

114TH CONGRESS
2D SESSION

S. 3332

To provide appropriate information to Federal law enforcement and intelligence agencies, pursuant to investigating terrorism, and for other purposes.

IN THE SENATE OF THE UNITED STATES

SEPTEMBER 15, 2016

Mr. RUBIO introduced the following bill; which was read twice and referred to the Committee on the Judiciary

A BILL

To provide appropriate information to Federal law enforcement and intelligence agencies, pursuant to investigating terrorism, 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 “Terror Intelligence Im-
5 provement Act of 2016”.

6 **SEC. 2. FINDINGS.**

7 Congress finds the following:

8 (1) On June 12, 2016, the deadliest terrorist
9 attack on our homeland since September 11, 2001,

1 occurred at the Pulse Bar and Club in downtown
2 Orlando, Florida. The Orlando Police Department
3 shortly after the incident reported 49 fatalities and
4 53 injured.

5 (2) On June 13, 2016, the Washington Post re-
6 ported that the Federal Bureau of Investigation in-
7 vestigated the Orlando shooter for 10 months begin-
8 ning in 2013, putting him under surveillance, re-
9 cording his calls and using confidential informants
10 to gauge whether he had been radicalized after the
11 suspect talked at work about his connections with al-
12 Qaeda and dying as a martyr.

13 (3) On June 13, 2016, the Federal Bureau of
14 Investigation remarked that the suspect had made
15 clear his affinity, at the time of the attack, for the
16 Islamic State of Iraq and the Levant (commonly
17 known as “ISIL”), and generally, leading up to the
18 attack, for radical Islamist groups.

19 (4) On June 12, 2016, the Bureau of Alcohol,
20 Tobacco, Firearms, and Explosives announced it had
21 completed a trace of the firearms used in the shoot-
22 ing and determined both were purchased legally.

23 **SEC. 3. DEFINITIONS.**

24 In this Act:

1 (1) CRITICAL INFRASTRUCTURE.—The term
2 “critical infrastructure” has the meaning given the
3 term in section 1016(e) of the Uniting and
4 Strengthening America by Providing Appropriate
5 Tools Required to Intercept and Obstruct Terrorism
6 (USA PATRIOT) Act of 2001 (42 U.S.C.
7 5195c(e)).

8 (2) FEDERAL DEPARTMENT OR AGENCY.—The
9 term “Federal department or agency” means—

10 (A) an Executive department, as defined in
11 section 101 of title 5, United States Code;

12 (B) an independent establishment, as de-
13 fined in section 104 of title 5, United States
14 Code;

15 (C) a Government corporation, as defined
16 in section 103 of title 5, United States Code;
17 and

18 (D) the United States Postal Service.

19 (3) FIREARM.—The term “firearm” has the
20 meaning given the term in section 921 of title 18,
21 United States Code.

22 (4) JTTF.—The term “JTTF” means the
23 Joint Terrorism Task Forces established by the
24 Federal Bureau of Investigation.

1 (5) KEY RESOURCES.—The term “key re-
 2 sources” has the meaning given the term in section
 3 2 of the Homeland Security Act of 2002 (6 U.S.C.
 4 101).

5 (6) TERRORISM.—The term “terrorism” in-
 6 cludes international terrorism and domestic ter-
 7 rorism, as defined in section 2331 of title 18, United
 8 States Code.

9 **SEC. 4. CONSOLIDATION AND NOTIFICATION OF TER-**
 10 **RORISM INVESTIGATION INFORMATION.**

11 (a) CONSOLIDATION OF TERRORISM INVESTIGATION
 12 INFORMATION.—

13 (1) IN GENERAL.—Not later than 90 days after
 14 the date of enactment of this Act and on an ongoing
 15 basis thereafter, the head of each Federal depart-
 16 ment or agency shall, to the extent permitted by law,
 17 provide to the Director of the Federal Bureau of In-
 18 vestigation any information in the possession, cus-
 19 tody, or control of the Federal department or agency
 20 relating to any person who is, or has been, under a
 21 terrorism investigation.

22 (2) REQUIREMENT.—The Director of the Fed-
 23 eral Bureau of Investigation shall—

(A) implement appropriate procedures and safeguards with respect to all information provided under paragraph (1); and

(B) identify, prioritize, and coordinate the protection of critical infrastructure and key resources in order to prevent, deter, and mitigate the effects of deliberate efforts to destroy, incapacitate, or exploit such infrastructure and resources.

(b) NOTIFICATION OF TERRORISM INVESTIGATION INFORMATION TO APPROPRIATE LAW ENFORCEMENT ENTITIES.—The Director of the Federal Bureau of Investigation and the JTTF shall be immediately notified of any request to transfer a firearm or explosive to a person who is, or within the previous 10 years was, the subject of a terrorism investigation by any Federal department or agency.

(c) AUDIT.—

(1) IN GENERAL.—Not earlier than 6 months after the date of enactment of this Act and not later than 1 year after the date of enactment of this Act, the Inspector General for the Intelligence Community shall initiate an audit of all of the terrorism-related screening and watch list procedures of the Federal Government in order to identify any prob-

lems or inefficiencies in the nomination and redress procedures pertaining to the maintenance of terrorism watch list records.

(2) REPORT.—Not later than 2 years after the date of enactment of this Act, the Inspector General of the Intelligence Community shall submit a report to the Select Committee on Intelligence of the Senate and the Permanent Select Committee on Intelligence of the House of Representatives on the findings of the audit conducted under paragraph (1), which shall include recommendations, if any, for improving the nomination or redress procedures described in paragraph (1).

(3) FORM OF REPORT.—The report required to be submitted under paragraph (2) shall be submitted in unclassified form, but may include a classified annex.

**SEC. 5. ATTORNEY GENERAL AUTHORITY TO DELAY FIRE-
ARMS TRANSFER TO SUSPECTED TERROR-
ISTS.**

(a) IN GENERAL.—Not later than 90 days after the date of enactment of this Act, the Attorney General shall establish a process by which, for any person who is, or within the previous 10 years was, the subject of a ter-

1 rorism investigation by any Federal department or agen-
2 cy—

3 (1) the Attorney General may delay the transfer
4 of the firearm or explosive to such person for a pe-
5 riod not to exceed 3 business days and file an emer-
6 gency petition in a court of competent jurisdiction to
7 prevent the transfer of the firearm or explosive, and
8 such emergency petition and subsequent hearing
9 shall receive the highest possible priority on the
10 docket of the court of competent jurisdiction and be
11 subject to the Classified Information Procedures Act
12 (18 U.S.C. App.);

13 (2) such person receives actual notice of the
14 hearing and is provided with an opportunity to par-
15 ticipate with counsel and the emergency petition
16 shall be granted if the court finds that there is prob-
17 able cause to believe that the person is engaged, or
18 has been engaged, in conduct constituting, in prepa-
19 ration of, in aid of, or relating to terrorism, or pro-
20 viding material support or resources therefor;

21 (3) if the emergency petition is denied, the Gov-
22 ernment shall be responsible for all reasonable costs
23 and attorneys' fees; and

24 (4) the Attorney General may arrest and detain
25 such person for whom an emergency petition has

1 been filed where probable cause exists to believe that
2 the person is engaged, or has been engaged, in con-
3 duct constituting, in preparation of, in aid of, or re-
4 lating to terrorism, or providing material support or
5 resources therefor.

6 (b) REPORT.—Not later than 60 days after the date
7 of enactment of this Act, and quarterly thereafter, the At-
8 torney General shall submit to the Committee on the Judi-
9 ciary of the Senate and the Committee on the Judiciary
10 of the House of Representatives a report providing, for
11 the reporting period—

12 (1) the number of emergency petitions filed
13 under subsection (a);

14 (2) the number of individuals prevented a fire-
15 arm or explosive transfer under an order granting
16 an emergency petition filed under subsection (a);
17 and

18 (3) the number of instances in which a court
19 denied an emergency petition filed under subsection
20 (a).

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