

116TH CONGRESS
1ST SESSION

S. _____

To require the recording and reporting of communications between the Department of Justice and the White House relating to civil and criminal investigations, and for other purposes.

IN THE SENATE OF THE UNITED STATES

Mr. WHITEHOUSE (for himself, Mr. BLUMENTHAL, and Ms. HARRIS) introduced the following bill; which was read twice and referred to the Committee on _____

A BILL

To require the recording and reporting of communications between the Department of Justice and the White House relating to civil and criminal investigations, 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 “Security from Political
5 Interference in Justice Act of 2019”.

6 **SEC. 2. DEFINITIONS.**

7 In this Act—

1 (1) the term “communications log” means the
2 log required to be maintained under section 3(a);

3 (2) the term “covered communication”—

4 (A) means any communication relating to
5 an ongoing investigation conducted by the De-
6 partment of Justice in any civil or criminal
7 matter (regardless of whether a civil action or
8 criminal indictment or information has been
9 filed); and

10 (B) does not include a communication
11 that—

12 (i) relates solely to policy, appoint-
13 ments, legislation, rulemaking, budgets,
14 public relations, programmatic matters,
15 intergovernmental relations, administrative
16 or personnel matters, appellate litigation,
17 or requests for legal advice; and

18 (ii) does not relate to an ongoing in-
19 vestigation described in subparagraph (A);
20 and

21 (3) the term “investigative office” means—

22 (A) the Office of the Inspector General of
23 the Department of Justice; and

24 (B) the Office of Professional Responsi-
25 bility of the Department of Justice.

1 **SEC. 3. COMMUNICATIONS LOGS.**

2 (a) IN GENERAL.—The Counsel to the President and
3 the Attorney General shall each maintain a log of any cov-
4 ered communication between—

5 (1) an officer or employee of the Department of
6 Justice; and

7 (2) an officer or employee of the Executive Of-
8 fice of the President.

9 (b) CONTENTS.—A communications log shall include,
10 with respect to a covered communication—

11 (1) the name and title of each officer or em-
12 ployee of the Department of Justice or the Executive
13 Office of the President who participated in the cov-
14 ered communication;

15 (2) the topic of the covered communication; and

16 (3) a statement describing the purpose and ne-
17 cessity of the covered communication.

18 (c) OVERSIGHT.—

19 (1) PERIODIC DISCLOSURE OF LOGS.—

20 (A) IN GENERAL.—Subject to subpara-
21 graph (B), not later than January 30 and July
22 30 of each year, the Attorney General shall sub-
23 mit to Congress and each investigative office a
24 report containing the communications log for
25 the 6-month period preceding that January or
26 July.

1 (B) RECORDS OF CERTAIN COMMUNICA-
2 TIONS.—

3 (i) IN GENERAL.—The Attorney Gen-
4 eral shall exclude from the report sub-
5 mitted to Congress under subparagraph
6 (A) any record of a covered communication
7 in which any of the following officials par-
8 ticipated:

9 (I) The President.

10 (II) The Vice President.

11 (III) The Counsel to the Presi-
12 dent.

13 (IV) The Counselor to the Presi-
14 dent.

15 (V) The Attorney General.

16 (VI) The Deputy Attorney Gen-
17 eral.

18 (VII) The Associate Attorney
19 General.

20 (ii) RULE OF CONSTRUCTION.—The
21 exclusion of certain records under clause
22 (i) from the report to Congress under sub-
23 paragraph (A) shall not be construed to—

24 (I) exclude those records from
25 the report to the investigative offices

1 under subparagraph (A) or the review
2 and notice requirements under para-
3 graph (2); or

4 (II) protect those records from
5 congressional subpoena.

6 (2) NOTICE OF INAPPROPRIATE OR IMPROPER
7 COMMUNICATIONS.—The head of an investigative of-
8 fice shall—

9 (A) review each communications log re-
10 ceived under paragraph (1)(A); and

11 (B) notify Congress if the office head de-
12 termines that a covered communication de-
13 scribed in the communications log—

14 (i) is inappropriate from a law en-
15 forcement perspective; or

16 (ii) raises concerns about improper
17 political interference.