



H.Con. Res. 24 - Expressing the sense of Congress that the report of Special Counsel Mueller should be made available to the public and to Congress (Rep. Nadler, D-NY)

FLOOR SCHEDULE:

Expected to be considered on March 14, 2019 under a closed [rule](#).

The rule, which was adopted on March 13, 2019, provided that the amendments to the concurrent resolution and the preamble printed in the Rules Committee report are considered as adopted. Given the adoption of the amendments, their effect has been integrated into the below analysis.

TOPLINE SUMMARY:

[H.Con. Res. 24](#) is a nonbinding, concurrent resolution expressing the sense of Congress that the Mueller report, and its findings, investigating Russian interference in the 2016 election, upon its completion, should be made available to both Congress and the public.

COST:

A Congressional Budget Office (CBO) estimate is not available.

CONSERVATIVE CONCERNS:

Some conservatives may be concerned that this resolution attempts to demand a release of information that goes beyond what is required by law and may have [implications](#) on the disclosure of Department of Justice sources and methods. Under Department of Justice regulations detailing disclosure requirements for the [report](#) of the Special Counsel, the Attorney General must provide a summary to Congress, but has discretion as to how much information is included in the report.

Other conservatives are in favor of the full release of the report as the American people have spent millions of dollars on an investigation which may have very serious [process concerns](#) about how the government has spent American tax dollars that should be brought to light. Other conservatives may feel that this report should be made public in the interest of government transparency.

- **Expand the Size and Scope of the Federal Government?** No.
- **Encroach into State or Local Authority?** No.

- **Delegate Any Legislative Authority to the Executive Branch?** No.
- **Contain Earmarks/Limited Tax Benefits/Limited Tariff Benefits?** No.

DETAILED SUMMARY AND ANALYSIS:

H.Con. Res. 24 is a nonbinding, concurrent resolution expressing the sense of Congress that any report, and its findings, provided by Special Counsel Mueller to the Attorney General, should be made available, to the Congress and, to the extent not expressly prohibited by law, to the public.

Special Counsel Mueller was appointed in 2017 by then-acting Attorney General Rod Rosenstein, to investigate Russian interference in the 2016 election. [According to the Congressional Research Service](#), Department of Justice (DOJ) [regulations](#) pertaining to Special Counsel reports “require the Special Counsel to deliver a confidential report (Special Counsel report) to Attorney General William Barr at the conclusion of the investigation, and the Attorney General must then [to the extent consistent with applicable law] notify Congress with ‘an explanation’ for the investigation’s” ending, but has discretion as to how much information is included in the report. [Also](#), “[t]he reporting requirements applicable to the Special Counsel’s investigation indicate a significant degree of deference to the Special Counsel regarding the content of his report to the Attorney General.” [And](#), there is no legal obligation for the Attorney General to then release the full report to Congress or the public.

In describing why it limited the amount of required disclosures for Special Counsel investigations, the Department of Justice provided that it did not want to “provide[] an incentive to overinvestigate, in order to avoid potential public criticism for not having turned over every stone, and creates potential harm to individual privacy interests.”

The Mueller investigation into Russian interference in the 2016 election has faced scrutiny for the length of time the investigation has taken, the millions of dollars spent on what many consider to be a political witch hunt devoid of indications of collusion, and for [going](#) beyond the scope of its original purpose.

COMMITTEE ACTION:

H.Con. Res. 24 was introduced on March 7, 2019 and was referred to the House Committee on the Judiciary.

ADMINISTRATION POSITION:

A Statement of Administration Policy is not available.

CONSTITUTIONAL AUTHORITY:

A constitutional authority statement is not required.

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