

REPORTING EFFICIENTLY TO PROPER OFFICIALS IN
RESPONSE TO TERRORISM ACT OF 2017

JUNE 15, 2017.—Committed to the Committee of the Whole House on the State of
the Union and ordered to be printed

Mr. McCAUL, from the Committee on Homeland Security,
submitted the following

R E P O R T

[To accompany H.R. 625]

[Including cost estimate of the Congressional Budget Office]

The Committee on Homeland Security, to whom was referred the bill (H.R. 625) to provide for joint reports by relevant Federal agencies to Congress regarding incidents of terrorism, and for other purposes, having considered the same, report favorably thereon with an amendment and recommend that the bill as amended do pass.

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The amendment is as follows:
Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the “Reporting Efficiently to Proper Officials in Response to Terrorism Act of 2017” or the “REPORT Act”.

SEC. 2. DUTY TO REPORT.

(a) **DUTY IMPOSED.**—Whenever an act of terrorism occurs in the United States, it shall be the duty of the Secretary of Homeland Security, in coordination with the Attorney General, the Director of the Federal Bureau of Investigation, and, as appropriate, the head of the National Counterterrorism Center, to submit, within one year of the completion of the investigation concerning such act by the primary Government agency conducting such investigation, an unclassified report (which may be accompanied by a classified annex) to Congress concerning such act.

(b) **CONTENT OF REPORTS.**—A report under this section shall—

(1) include a statement of the facts of the act of terrorism referred to in subsection (a), as known at the time of the report;

(2) identify any gaps in national security that could be addressed to prevent future acts of terrorism; and

(3) any recommendations for additional measures that could be taken to improve homeland security, including potential changes in law enforcement practices or changes in law, consistent with the Constitution, with particular attention to changes that could help prevent future acts of terrorism.

(c) **EXCEPTION.**—The duty established under subsection (a) shall not apply in instances in which the Secretary of Homeland Security, the Attorney General, the Director of the Federal Bureau of Investigation, or the head of the National Counterterrorism Center determines that the information required to be reported could jeopardize an ongoing investigation or prosecution. In such instances, the Secretary shall notify Congress of such prior to the first anniversary of the completion of the investigation described in such subsection.

(d) **DEFINITION.**—In this section, the term “act of terrorism” has the meaning given such term in section 3077 of title 18, United States Code.

PURPOSE AND SUMMARY

The purpose of H.R. 625 is to require Secretary of Homeland Security, in coordination with the Attorney General, the Director of the Federal Bureau of Investigation, and the head of the National Counter Terrorism Center (NCTC) to submit reports to Congress upon completion of an investigation into an incident of terrorism.

BACKGROUND AND NEED FOR LEGISLATION

The threat of terror attacks in the United States remains high. According to Director of National Intelligence Daniel Coats, “US-based homegrown violent extremists (HVEs) will remain the most frequent and unpredictable Sunni violent extremist threat to the US homeland. . . . The threat of HVE attacks will persist, and some attacks will probably occur with little or no warning.”¹

According to Committee on Homeland Security assessments, the Islamic State of Iraq and Syria (ISIS) has carried out or attempted nearly 200 attacks against the U.S. and Western allies.

As incidents of “lone wolf” or small scale terrorists attacks seem to be increasing, Congress needs to keep apprised of the investigations and continue to explore ways to prevent such attacks. The post-investigation report required by this bill will provide Congress insight into the ways terrorists exploit our systems and generate legislative solutions to try to prevent similar attacks in the future.

The Committee acknowledges that officials from the Department of Homeland Security, Federal Bureau of Investigation, and Office of the Director of National Intelligence provide regular briefings to Congress on terror threats. The reports required in this legislation

¹Daniel Coats, Director of National Intelligence, Congressional Testimony before the Senate Select Committee on Intelligence, “Worldwide Threat Assessment of the US Intelligence Community,” May 11, 2017.

will provide additional information, including important after-action analysis and lessons learned.

This bill will improve Congress' ability to conduct oversight and ensure effective and efficient counterterrorism programs and policies by requiring the production of a joint report detailing the facts of the case—and by providing DHS, the Department of Justice, the Federal Bureau of Investigation and the National Counter Terrorism Center the opportunity to propose improvements that address any known weaknesses in U.S. homeland security.

HEARINGS

No hearings were held on H.R. 625 in the 115th Congress.

COMMITTEE CONSIDERATION

The Committee met on May 3, 2017, to consider H.R. 625, and ordered the measure to be reported to the House with a favorable recommendation, as amended, by voice vote. The Committee took the following actions:

The Committee agreed to H.R. 625, as amended, by voice vote.

The following amendments were offered:

An Amendment in the Nature of a Substitute offered by MISS RICE of New York (#1); was AGREED TO by voice vote.

COMMITTEE VOTES

Clause 3(b) of rule XIII of the Rules of the House of Representatives requires the Committee to list the recorded votes on the motion to report legislation and amendments thereto.

No recorded votes were requested during consideration of H.R. 625.

COMMITTEE OVERSIGHT FINDINGS

Pursuant to clause 3(c)(1) of rule XIII of the Rules of the House of Representatives, the Committee has held oversight hearings and made findings that are reflected in this report.

NEW BUDGET AUTHORITY, ENTITLEMENT AUTHORITY, AND TAX EXPENDITURES

In compliance with clause 3(c)(2) of rule XIII of the Rules of the House of Representatives, the Committee finds that H.R. 625, the Reporting Efficiently to Proper Officials in Response to Terrorism Act of 2017, would result in no new or increased budget authority, entitlement authority, or tax expenditures or revenues.

CONGRESSIONAL BUDGET OFFICE ESTIMATE

The Committee adopts as its own the cost estimate prepared by the Director of the Congressional Budget Office pursuant to section 402 of the Congressional Budget Act of 1974.

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, May 30, 2017.

Hon. MICHAEL MCCAUL,
*Chairman, Committee on Homeland Security,
House of Representatives, Washington, DC.*

DEAR MR. CHAIRMAN: The Congressional Budget Office has prepared the enclosed cost estimate for H.R. 625, the Reporting Efficiently to Proper Officials in Response to Terrorism Act of 2017.

If you wish further details on this estimate, we will be pleased to provide them. The CBO staff contact is Mark Grabowicz.

Sincerely,

KEITH HALL.

Enclosure.

*H.R. 625—Reporting Efficiently to Proper Officials in Response to
Terrorism Act of 2017*

H.R. 625 would require the Department of Homeland Security (DHS) to report to the Congress when an act of terrorism occurs in the United States. The report would identify weaknesses in national security and recommend additional measures to improve homeland security and prevent terrorist acts. In recent years there have been few incidents of domestic terrorism, so CBO expects that implementing H.R. 625 would require a small number of reports each year, on average. Based on the cost of similar activities, CBO estimates that providing the reports would cost less than \$500,000 annually; such spending would be subject to the availability of appropriated funds.

Enacting the legislation would not affect direct spending or revenues; therefore, pay-as-you-go procedures do not apply. CBO estimates that enacting H.R. 625 would not increase net direct spending or on-budget deficits in any of the four consecutive 10-year periods beginning in 2028.

H.R. 625 contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act and would not affect the budgets of state, local, or tribal governments.

The CBO staff contact for this estimate is Mark Grabowicz. The estimate was approved by H. Samuel Papenfuss, Deputy Assistant Director for Budget Analysis.

STATEMENT OF GENERAL PERFORMANCE GOALS AND OBJECTIVES

Pursuant to clause 3(c)(4) of rule XIII of the Rules of the House of Representatives, H.R. 625 contains the following general performance goals and objectives, including outcome related goals and objectives authorized.

DUPLICATIVE FEDERAL PROGRAMS

Pursuant to clause 3(c) of rule XIII, the Committee finds that H.R. 625 does not contain any provision that establishes or reauthorizes a program known to be duplicative of another Federal program.

CONGRESSIONAL EARMARKS, LIMITED TAX BENEFITS, AND LIMITED
TARIFF BENEFITS

In compliance with rule XXI of the Rules of the House of Representatives, this bill, as reported, contains no congressional earmarks, limited tax benefits, or limited tariff benefits as defined in clause 9(e), 9(f), or 9(g) of the rule XXI.

FEDERAL MANDATES STATEMENT

The Committee adopts as its own the estimate of Federal mandates prepared by the Director of the Congressional Budget Office pursuant to section 423 of the Unfunded Mandates Reform Act.

PREEMPTION CLARIFICATION

In compliance with section 423 of the Congressional Budget Act of 1974, requiring the report of any Committee on a bill or joint resolution to include a statement on the extent to which the bill or joint resolution is intended to preempt State, local, or Tribal law, the Committee finds that H.R. 625 does not preempt any State, local, or Tribal law.

DISCLOSURE OF DIRECTED RULE MAKINGS

The Committee estimates that H.R. 625 would require no directed rule makings.

ADVISORY COMMITTEE STATEMENT

No advisory committees within the meaning of section 5(b) of the Federal Advisory Committee Act were created by this legislation.

APPLICABILITY TO LEGISLATIVE BRANCH

The Committee finds that the legislation does not relate to the terms and conditions of employment or access to public services or accommodations within the meaning of section 102(b)(3) of the Congressional Accountability Act.

SECTION-BY-SECTION ANALYSIS OF THE LEGISLATION

Section 1. Short title

This section provides that this bill may be cited as the “Reporting Efficiently to Proper Officials in Response to Terrorism Act of 2017” or the “REPORT Act”.

Sec. 2. Duty to report

This section requires the Secretary of Homeland Security, in coordination with other appropriate Federal officials to submit, an unclassified report (which may be accompanied by a classified annex) to Congress concerning that incident within one year of completion of the investigation.

The report is required to (1) Include a Statement of the facts of the incident; (2) Identify gaps in national security that could be addressed to prevent future attacks; and (3) Provide any recommendations for additional measures that could be taken to improve homeland security including potential changes in law enforcement practices or changes in law, consistent with the Constitution, that could help prevent future attacks.

This section includes an exception to the requirement to provide a report if such report could jeopardize an ongoing investigation or prosecution. This section also defines the term “incident of terrorism” as an event declared by the Federal Bureau of Investigation to be an act of terrorism.

CHANGES IN EXISTING LAW MADE BY THE BILL, AS REPORTED

As reported, H.R. 625 makes no changes to existing law.

