

Terrorist Firearms Prevention Act of 2016

Sponsor: U.S. Senator Susan Collins (R-ME)

Cosponsors: U.S. Senators Heidi Heitkamp (D-ND); Kelly Ayotte (R-NH); Martin Heinrich (D-NM); Jeff Flake (R-AZ); Tim Kaine (D-VA); Lindsey Graham (R-SC); Angus King (I-ME)

The bipartisan “*Terrorist Firearms Prevention Act of 2016*” would prevent people who are on the No Fly List or the Selectee List from purchasing firearms. If our government has determined that an individual is too dangerous to fly on an airplane, that person should not have the opportunity make a legal firearm purchase. Due process principles require that Americans denied their right to purchase a firearm under this provision have the opportunity to appeal this denial to a federal court.

What the Amendment Does:

1. Gives the AG the authority to deny firearms sales to individuals who appear on the **No Fly List** or the **Selectee List**.
2. Provides a process for Americans and green card holders to appeal a denial in U.S. Court of Appeals and to recover their reasonable attorneys fees if they prevail.
3. Sets forth a procedure for protecting classified information during the appeal.
4. Protects ongoing FBI counter-terrorism investigations by giving the AG the discretion to allow gun sales to go forward to individuals covered by this Act.
5. Includes a “look-back” provision that ensures prompt notification to the FBI if a person who has been on the broader Terrorism Screening Database (TSDB) within the past five years purchases a firearm.

How It Works: The TSDB is the broad consolidated watch list comprised of several more narrow threat databases that various government entities maintain. The No Fly List is a subset that precludes an individual from boarding a commercial aircraft that departs in, arrives from, or flies over the United States. The Selectee List is used to identify individuals who require additional screening.

Individuals on the narrower No Fly and Selectee lists would not be allowed to purchase guns, but Americans and green card holders would have due process rights to appeal in the Court of Appeals following a proscribed procedure. The AG would have the burden of proof, and the court would be required to make a decision in 14 days.

Classified information would be reviewed by the court following procedures similar to those in the *Classified Information Procedures Act* used for criminal proceedings. In cases where the classified information is relied upon, the court would have a range of options to protect the information while fully ensuring due process. These options range from providing an unclassified summary to disclosing some or all of the classified information.

To ensure appropriate oversight and transparency, the Attorney General would be required to report to the Intelligence and Judiciary Committees of the House and Senate on the number of persons denied a firearm, the number of appeals filed, and number of persons who prevailed in their appeals under the provisions of this Act.