

114TH CONGRESS  
2D SESSION

**S.** \_\_\_\_\_

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

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IN THE SENATE OF THE UNITED STATES

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

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

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

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

18 (c) AUDIT.—

19 (1) IN GENERAL.—Not earlier than 6 months  
20 after the date of enactment of this Act and not later  
21 than 1 year after the date of enactment of this Act,  
22 the Inspector General for the Intelligence Commu-  
23 nity shall initiate an audit of all of the terrorism-re-  
24 lated screening and watch list procedures of the  
25 Federal Government in order to identify any prob-

1 lems or inefficiencies in the nomination and redress  
2 procedures pertaining to the maintenance of ter-  
3 rorism watch list records.

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

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

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

21 (a) IN GENERAL.—Not later than 90 days after the  
22 date of enactment of this Act, the Attorney General shall  
23 establish a process by which, for any person who is, or  
24 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).