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(Original Signature of Member)

119TH CONGRESS
1ST SESSION

H. R. _____

To amend the Homeland Security Act of 2002 to improve the accuracy of the Department of Homeland Security's terrorism screening information, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

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

A BILL

To amend the Homeland Security Act of 2002 to improve the accuracy of the Department of Homeland Security's terrorism screening information, 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 “Terrorist Watchlist
5 Data Accuracy and Transparency Act”.

1 **SEC. 2. QUALITY ASSURANCE REVIEWS OF DEPARTMENT**
2 **OF HOMELAND SECURITY NOMINATIONS TO**
3 **THE TERRORIST WATCHLIST AND OTHER**
4 **TERRORISM DATABASES.**

5 (a) IN GENERAL.—Subtitle A of title II of the Home-
6 land Security Act of 2002 (6 U.S.C. 121 et seq.) is amend-
7 ed by adding at the end the following new section:

8 **“SEC. 210H. QUALITY ASSURANCE REVIEWS OF DEPART-**
9 **MENTAL NOMINATIONS TO THE TERRORIST**
10 **WATCHLIST AND OTHER TERRORISM DATA-**
11 **BASES.**

12 “(a) QUALITY ASSURANCE REVIEWS.—

13 “(1) IN GENERAL.—Prior to submission to the
14 Federal Bureau of Investigation’s Terrorist Screen-
15 ing Center and the National Counterterrorism Cen-
16 ter of an initial Department nomination of an indi-
17 vidual for inclusion in the terrorist watchlist, includ-
18 ing subsets of such watchlist, such as the No Fly
19 List, the Selectee List, and watchlist exceptions, or
20 other terrorism databases, or successors of such
21 watchlist or other terrorism databases, the Secretary
22 shall conduct a quality assurance review of such ini-
23 tial nomination to determine if all information con-
24 tained in such initial Department nomination is free
25 from error.

1 “(2) SUBMISSION OF REVIEW AND DETERMINA-
2 TION.—The Secretary shall ensure that reviews and
3 determinations under paragraph (1) are included in
4 each initial Department nomination submitted to the
5 Federal Bureau of Investigation’s Terrorist Screen-
6 ing Center and the National Counterterrorism Cen-
7 ter.

8 “(b) ANNUAL AUDITS OF UNITED STATES PERSONS
9 NOMINATIONS.—Not later than 90 days after the date of
10 the enactment of this section and annually thereafter, the
11 Secretary, acting through the Under Secretary for Intel-
12 ligence and Analysis, shall review, as of the date of each
13 such review, all Department nominations of United States
14 persons for inclusion in the terrorist watchlist, including
15 subsets of such watchlist, such as the No Fly List, the
16 Selectee List, and watchlist exceptions, or other terrorism
17 databases, or successors of such watchlist or other ter-
18 rorism databases, and determine the following for each
19 such nomination:

20 “(1) If all information contained in each such
21 Department nomination is free from error.

22 “(2) If each such Department nomination con-
23 tinues to satisfy the criteria specified in the
24 Watchlisting Advisory Council’s *Watchlisting Guid-*
25 *ance* for such inclusion.

1 “(c) RANDOM AUDITS.—Not later than 90 days after
2 the date of the enactment of this section and monthly
3 thereafter, the Secretary, acting through the Under Sec-
4 retary for Intelligence and Analysis, shall establish a ran-
5 dom audit program to periodically review, as of the date
6 of each such review, all Department nominations of indi-
7 viduals for inclusion in the terrorist watchlist, including
8 subsets of such watchlist, such as the No Fly List, the
9 Selectee List, and watchlist exceptions, or other terrorism
10 databases, or successors of such watchlist or other ter-
11 rorism databases, and determine the following for each
12 such Department nomination:

13 “(1) If all information contained in each such
14 Department nomination is free from error.

15 “(2) If each such Department nomination con-
16 tinues to satisfy the criteria referred to in subsection
17 (b)(2) for such inclusions.

18 “(d) CORRECTING OR RETRACTING RECORDS.—The
19 Secretary, acting through the Under Secretary for Intel-
20 ligence and Analysis, shall notify the Federal Bureau of
21 Investigation’s Terrorist Screening Center and the Na-
22 tional Counterterrorism Center not later than 24 hours
23 after making a determination in the negative pursuant to
24 subsection (b) or (c), as the case may be, with respect
25 to a Department nomination of an individual for inclusion

1 in the terrorist watchlist, including subsets of such
2 watchlist, such as the No Fly List, the Selectee List, and
3 watchlist exceptions, or other terrorism databases, or suc-
4 cessors of such watchlist or other terrorism databases, and
5 include in any such notification a request, if appropriate,
6 for an associated correction or retraction with respect to
7 such inclusion.

8 “(e) CONSULTATION WITH FBI AND NCTC.—If the
9 Secretary determines a correction or retraction, as appro-
10 priate and as the case may be, under subsection (d) with
11 respect to the inclusion of an individual in the terrorist
12 watchlist, including subsets of such watchlist, such as the
13 No Fly List, the Selectee List, and watchlist exceptions,
14 or other terrorism databases, or successors of such
15 watchlist or other terrorism databases has not been effec-
16 tuated by the date that is 30 days after a request relating
17 thereto was made pursuant to such subsection, the Sec-
18 retary shall promptly consult with the Director of the Fed-
19 eral Bureau of Investigation or the Director of the Na-
20 tional Counterterrorism Center, as appropriate, regarding
21 any decision or justification by either such Director, as
22 appropriate, relating to such correction or retraction, as
23 the case may be.

24 “(f) REPORT TO CONGRESS.—The Secretary shall
25 annually submit to the Committee on Homeland Security

1 of the House of Representatives and the Committee on
2 Homeland Security and Governmental Affairs of the Sen-
3 ate a report containing information relating to the number
4 of identities, disaggregated by United States person iden-
5 tities and non-United States person identities, referred for
6 corrections or retractions pursuant to this section, and the
7 number of nominations recalled or reissued as a result of
8 such referrals.

9 “(g) DEFINITIONS.—In this section:

10 “(1) TERRORIST WATCHLIST.—The term ‘ter-
11 rorist watchlist’ has the meaning given the term ‘ter-
12 rorist screening database’ in section 2101.

13 “(2) OTHER TERRORISM DATABASES.—The
14 term ‘other terrorism databases’ means the Terrorist
15 Identities Datamart Environment or any other data-
16 base maintained by the National Counterterrorism
17 Center pursuant to section 119(d)(6) of the National
18 Security Act of 1947 (50 U.S.C. 3056(d)(6)).

19 “(3) UNITED STATES PERSON.—The term
20 ‘United States person’ means any United States cit-
21 izen or alien admitted for permanent residence in
22 the United States.”.

23 (b) CLERICAL AMENDMENT.—The table of contents
24 in section 1(b) of the Homeland Security Act of 2002 is

- 1 amended by inserting after the item relating to section
- 2 210G the following new item:

“Sec. 210G. Quality assurance reviews of departmental nominations to the terrorist watchlist and other terrorism databases.”.