

AMENDMENT NO. _____ Calendar No. _____

Purpose: To protect America, and for other purposes.

IN THE SENATE OF THE UNITED STATES—114th Cong., 1st Sess.

S. 1318

Nuclear Terrorism Conventions Implementation and Safety
of Maritime Navigation Act of 2015

Referred to the Committee on _____ and
ordered to be printed

Ordered to lie on the table and to be printed

AMENDMENT intended to be proposed by Mr. CORNYN

Viz:

1 At the end, add the following:

2 **TITLE II—PROTECT AMERICA**
3 **ACT**

4 **SECTION 201. SHORT TITLE.**

5 This title may be cited as the “Protect America Act
6 of 2015”.

1 **SEC. 202. GRANTING THE ATTORNEY GENERAL THE AU-**
2 **THORITY TO DENY THE SALE, DELIVERY, OR**
3 **TRANSFER OF FIREARMS TO DANGEROUS**
4 **TERRORISTS; REQUIRING INFORMATION**
5 **SHARING REGARDING ATTEMPTED FIRE-**
6 **ARMS PURCHASES BY SUSPECTED TERROR-**
7 **ISTS; AUTHORIZING THE INVESTIGATION AND**
8 **ARREST OF TERRORISTS WHO ATTEMPT TO**
9 **PURCHASE FIREARMS.**

10 (a) **SHORT TITLE.**—This section may be cited as the
11 “Preventing Terrorists From Obtaining Firearms Act of
12 2015”.

13 (b) **AMENDMENTS.**—Section 922(t) of title 18,
14 United States Code, is amended by adding at the end the
15 following:

16 “(7)(A) If the Attorney General is notified of a
17 request to transfer a firearm to a person who is a
18 known or suspected terrorist, the Attorney General
19 shall—

20 “(i) as appropriate, take further steps to
21 confirm the identity of the prospective trans-
22 feree and confirm or rule out the suspected
23 nexus to terrorism of the prospective transferee;

24 “(ii) as appropriate, notify relevant Fed-
25 eral, State, or local law enforcement agencies or

1 intelligence agencies concerning the identity of
2 the prospective transferee; and

3 “(iii) determine whether the prospective
4 transferee is already the subject of an ongoing
5 terrorism investigation and, as appropriate, ini-
6 tiate such an investigation.

7 “(B) Upon being notified of a prospective
8 transfer under subparagraph (A), the Attorney Gen-
9 eral or the United States attorney for the district in
10 which the licensee is located may—

11 “(i) delay the transfer of the firearm for a
12 period not to exceed 72 hours; and

13 “(ii) file an emergency petition in a court
14 of competent jurisdiction to prohibit the trans-
15 fer of the firearm.

16 “(C)(i) An emergency petition filed under sub-
17 paragraph (B)(ii) shall be granted upon a showing
18 of probable cause to believe that the transferee has
19 committed, has conspired to commit, or will commit
20 an act of terrorism.

21 “(ii) In the case of an emergency petition filed
22 under subparagraph (B)(ii) to prohibit the transfer
23 of a firearm, the petition may only be granted after
24 a hearing—

1 “(I) of which the transferee receives actual
2 notice; and

3 “(II) at which the transferee has an oppor-
4 tunity to participate with counsel.

5 “(D) The Attorney General may arrest and de-
6 tain any transferee with respect to whom an emer-
7 gency petition is granted under subparagraph (C),
8 where probable cause exists to believe that the indi-
9 vidual has committed, or conspired to commit, an
10 act of terrorism.

11 “(E) For purposes of this paragraph—

12 “(i) the term ‘known or suspected ter-
13 rorist’ means a person determined by the Attor-
14 ney General to be known (or appropriately sus-
15 pected) to be or have been engaged in conduct
16 constituting, in preparation for, in aid of, or re-
17 lated to terrorism, or providing material sup-
18 port or resources for terrorism;

19 “(ii) the term ‘material support or re-
20 sources’ has the meaning given the term in sec-
21 tion 2339A; and

22 “(iii) the term ‘terrorism’ includes inter-
23 national terrorism and domestic terrorism, as
24 defined in section 2331.”.

1 **SEC. 203. GRANTING THE ATTORNEY GENERAL THE AU-**
2 **THORITY TO DENY THE SALE, DELIVERY, OR**
3 **TRANSFER OF EXPLOSIVES TO DANGEROUS**
4 **TERRORISTS; REQUIRING INFORMATION**
5 **SHARING REGARDING ATTEMPTED EXPLO-**
6 **SIVES PURCHASES BY SUSPECTED TERROR-**
7 **ISTS; AUTHORIZING THE INVESTIGATION AND**
8 **ARREST OF TERRORISTS WHO ATTEMPT TO**
9 **PURCHASE EXPLOSIVES.**

10 (a) **SHORT TITLE.**—This section may be cited as the
11 “Preventing Terrorists From Obtaining Explosives Act of
12 2015”.

13 (b) **AMENDMENTS.**—Section 843 of title 18, United
14 States Code, is amended by adding at the end the fol-
15 lowing:

16 “(j)(1) If the Attorney General receives an applica-
17 tion for a user permit or limited permit or license to im-
18 port, manufacture, or deal in explosives materials from a
19 person who is a known or suspected terrorist or receives
20 information under subsection (h) about a responsible per-
21 son or employee who is a known or suspected terrorist,
22 the Attorney General shall—

23 “(A) as appropriate, take further steps to con-
24 firm the identity of the applicant, responsible per-
25 son, or employee and confirm or rule out the sus-

1 pected nexus to terrorism of the applicant, respon-
2 sible person, or employee;

3 “(B) as appropriate, notify relevant Federal,
4 State, or local law enforcement agencies or intel-
5 ligence agencies concerning the identity of the appli-
6 cant, responsible person, or employee; and

7 “(C) determine whether the applicant, respon-
8 sible person, or employee is already the subject of an
9 ongoing terrorism investigation and, as appropriate,
10 initiate such an investigation.

11 “(2) Upon receipt of an application or information
12 described in paragraph (1), the Attorney General or the
13 United States attorney for the district in which the appli-
14 cant, responsible person, or employee is located may—

15 “(A) for a period not to exceed 90 days, delay
16 the approval of the application or the determination
17 to issue a letter of clearance under subsection (h),
18 as the case may be; and

19 “(B) file an emergency petition in a court of
20 competent jurisdiction to prohibit the approval of
21 the application or the issuance of a letter of clear-
22 ance under subsection (h), as the case may be.

23 “(3)(A) An emergency petition filed under paragraph
24 (2) shall be granted upon a showing of probable cause to
25 believe that the applicant, responsible person, or employee

1 has committed, has conspired to commit, or will commit
2 an act of terrorism.

3 “(B) In the case of an emergency petition filed under
4 paragraph (2), the petition may only be granted after a
5 hearing—

6 “(i) of which the applicant, responsible person,
7 or employee receives actual notice; and

8 “(ii) at which the applicant, responsible person,
9 or employee has an opportunity to participate with
10 counsel.

11 “(4) The Attorney General may arrest and detain any
12 applicant, responsible person, or employee with respect to
13 whom an emergency petition is granted under paragraph
14 (3), where probable cause exists to believe that the appli-
15 cant, responsible person, or employee has committed, or
16 conspired to commit, and act of terrorism.

17 “(5) For purposes of this paragraph—

18 “(A) the term ‘known or suspected terrorist’
19 means a person determined by the Attorney General
20 to be known (or appropriately suspected) to be or
21 have been engaged in conduct constituting, in prepa-
22 ration for, in aid of, or related to terrorism, or pro-
23 viding material support or resources for terrorism;

1 “(B) the term ‘material support or resources’
2 has the meaning given the term in section 2339A;
3 and

4 “(C) the term ‘terrorism’ includes international
5 terrorism and domestic terrorism, as defined in sec-
6 tion 2331.”.

7 **SEC. 204. PERMANENT AUTHORITY FOR ROVING SURVEIL-**
8 **LANCE UNDER THE FOREIGN INTELLIGENCE**
9 **SURVEILLANCE ACT OF 1978.**

10 Section 102(b)(1) of the USA PATRIOT Improve-
11 ment and Reauthorization Act of 2005 (Public Law 109–
12 177; 50 U.S.C. 1805 note, 50 U.S.C. 1861 note, and 50
13 U.S.C. 1862 note) is amended by striking “and section
14 105(c)(2) read as they” and inserting “reads as it”.

15 **SEC. 205. PERMANENT AUTHORITY FOR INDIVIDUAL TER-**
16 **RORIST TO BE TREATED AS AGENTS OF FOR-**
17 **EIGN POWERS UNDER THE FOREIGN INTEL-**
18 **LIGENCE SURVEILLANCE ACT OF 1978.**

19 Section 6001 of the Intelligence Reform and Ter-
20 rorism Prevention Act of 2004 (50 U.S.C. 1801 note) is
21 amended by striking subsection (b).