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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

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A BILL

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

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Confidential Informant Accountability Act of 2013".

SEC. 2. REPORT.

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

each law enforcement agency within that Department, fully report to the House Committee on Oversight and Government Reform, the House Committee on the Judiciary, the Senate Committee on Homeland Security and Governmental Affairs, and the Senate Committee on the Judiciary all serious crimes, authorized and unauthorized, committed by informants maintained by the law enforcement agency.

(b) PERIOD COVERED.—Each report due on March 1 of a year shall cover serious crimes that took place during the 6 month period beginning July 1 and ending December 31 of the preceding year. Each report due on September 1 of a year shall cover serious crimes that took place beginning January 1 and ending June 30 of that year.

(c) CONTENTS.—

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

(2) PROHIBITED.—The report shall not contain individual informant names, informant control numbers, or other personal identification information that could reveal the identity of an individual informant.

(d) ARREST OR CHARGE OF INFORMANT NOT TO AFFECT DUTY TO REPORT.—The duty to report crimes under this section exists regardless of whether the informant has or has not been arrested or charged with the reportable crime in any jurisdiction.

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

(f) DEFINITIONS.—In this section—

(1) the term ''department that contains a law enforcement agency'' means the Department of Justice, the Department of Homeland Security, and the Department of the Treasury;

(2) the term ''law enforcement agency'' means Federal Bureau of Investigation, the Drug Enforcement Administration, the United States Secret Service, United States Immigration and Customs En-

forcement, and the Bureau of Alcohol, Tobacco, Firearms and Explosives;

(3) the term ''informant'' means any individual who is believed to be providing useful and credible information to the law enforcement agency for any authorized information collection activity, and from whom the law enforcement agency expects or intends to obtain additional useful and credible information in the future, and whose identity, information, or relationship with the law enforcement agency warrants confidential handling; and

(4) the term ''serious crime'' means—

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

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

(C) an offense consisting of racketeering, bribery, child pornography, obstruction of justice, or perjury;

that an agent or employee of the relevant law enforcement agency has reasonable grounds to believe that an informant has committed.

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