA) of 2004* mandated that the U.S. government maintain a central and shared knowledge bank on known and suspected terrorists and international terror groups. The unclassified central repository, commonly referred to as the "terrorist watchlist," supports the U.S. Government's various screening efforts aimed at identifying those who may pose terrorist threats to the homeland and disrupting those threats. However, over the years, individuals have commonly been misidentified with someone else on the watchlist, been inaccurately watchlisted, or remained on the watchlist when no longer warranted. These errors can cause serious issues, including unwarranted intensive questioning and searches, delayed or missed flights, or denial of entry at the U.S. border. With the recent designations of transnational criminal organizations as terrorist groups, the likelihood of misidentifications, inaccurate watchlisting, and the ensuing consequences are significantly higher.[1]

While the U.S. government's Watchlisting Guidance *advises* the review of watchlist records for quality control and accuracy, the **"Terrorist Watchlist Data Accuracy and Transparency Act"** would *mandate* various levels of reviews of information used to support Department of Homeland Security (DHS) nominations to the watchlist. In an audit requested by Ranking Member Thompson, the Government Accountability Office found that DHS is among the nominating agencies that has good processes and mechanisms in place to help prevent terrorist watchlist issues. DHS alone has – in one fiscal year – referred several hundred identities to the National Counterterrorism Center for correction or further evaluation. But these good practices are not codified in law.

To preserve DHS's efforts to reduce the risk of erroneous watchlisting, the **"Terrorist Watchlist Data Accuracy and Transparency Act"** will require DHS to:

➤ Conduct quality assurance reviews of initial DHS nominations to determine if all information is free from error and include that determination in each DHS nomination submitted to the Federal Bureau of Investigation (FBI)'s Terrorist Screening Center and the National Counterterrorism Center (NCTC);

➤ Audit DHS nominations of United States persons to the watchlist, on an annual basis, to ensure (1) all information contained in each such nomination is free from error, and (2) each such nomination continues to satisfy the criteria specified in the Watchlisting Advisory Council's *Watchlisting Guidance* for such inclusion in the watchlist;

➤ Establish a random audit program to periodically review all DHS watchlist nominations – including United States persons and non-United States persons nominations – to ensure (1) all information contained in each such nomination is free from error, and (2) each such nomination continues to satisfy the criteria specified in the Watchlisting Advisory Council's *Watchlisting Guidance* for such inclusion in the watchlist;

➤ Notify and consult the FBI and NCTC regarding correcting or retracting watchlist records; and

➤ Report annually to Congress the number of identities, disaggregated by United States person identities and non-United States person identities, referred to the FBI and NCTC for corrections or retractions, and the number of nominations recalled or reissued as a result of such referrals.

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[1] Rachel Levinson-Waldman, "The Dangerous Sweep of Trump's Plan to Designate Cartels as Terrorist Organizations," The Brennan Center (Feb. 6, 2025), https://www.brennancenter.org/our-work/analysis-opinion/dangerous-sweep-trumps-plan-designate-cartels-terrorist-organizations.