

Calendar No. 336

115TH CONGRESS
2^D SESSION

S. 1884

[Report No. 115–210]

To provide for joint reports by relevant Federal agencies to Congress
regarding incidents of terrorism, and for other purposes.

IN THE SENATE OF THE UNITED STATES

SEPTEMBER 28, 2017

Mrs. MCCASKILL (for herself and Mr. LEE) introduced the following bill;
which was read twice and referred to the Committee on Homeland Security
and Governmental Affairs

FEBRUARY 26, 2018

Reported by Mr. JOHNSON, with an amendment

[Strike out all after the enacting clause and insert the part printed in *italic*]

A BILL

To provide for joint reports by relevant Federal agencies
to Congress regarding incidents of 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,*

1 **SECTION 1. SHORT TITLE.**

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

5 **SEC. 2. DUTY TO REPORT.**

6 (a) **DUTY IMPOSED.**—Whenever an act of terrorism
7 occurs in the United States, it shall be the duty of the
8 Secretary of Homeland Security, the Attorney General,
9 the Director of the Federal Bureau of Investigation, and,
10 as appropriate, the head of the National Counterterrorism
11 Center, to submit, within 1 year of the completion of the
12 investigation concerning such act by the primary Govern-
13 ment agency conducting such investigation, an unclassi-
14 fied report (which may be accompanied by a classified
15 annex) to Congress concerning such act.

16 (b) **CONTENT OF REPORTS.**—A report under this sec-
17 tion shall—

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

21 (2) identify any gaps in national security that
22 could be addressed to prevent future acts of ter-
23 rorism; and

24 (3) any recommendations for additional meas-
25 ures that could be taken to improve homeland secu-
26 rity, including potential changes in law enforcement

1 practices or changes in law, with particular attention
 2 to changes that could help prevent future acts of ter-
 3 rorism.

4 (c) EXCEPTION.—The duty established under sub-
 5 section (a) shall not apply in instances in which the Sec-
 6 retary of Homeland Security, the Attorney General, the
 7 Director of the Federal Bureau of Investigation, or the
 8 head of the National Counterterrorism Center determines
 9 that the information required to be reported could jeop-
 10 ardize an ongoing investigation or prosecution. In such in-
 11 stances, the Secretary shall notify Congress of such prior
 12 to the first anniversary of the completion of the investiga-
 13 tion described in such subsection.

14 (d) DEFINITION.—In this section, the term “act of
 15 terrorism” has the meaning given such term in section
 16 3077 of title 18, United States Code.

17 **SECTION 1. SHORT TITLE.**

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

21 **SEC. 2. DUTY TO REPORT.**

22 (a) DUTY IMPOSED.—*Except as provided in subsection*
 23 *(c), whenever an act of terrorism occurs in the United*
 24 *States, it shall be the duty of the primary Government*
 25 *agency investigating such act to submit, in collaboration*

1 *with the Secretary of Homeland Security, the Attorney*
2 *General, the Director of the Federal Bureau of Investiga-*
3 *tion, and, as appropriate, the Director of the National*
4 *Counterterrorism Center, an unclassified report (which*
5 *may be accompanied by a classified annex) to Congress con-*
6 *cerning such act not later than 1 year after the completion*
7 *of the investigation. Reports required under this subsection*
8 *may be combined into a quarterly report to Congress.*

9 (b) *CONTENT OF REPORTS.—Each report under this*
10 *section shall include—*

11 (1) *a statement of the facts of the act of ter-*
12 *rorism referred to in subsection (a), as known at the*
13 *time of the report;*

14 (2) *an explanation of any gaps in national secu-*
15 *rity that could be addressed to prevent future acts of*
16 *terrorism;*

17 (3) *any recommendations for additional meas-*
18 *ures that could be taken to improve homeland secu-*
19 *rity, including potential changes in law enforcement*
20 *practices or changes in law, with particular attention*
21 *to changes that could help prevent future acts of ter-*
22 *rorism; and*

23 (4) *a summary of the report for public distribu-*
24 *tion.*

1 (c) *EXCEPTION.*—*The duty established under sub-*
2 *section (a) shall not apply in instances in which the Sec-*
3 *retary of Homeland Security, the Attorney General, the Di-*
4 *rector of the Federal Bureau of Investigation, or the head*
5 *of the National Counterterrorism Center determines that the*
6 *information required to be reported could jeopardize an on-*
7 *going investigation or prosecution. In such instances, the*
8 *principal making such determination shall notify Congress*
9 *of such determination before the first anniversary of the*
10 *completion of the investigation described in such subsection.*

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

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