

116TH CONGRESS
1ST SESSION

H. R. 3028

To require the Inspector General for the Department of Justice to conduct oversight of investigations of certain political officials, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

MAY 28, 2019

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

A BILL

To require the Inspector General for the Department of Justice to conduct oversight of investigations of certain political officials, 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,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Investigate the Inves-
5 tigators Act of 2019”.

6 **SEC. 2. OVERSIGHT OF CRIMINAL INVESTIGATIONS OF**
7 **CERTAIN INDIVIDUALS.**

8 (a) ATTORNEY GENERAL NOTICE OF INVESTIGA-
9 TION.—In the case that a covered party is a subject of
10 an investigation conducted by the Department of Justice,

1 the Attorney General shall provide to the Inspector Gen-
2 eral for the Department of Justice a notice of such inves-
3 tigation not later than 5 days after such investigation
4 commences.

5 (b) INSPECTOR GENERAL OVERSIGHT.—

6 (1) IN GENERAL.—The Inspector General for
7 the Department of Justice shall immediately com-
8 mence an oversight investigation of the investigation
9 described in subsection (a) to ensure that—

10 (A) the decision to investigate the conduct
11 of the covered party was not influenced by po-
12 litical pressures or politically motivated objec-
13 tives;

14 (B) the conduct of the investigation is not
15 influenced by the political beliefs or motives of
16 any person engaged in the investigation or the
17 superiors of such individuals;

18 (C) evidence used in the investigation is
19 obtained by lawful means and not tainted by
20 political sources or motives; and

21 (D) warrants sought in the investigation
22 are supported by probable cause and in compli-
23 ance with all applicable law.

24 (2) DURATION.—The oversight investigation
25 shall be ongoing and continue at least until the in-

1 investigation described in subsection (a) has been
2 closed.

3 (3) ACCESS TO MATERIALS.—Notwithstanding
4 any other provision of law, the Attorney General
5 shall make available to the Inspector General for the
6 Department of Justice any materials that are rel-
7 evant to the investigation described in subsection
8 (a). The Inspector General, in consultation with the
9 Attorney General, shall ensure appropriate proce-
10 dures to safeguard any intelligence and counterintel-
11 ligence materials or other materials the disclosure of
12 which would constitute a threat to national security.

13 (4) RULE OF CONSTRUCTION.—For the purpose
14 of carrying out this subsection, section 8E(a)(1)(A)
15 of the Inspector General Act of 1978 (5 U.S.C.
16 App.) shall not apply.

17 (c) INSPECTOR GENERAL NOTICE OF INVESTIGATION
18 AND REPORT.—

19 (1) NOTICE OF INVESTIGATION.—

20 (A) IN GENERAL.—Upon opening of the
21 investigation described in subsection (b), the In-
22 spector General shall notify each of the fol-
23 lowing individuals that an oversight investiga-
24 tion subject to this Act has commenced and

1 that a report will be issued at the conclusion of
2 the Investigation pursuant to this Act:

3 (i) The President of the United
4 States.

5 (ii) The Speaker of the House of Rep-
6 resentatives.

7 (iii) The Minority Leader of the
8 House of Representatives.

9 (iv) The Senate Majority Leader.

10 (v) The Senate Minority Leader.

11 (B) EXCEPTION.—Notwithstanding sub-
12 paragraph (A), the Inspector General for the
13 Department of Justice may decline to submit
14 notice or any other information to an individual
15 described in clauses (i), (ii), (iii), (iv), and (v)
16 of such subparagraph if—

17 (i) the individual is a subject of the
18 investigation described in subsection (a);
19 and

20 (ii) the Inspector General determines
21 that submitting a copy to the individual
22 would compromise the investigation.

23 (2) REPORT.—

24 (A) IN GENERAL.—Not later than 90 days
25 after the conclusion of the investigation de-

scribed in subsection (b), the Inspector General for the Department of Justice shall submit to the Attorney General and each individual described in clauses (i), (ii), (iii), (iv), and (v) of paragraph (1)(A) a report on the Inspector General's findings with respect to the oversight investigation contained in subsection (b).

(B) IMMEDIATE REPORT ON FLAGRANT OR SERIOUS ISSUES.—During the course of the investigation, if the Attorney General fails within 30 days to remedy a serious or flagrant issue raised by the Inspector General, the Inspector General shall make an immediate report to the individuals described in clauses (i), (ii), (iii), (iv), and (v) of paragraph (1)(A) with respect to the serious or flagrant issue.

(C) CONFIDENTIALITY.—

(i) An individual receiving a report under subparagraph (A) or (B) may not make available to the public or otherwise disclose the contents of the report to any individual other than the Attorney General or an individual described in clauses (i), (ii), (iii), (iv), and (v) of paragraph (1)(A), except in the case that the individual re-

1 ceiving the report certifies to the Attorney
2 General that it is his or her belief that dis-
3 closure is necessary to uphold the Con-
4 stitution or maintain the integrity of the
5 political system of the United States.

6 (ii) An individual who knowingly and
7 willfully violates clause (i) shall be pun-
8 ished as if under section 798 of title 18,
9 United States Code.

10 (D) RELEASE BY THE ATTORNEY GEN-
11 ERAL.—The Attorney General may release the
12 report after making a determination that public
13 release of the report would be in the public in-
14 terest, to the extent that release would comply
15 with applicable legal restrictions. All other re-
16 leases of information by any Department of
17 Justice employee, including the Office of Gen-
18 eral Inspector staff, shall be governed by the
19 applicable Departmental guidelines concerning
20 public comment with respect to any criminal in-
21 vestigation, and relevant law.

22 (d) COVERED PARTY DEFINED.—In this Act, the
23 term “covered party” means—

- 24 (1) the President;
25 (2) the Vice President;

1 (3) a Senator;

2 (4) a Member of Congress; or

3 (5) a candidate for an office described in para-
4 graph (1), (2), (3), or (4) or the campaign of such
5 candidate.

6 **SEC. 3. OVERSIGHT OF PREVIOUS INVESTIGATIONS OF**
7 **CERTAIN INDIVIDUALS.**

8 (a) IN GENERAL.—Not later than 30 days after the
9 date of enactment of this Act, in the case that a Presi-
10 dential candidate or his or her campaign was the subject
11 of an investigation during the period described in sub-
12 section (d), the Attorney General shall review the inves-
13 tigation to determine whether—

14 (1) the decision to investigate the conduct of
15 the covered party was influenced by political pres-
16 sures or politically motivated objectives;

17 (2) the conduct of the investigation was influ-
18 enced by the political beliefs or motives of any per-
19 son engaged in the investigation or the superiors of
20 such individuals;

21 (3) evidence used in the investigation was ob-
22 tained by lawful means and not tainted by political
23 sources or motives; and

1 (4) warrants obtained or sought in the inves-
2 tigation were supported by probable cause and were
3 in compliance with all applicable law.

4 (b) REPORT.—Not later than 180 days after the date
5 of enactment of this Act, the Attorney General shall make
6 available to the public a report on the result of the review
7 under subsection (a) after any necessary redactions to
8 comply with applicable legal restrictions.

9 (c) APPLICABLE PERIOD.—This section shall apply
10 with respect to any investigation that commenced during
11 the period beginning on June 16, 2015 and ending on
12 March 22, 2019.

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