

115TH CONGRESS
1ST SESSION

H. R. 1857

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

APRIL 3, 2017

Mr. LYNCH (for himself and Mr. CUMMINGS) 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 2017”.

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—

7 (1) all serious crimes, authorized and unauthor-
8 ized, committed by informants maintained by the
9 law enforcement agency;

10 (2) the amounts expended by the law enforce-
11 ment agency on payments to such informants; and

12 (3) the amounts received by the law enforce-
13 ment agency through the information from or co-
14 operation by the informant.

15 (b) PERIOD COVERED.—Each report due on March
16 1 of a year shall cover serious crimes that took place dur-
17 ing the 6-month period beginning July 1 and ending De-
18 cember 31 of the preceding year. Each report due on Sep-
19 tember 1 of a year shall cover serious crimes that took
20 place beginning January 1 and ending June 30 of that
21 year.

22 (c) CONTENTS.—

23 (1) REQUIRED.—Each report under subsection

24 (a) shall include a description of the total number of
25 each type and category of crime; the amount of

1 drugs involved if the crime is a drug crime; the
2 amount of money involved if the crime is a theft or
3 bribery crime; whether the crime was authorized or
4 unauthorized; the State in which each crime took
5 place; and any amounts expended from sources other
6 than appropriated amounts, including from assets
7 seized and forfeited by offenders and any tangible
8 benefits, including relocation costs, rent, travel ex-
9 penses, or other transfers in kind.

10 (2) PROHIBITED.—The report shall not contain
11 individual informant names, informant control num-
12 bers, or other personal identification information
13 that could reveal the identity of an individual in-
14 formant.

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

20 (e) DISCLAIMER.—Nothing in this section limits the
21 authority and responsibility of the appropriate committees
22 of each House of Congress to obtain such information as
23 they may need to carry out their respective functions and
24 duties.

25 (f) DEFINITIONS.—In this section—

1 (1) the term “department that contains a law
2 enforcement agency” means the Department of Jus-
3 tice, the Department of Homeland Security, and the
4 Department of the Treasury;

5 (2) the term “law enforcement agency” means
6 the Federal Bureau of Investigation, the Drug En-
7 forcement Administration, the United States Secret
8 Service, United States Immigration and Customs
9 Enforcement, and the Bureau of Alcohol, Tobacco,
10 Firearms and Explosives;

11 (3) the term “informant” means any individual
12 who is believed to be providing useful and credible
13 information to the law enforcement agency for any
14 authorized information collection activity, and from
15 whom the law enforcement agency expects or intends
16 to obtain additional useful and credible information
17 in the future, and whose identity, information, or re-
18 lationship with the law enforcement agency warrants
19 confidential handling; and

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

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

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

4 (C) an offense involving the theft of
5 \$500,000 or greater; or

6 (D) an offense consisting of racketeering,
7 bribery, child pornography, obstruction of jus-
8 tice, or perjury,
9 that an agent or employee of the relevant law en-
10 forcement agency has reasonable grounds to believe
11 that an informant has committed.

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