

113TH CONGRESS
1ST SESSION

H. R. 265

To require Federal law enforcement agencies to report to Congress serious crimes, authorized as well as unauthorized, committed by their confidential informants.

IN THE HOUSE OF REPRESENTATIVES

JANUARY 15, 2013

Mr. LYNCH introduced the following bill; which was referred to the Committee on the Judiciary

A BILL

To require Federal law enforcement agencies to report to Congress serious crimes, authorized as well as unauthorized, committed by their confidential informants.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Confidential Informant
5 Accountability Act of 2013”.

6 **SEC. 2. REPORT.**

7 (a) IN GENERAL.—Not later than March 1 and Sep-
8 tember 1 of each year, the head of each department that
9 contains a law enforcement agency shall, with respect to

1 each law enforcement agency within that Department,
2 fully report to the House Committee on Oversight and
3 Government Reform, the House Committee on the Judici-
4 ary, the Senate Committee on Homeland Security and
5 Governmental Affairs, and the Senate Committee on the
6 Judiciary all serious crimes, authorized and unauthorized,
7 committed by informants maintained by the law enforce-
8 ment agency.

9 (b) PERIOD COVERED.—Each report due on March
10 1 of a year shall cover serious crimes that took place dur-
11 ing the 6 month period beginning July 1 and ending De-
12 cember 31 of the preceding year. Each report due on Sep-
13 tember 1 of a year shall cover serious crimes that took
14 place beginning January 1 and ending June 30 of that
15 year.

16 (c) CONTENTS.—

17 (1) REQUIRED.—Each report under subsection
18 (a) shall include a description of the total number of
19 each type and category of crime; the amount of
20 drugs involved if the crime is a drug crime; the
21 amount of money involved if the crime is a theft or
22 bribery crime; whether the crime was authorized or
23 unauthorized; and the State in which each crime
24 took place.

1 (2) PROHIBITED.—The report shall not contain
2 individual informant names, informant control num-
3 bers, or other personal identification information
4 that could reveal the identity of an individual in-
5 formant.

6 (d) ARREST OR CHARGE OF INFORMANT NOT TO AF-
7 FECT DUTY TO REPORT.—The duty to report crimes
8 under this section exists regardless of whether the inform-
9 ant has or has not been arrested or charged with the re-
10 portable crime in any jurisdiction.

11 (e) DISCLAIMER.—Nothing in this section limits the
12 authority and responsibility of the appropriate committees
13 of each House of Congress to obtain such information as
14 they may need to carry out their respective functions and
15 duties.

16 (f) DEFINITIONS.—In this section—

17 (1) the term “department that contains a law
18 enforcement agency” means the Department of Jus-
19 tice, the Department of Homeland Security, and the
20 Department of the Treasury;

21 (2) the term “law enforcement agency” means
22 Federal Bureau of Investigation, the Drug Enforce-
23 ment Administration, the United States Secret Serv-
24 ice, United States Immigration and Customs En-

1 enforcement, and the Bureau of Alcohol, Tobacco,
2 Firearms and Explosives;

3 (3) the term “informant” means any individual
4 who is believed to be providing useful and credible
5 information to the law enforcement agency for any
6 authorized information collection activity, and from
7 whom the law enforcement agency expects or intends
8 to obtain additional useful and credible information
9 in the future, and whose identity, information, or re-
10 relationship with the law enforcement agency warrants
11 confidential handling; and

12 (4) the term “serious crime” means—

13 (A) any serious violent felony as that term
14 is defined in section 3559(c)(2)(F) of title 18,
15 United States Code;

16 (B) any serious drug offense as that term
17 is defined in section 3559(c)(2)(H) of title 18,
18 United States Code; or

19 (C) an offense consisting of racketeering,
20 bribery, child pornography, obstruction of jus-
21 tice, or perjury;

22 that an agent or employee of the relevant law en-
23 forcement agency has reasonable grounds to believe
24 that an informant has committed.

○