

Terrorist Firearms Prevention Act

Cosponsors: U.S. Senators Susan Collins, Heidi Heitkamp, Jeff Flake, Martin Heinrich, Pat Toomey, Tammy Baldwin, Lindsey Graham, Angus King, Bill Nelson, Joe Manchin, Tim Kaine, Mark Warner

The bipartisan “*Terrorist Firearms Prevention Act*” would prevent known or suspected terrorists 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, protecting fully the Second Amendment rights of law-abiding Americans.

What the Bill 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 to appeal a denial in federal district court 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 terrorist watch list comprised of several more narrow 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 would have due process rights to appeal in a district court following a prescribed procedure. The AG would have the burden of proof, and the court would be required to make a decision in 14 days. If the government fails to make its case, it would have to pay attorneys’ fees for the person and the purchase would go through.

Classified information would be reviewed by the court. In cases where the classified information is relied upon, the court would have the ability to protect the petitioner’s due process rights, including by permitting cleared counsel.

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.