

Calendar No. 112

118TH CONGRESS
1ST SESSION**S. 945****[Report No. 118–46]**

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

MARCH 22, 2023

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

JUNE 22, 2023

Reported by Mr. PETERS, with amendments

[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 2023”
4 or the “REPORT Act”.

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

6 (a) REQUIREMENT.—

7 (1) IN GENERAL.—Whenever an act of ter-
8 rorism occurs in the United States, the Secretary of
9 Homeland Security, the Attorney General, the Direc-
10 tor of the Federal Bureau of Investigation, and, as
11 appropriate, the head of the National Counterter-
12 rorism Center shall—

13 (A) submit to the appropriate congres-
14 sional committees, by not later than 1 year
15 after the completion of the investigation con-
16 cerning such act by the primary Government
17 agency conducting such investigation, an un-
18 classified report (which may be accompanied by
19 a classified annex) concerning such act; and

20 (B) make the report required under sub-
21 paragraph (A) available on a publicly accessible
22 website.

23 (2) OTHER REPORTS.—Reports required under
24 this subsection may be combined into a quarterly re-
25 port submitted to Congress.

1 (3) *AVAILABILITY.*—*Each unclassified report and*
 2 *classified annex described in paragraph (1)(A) shall*
 3 *be made available upon request by any Member of*
 4 *Congress.*

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

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

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

13 (3) include any recommendations for additional
 14 measures that could be taken to improve homeland
 15 or national security, including recommendations re-
 16 lating to potential changes in law enforcement prac-
 17 tices or changes in law, with particular attention to
 18 changes that could help prevent future acts of ter-
 19 rorism.

20 (c) *EXCEPTION.*—

21 (1) *IN GENERAL.*—If the Secretary of Home-
 22 land Security, the Attorney General, or the Director
 23 of the Federal Bureau of Investigation determines
 24 any information described in subsection (b) required
 25 to be reported in accordance with subsection (a)

could jeopardize an ongoing investigation or prosecution, the Secretary, Attorney General, or Director, as the case may be—

(A) may withhold from reporting such information; and

(B) shall notify the appropriate congressional committees of such determination.

(2) SAVINGS PROVISION.—Withholding of information pursuant to a determination under paragraph (1) shall not affect in any manner the responsibility to submit a report required under subsection (a) containing other information described in subsection (b) not subject to such determination.

(d) DEFINITIONS.—In this section:

(1) ACT OF TERRORISM.—The term “act of terrorism” has the meaning given the term in section 3077 of title 18, United States Code.

(2) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term “appropriate congressional committees” means—

(A) in the House of Representatives—

(i) the Committee on Homeland Security;

(ii) the Committee on the Judiciary;

and

1 (iii) the Permanent Select Committee
2 on Intelligence; and

3 (B) in the Senate—

4 (i) the Committee on Homeland Secu-
5 rity and Governmental Affairs;

6 (ii) the Committee on the Judiciary;

7 and

8 (iii) the Select Committee on Intel-
9 ligence.

10 (e) SUNSET.—This section shall terminate on the
11 date that is 5 years after the date of the enactment of
12 this Act.

13 (f) SAVINGS CLAUSE.—*Nothing in this Act shall be*
14 *construed to provide the National Counterterrorism Center*
15 *with prosecutorial or investigatory authority.*

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