AMENDMENT TO RULES COMMITTEE PRINT 118–10

OFFERED BY MR. AGUILAR OF CALIFORNIA

At the end of subtitle B of title XVIII, insert the following:

SEC. 18. DUTY OF CERTAIN FEDERAL OFFICIALS TO SUBMIT TO CONGRESS REPORTS ON ACTS OF TERRORISM.

(a) IN GENERAL.—Whenever an act of terrorism occurs in the United States, the Secretary of Homeland Security, the Attorney General, the Director of the Federal Bureau of Investigation, and, as appropriate, the head of the National Counterterrorism Center, shall submit to the appropriate congressional committees, by not later than one year after 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) concerning such act. Such unclassified report shall be posted on a publicly available website of such primary Government agency.

(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 homeland or national security that could be addressed to prevent future acts of terrorism; and

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

(e) EXCEPTION.—

(1) IN GENERAL.—If the Secretary of Homeland Security, the Attorney General, the Director of the Federal Bureau of Investigation, or, as appropriate, the head of the National Counterterrorism Center determines any information described in subsection (b) required to be reported in accordance with subsection (a) could jeopardize an ongoing investigation or prosecution, the Secretary, Attorney General, Director, or head, as the case may be—

(A) may withhold from reporting such information; and
(B) shall notify the appropriate congressional committees of such determination.

(2) SAVING 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) The term “act of terrorism” has the meaning given such term in section 3077 of title 18, United States Code.

(2) 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

(iii) the Permanent Select Committee on Intelligence; and

(B) in the Senate—

(i) the Committee on Homeland Security and Governmental Affairs;
(ii) the Committee on the Judiciary;
and
(iii) the Select Committee on Intelligence.

(e) SUNSET.—The requirement to submit a report under this section shall terminate on the date that is five years after the date of the enactment of this Act.