

115TH CONGRESS
1ST SESSION

S. 151

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

JANUARY 17, 2017

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 2017”.

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 he
11 talked at work about his connections with al-Qaeda
12 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) Act of 2001 (42 U.S.C.
7 5195c(e)).

8 (2) EXPLOSIVE.—The term “explosive” has the
9 meaning given the term “explosives” in section
10 841(d) of title 18, United States Code.

11 (3) FEDERAL DEPARTMENT OR AGENCY.—The
12 term “Federal department or agency” means—

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

15 (B) an independent establishment, as de-
16 fined in section 104 of title 5, United States
17 Code;

18 (C) a Government corporation, as defined
19 in section 103 of title 5, United States Code;
20 and

21 (D) the United States Postal Service.

22 (4) FIREARM.—The term “firearm” has the
23 meaning given the term in section 921 of title 18,
24 United States Code.

1 (5) JTTF.—The term “JTTF” means the
2 Joint Terrorism Task Forces established by the
3 Federal Bureau of Investigation.

4 (6) KEY RESOURCES.—The term “key re-
5 sources” has the meaning given the term in section
6 2 of the Homeland Security Act of 2002 (6 U.S.C.
7 101).

8 (7) TERRORISM.—The term “terrorism” in-
9 cludes international terrorism and domestic ter-
10 rorism, as those terms are defined in section 2331
11 of title 18, United States Code.

12 **SEC. 4. CONSOLIDATION AND NOTIFICATION OF TER-**
13 **RORISM INVESTIGATION INFORMATION.**

14 (a) CONSOLIDATION OF TERRORISM INVESTIGATION
15 INFORMATION.—

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

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

3 (A) implement appropriate procedures and
4 safeguards with respect to all information pro-
5 vided under paragraph (1); and

6 (B) identify, prioritize, and coordinate the
7 protection of critical infrastructure and key re-
8 sources in order to prevent, deter, and mitigate
9 the effects of deliberate efforts to destroy, inca-
10 pacitate, or exploit such infrastructure and re-
11 sources.

12 (b) NOTIFICATION OF TERRORISM INVESTIGATION
13 INFORMATION TO APPROPRIATE LAW ENFORCEMENT EN-
14 TITIES.—The Director of the Federal Bureau of Investiga-
15 tion and the JTTF shall be immediately notified of any
16 request to transfer a firearm or explosive to a person who
17 is, or within the previous 10 years was, the subject of a
18 terrorism investigation by any Federal department or
19 agency.

20 (c) AUDIT.—

21 (1) IN GENERAL.—Not earlier than 180 days
22 after the date of enactment of this Act and not later
23 than 1 year after the date of enactment of this Act,
24 the Inspector General of the Intelligence Community
25 shall initiate an audit of all of the terrorism-related

1 screening and watch list procedures of the Federal
 2 Government in order to identify any problems or in-
 3 efficiencies in the nomination and redress procedures
 4 pertaining to the maintenance of terrorism watch
 5 list records.

6 (2) REPORT.—Not later than 2 years after the
 7 date of enactment of this Act, the Inspector General
 8 of the Intelligence Community shall submit a report
 9 to the Select Committee on Intelligence of the Sen-
 10 ate and the Permanent Select Committee on Intel-
 11 ligence of the House of Representatives on the find-
 12 ings of the audit conducted under paragraph (1),
 13 which shall include recommendations, if any, for im-
 14 proving the nomination or redress procedures de-
 15 scribed in paragraph (1).

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

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

23 (a) ESTABLISHMENT OF PROCESS.—

24 (1) IN GENERAL.—Not later than 90 days after
 25 the date of enactment of this Act, the Attorney Gen-

1 eral shall establish a process under which, for any
 2 person who is, or within the previous 10 years was,
 3 the subject of a terrorism investigation by any Fed-
 4 eral department or agency, the Attorney General
 5 may—

6 (A) delay the transfer of a firearm or ex-
 7 plosive to the person for a period not to exceed
 8 10 business days; and

9 (B) file an emergency petition in a court of
 10 competent jurisdiction to prevent the transfer of
 11 the firearm or explosive.

12 (2) HEARING.—

13 (A) PRIORITY; APPLICABLE LAWS.—An
 14 emergency petition filed under paragraph
 15 (1)(B) and the subsequent hearing shall—

16 (i) receive the highest possible priority
 17 on the docket of the court of competent ju-
 18 risdiction; and

19 (ii) be subject to the Classified Infor-
 20 mation Procedures Act (18 U.S.C. App.).

21 (B) NOTICE; COUNSEL.—A court shall en-
 22 sure that a person for whom an emergency peti-
 23 tion is filed under paragraph (1)(B)—

24 (i) receives actual notice of the hear-
 25 ing; and

1 (ii) is provided with an opportunity to
2 participate with counsel in the hearing.

3 (C) GRANT OF PETITION.—A court shall
4 grant an emergency petition filed under para-
5 graph (1)(B) if the court finds that there is
6 probable cause to believe that the person is en-
7 gaged, or has been engaged, in conduct consti-
8 tuting, in preparation of, in aid of, or relating
9 to terrorism, or providing material support or
10 resources therefor.

11 (D) COSTS AND FEES.—If an emergency
12 petition filed under paragraph (1)(B) is denied,
13 the Government shall be responsible for all rea-
14 sonable costs and attorneys' fees.

15 (3) ARREST AUTHORITY.—The Attorney Gen-
16 eral may arrest and detain a person for whom an
17 emergency petition has been filed under paragraph
18 (1)(B) where probable cause exists to believe that
19 the person is engaged, or has been engaged, in con-
20 duct constituting, in preparation of, in aid of, or re-
21 lating to terrorism, or providing material support or
22 resources therefor.

23 (b) REPORT.—Not later than 60 days after the date
24 of enactment of this Act, and quarterly thereafter, the At-
25 torney General shall submit to the Committee on the Judi-

1 ciary of the Senate and the Committee on the Judiciary
2 of the House of Representatives a report providing, for
3 the reporting period—

4 (1) the number of emergency petitions filed
5 under subsection (a);

6 (2) the number of individuals to whom the
7 transfer of a firearm or explosive was prevented
8 under an order granting an emergency petition filed
9 under subsection (a); and

10 (3) the number of instances in which a court
11 denied an emergency petition filed under subsection
12 (a).

○