

110TH CONGRESS
1ST SESSION

S. 1845

To provide for limitations in certain communications between the Department of Justice and the White House Office relating to civil and criminal investigations, and for other purposes.

IN THE SENATE OF THE UNITED STATES

JULY 23, 2007

Mr. WHITEHOUSE (for himself and Mr. LEAHY) introduced the following bill; which was read twice and referred to the Committee on the Judiciary

A BILL

To provide for limitations in certain communications between the Department of Justice and the White House Office 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. DEFINITIONS.**

4 In this Act—

5 (1) the term “covered communication”—

6 (A) means any communication relating to
7 an ongoing investigation conducted by the De-
8 partment of Justice in any civil or criminal

1 matter (regardless of whether a civil action or
2 criminal indictment or information has been
3 filed); and

4 (B) does not include any communication
5 relating to policy, appointments, legislation,
6 budgets, public relations, programmatic mat-
7 ters, intergovernmental relations, administrative
8 or personnel matters, or requests for legal ad-
9 vice;

10 (2) the term “covered Department of Justice
11 officer” means—

12 (A) the Attorney General;

13 (B) the Deputy Attorney General;

14 (C) the Associate Attorney General; and

15 (D) any officer or employee designated
16 under section 2(a); and

17 (3) the term “covered White House officer”
18 means—

19 (A) the President;

20 (B) the Vice President;

21 (C) the Counsel to the President;

22 (D) the Counselor to the President; and

23 (E) any officer or employee designated
24 under section 2(b).

1 **SEC. 2. DESIGNATION OF OTHER COVERED OFFICERS.**

2 (a) DEPARTMENT OF JUSTICE.—

3 (1) IN GENERAL.—The Attorney General may
4 designate any officer or employee of the Department
5 of Justice as a covered Department of Justice offi-
6 cer.

7 (2) NONDELEGABLE AUTHORITY.—The Attor-
8 ney General may not delegate the authority under
9 paragraph (1) to any officer or employee of the De-
10 partment of Justice.

11 (b) WHITE HOUSE.—The President may designate
12 any officer or employee of the White House Office as a
13 covered White House officer.

14 (c) NOTIFICATION TO CONGRESS.—Not later than 3
15 days after making a designation under this section, the
16 Attorney General or the President, as the case may be,
17 shall submit a notification of that designation, with an ex-
18 planation of the necessity of that designation, to the Com-
19 mittee on the Judiciary of the Senate and the Committee
20 on the Judiciary of the House of Representatives.

21 **SEC. 3. LIMITATIONS ON COMMUNICATIONS.**

22 Any covered communication between an officer or em-
23 ployee of the Department of Justice and an officer or em-
24 ployee of the White House Office may only be made be-
25 tween a covered Department of Justice officer and a cov-
26 ered White House officer.

1 **SEC. 4. RULE OF CONSTRUCTION.**

2 Nothing in this Act shall be construed as affecting
3 any limitation on covered communications by the Depart-
4 ment of Justice or the White House Office that is more
5 restrictive than the limitations under this Act.

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