

DEBBIE DINGELL  
12TH DISTRICT, MICHIGAN

116 CANNON HOUSE OFFICE BUILDING  
WASHINGTON, DC 20515  
(202) 225-4071

HOUSE COMMITTEE ON  
ENERGY AND COMMERCE  
SUBCOMMITTEE ON  
HEALTH  
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ENERGY AND MINERAL RESOURCES

**Congress of the United States**  
**House of Representatives**  
**Washington, DC 20515**

DISTRICT OFFICES:

19855 WEST OUTER DRIVE  
SUITE 103-E  
DEARBORN, MI 48124  
(313) 278-2936

301 WEST MICHIGAN AVENUE  
SUITE 400  
YPSILANTI, MI 48197  
(734) 481-1100

WEBSITE: DEBBIEDINGELL.HOUSE.GOV

August 23, 2021

The Honorable Christopher Wray  
Director  
Federal Bureau of Investigation  
U.S. Department of Justice  
935 Pennsylvania Avenue, N.W.  
Washington, D.C. 20535-0001

The Honorable Alejandro N. Mayorkas  
Secretary  
U.S. Department of Homeland Security  
3801 Nebraska Ave. NW  
Washington, D.C. 20016

Dear Director Wray and Secretary Mayorkas,

As the lead agencies tasked with operating the Terrorist Screening Center and administering the Terrorist Screening Database (also known as the “terrorist watchlist”), the Federal Bureau of Investigation (FBI), in tandem with the U.S. Department of Homeland Security, are responsible for managing the subset No-Fly List and Selectee List, as well as ensuring it is current and accurate. This letter is being sent to request the FBI, and any other supporting agencies, conduct a complete and thorough audit of the No-Fly List and Selectee List to ensure innocent American citizens are not wrongly included.

Our national terror database and watchlists have grown to larger numbers and are continuing to cause due process problems for innocent individuals who have been added to watchlists since September 11th. As of June 17, 2016, there were approximately 81,000 known No-Fly List records and around 1,000 were U.S. citizens, according to answers from the FBI and National Counterterrorism Center in a Congressional inquiry.<sup>1</sup> Over the years there have been numerous examples of individuals, including prominent figures such as Congressman John Lewis and Senator Edward Kennedy, who have faced significant hardship after they were mistakenly added to the No-Fly List or Selectee List. These errors have a profound impact on affected individuals that continue to this day, subjecting innocent, law-abiding Americans to unnecessary scrutiny and distress. Furthermore, there is no meaningful process in place for someone to challenge an error and clear their name, including the DHS Traveler Redress Inquiry Program.

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<sup>1</sup> Federal Bureau of Investigation and National Counterterrorism Center responses to Congressional inquiry. Senator Dianne Feinstein, 17 June 2017, <https://www.feinstein.senate.gov/public/cache/files/fb/fb745343-1dbb-4802-a866-cfdfa300a5ad/BCD664419E5B375C638A0F250B37DCB2.nctc-tsc-numbers-to-congress-06172016-nctc-tsc-final.pdf>.

Over the years, these reports and stories of innocent doctors, professors, lawyers, and others who have been added to the No-Fly List or Selectee List—including many individuals from my district—have become far too common. Inaccuracies in the No-Fly List and Selectee List are deeply concerning, leaving labeled Americans with lasting ramifications and no means of addressing or challenging the validity of their status.<sup>2</sup>

The 12<sup>th</sup> Congressional District in Michigan is proudly home to one of the largest Arab American population in the United States. These are the same communities who are consistently, disproportionately impacted by watchlists and counterterrorism practices—and specifically the No-Fly List and Selectee List. This is simply wrong and not in line with our American values.

In addition to completing this audit, please provide my office with the following information and answers to the following questions:

1. The last official public numbers given to Congress on the No-Fly List are from 2016. Please provide the latest accounting of total known No-Fly List records and those who are U.S. citizens. Please do the same for the Selectee List, if possible.
2. Please provide further clarification on how often the No-Fly List and Selectee List is reviewed and updated with the most accurate information.
3. Please provide any other additional information you can share, while respecting classified information, regarding any policies or procedures the FBI, DHS, or Terrorist Screening Center conducts to ensure the No-Fly List and Selectee List are accurate, as well as any guidance that is provided to individuals or organizations seeking due process.
4. Finally, there are concerns within many communities and civil liberties group that the No-Fly List—and other lists—are being shared with foreign governments and private entities, such as businesses. Please provide any clarity you can share regarding the nature of who these lists are shared with outside the U.S. government.

Thank you for your continued service and leadership to protect the American people and the United States from acts of terrorism. Your job is critical to protecting our national security, however these individuals deserve an opportunity for due process and an audit would provide an avenue for an objective assessment of their inclusion on the No-Fly List and Selectee List. Each and every American deserves to travel without living in fear of being wrongly targeted or included on either of these lists. Thank you for your attention and consideration of this important request.

Sincerely,



Debbie Dingell  
Member of Congress

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<sup>2</sup> Sa vage, Charlie. “Testing an Opaque Security Power, Michigan MAN Challenges 'No-Fly List'.” The New York Times, 6 Apr. 2021, [www.nytimes.com/2021/04/06/us/politics/no-fly-list-lawsuit.html](http://www.nytimes.com/2021/04/06/us/politics/no-fly-list-lawsuit.html).