



Office of the Attorney General

Washington, D.C. 20530

May 2, 2018

MEMORANDUM FOR HEADS OF DEPARTMENT COMPONENTS
ALL UNITED STATES ATTORNEYS

From: THE ATTORNEY GENERAL

Subject: Communication with Congress

This memo serves to affirm and supplement existing guidance pertaining to communications between the Department of Justice (Department) and Congress.

Consistent with past policy and practice, communications between the Department and Congress, including those pertaining to policy, legislation, political appointments, nominations, intergovernmental and public liaison relations, cases and investigations, and administrative matters, will be managed or coordinated by the Office of Legislative Affairs (OLA) to ensure that relevant Department and Executive Branch interests are fully protected.

Accordingly, attorneys, officers, boards, divisions, and components should not communicate with Senators, Representatives, Congressional committees, or Congressional staff without advance coordination and consultation with OLA. All Congressional inquiries and correspondence from Members, committees, and staff should be immediately directed to OLA upon receipt. Assistant Attorney General Stephen Boyd, in consultation with the Attorney General, Deputy Attorney General, and Associate Attorney General, will determine how best to proceed on particular legislative and oversight matters, including timing, presentation, and selection of Department witnesses to appear before Congressional committees. This policy includes requests from Congress for technical and advisory assistance on legislative language or bill text. OLA will also accompany Departmental and component representatives when they represent the Department at hearings, briefings, and meetings with Members of Congress, committees, and staff.

OLA will continue to manage Congressional correspondence, coordinating with the Department's Executive Secretariat, leadership offices, and components as appropriate. OLA will review prior to transmittal all Departmental written communications to Congress, including letters, responses to Questions for the Record, briefing papers, talking points, slide presentations, and any other materials intended for submission or presentation on Capitol Hill. Likewise, OLA will manage the clearance process through which legislative proposals and views are considered by Department components and the Office of Management and Budget prior to the Department's views on those matters being communicated to Congress.

In order to ensure that Congress may carry out its legitimate investigatory and oversight functions, the Department will use its best efforts to respond as appropriate to inquiries from Congress consistent with policies, laws, regulations, and professional ethical obligations that

may require confidentiality. Because it is important that the Department provide timely responses to Congressional inquiries when possible, components should make it a priority to assist OLA in this regard. In general, letters to Congress and committees should be prepared by the relevant component and sent by Assistant Attorney General Boyd.

The Department is committed to protecting the rights of whistleblowers (*i.e.*, those employees or applicants who have made a lawfully protected disclosure to Congress). This memorandum is consistent with and does not supersede, conflict with, or otherwise alter the employee obligations, rights, or liabilities created by existing statute or Executive order relating to (1) classified information, (2) communications to Congress, (3) the reporting to an Inspector General of a violation of any law, rule, or regulation, or mismanagement, a gross waste of funds, an abuse of authority, or a substantial and specific danger to public health or safety, or (4) any other whistleblower protection. The definitions, requirements, obligations, rights, sanctions, and liabilities created by controlling Executive orders and statutory provisions are incorporated into this memorandum and are controlling.

Please contact OLA if you have any questions about these policies.