

116TH CONGRESS
1ST SESSION

S. 236

To require a Special Counsel report, and for other purposes.

IN THE SENATE OF THE UNITED STATES

JANUARY 28, 2019

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

A BILL

To require a Special Counsel report, 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 “Special Counsel Trans-
5 parency Act”.

6 **SEC. 2. REPORT.**

7 (a) IN GENERAL.—A Special Counsel (as described
8 in part 600 of title 28, Code of Federal Regulations, or
9 any successor thereto), or any other official appointed by
10 the Attorney General who exercises duties commensurate
11 with those of a Special Counsel and exercises a similar
12 degree of independence from the normal chain of com-

1 mand of the Department, shall prepare a report as de-
2 scribed in subsection (b) if—

3 (1) the Special Counsel determines that he or
4 she has completed his or her investigation; or

5 (2) the Special Counsel is removed from his or
6 her office, transferred to another location or position
7 within the Department of Justice, or resigns before
8 the completion of the investigation.

9 (b) REQUIREMENTS.—Not later than 30 days after
10 the date on which an event described in paragraph (1)
11 or (2) of subsection (a) occurs, the Special Counsel shall
12 submit to the Attorney General, the Chairman and Rank-
13 ing Member of the Committee on the Judiciary of the Sen-
14 ate, and the Chairman and Ranking Member of the Com-
15 mittee on the Judiciary of the House of Representatives
16 a report that—

17 (1) details the factual findings of the investiga-
18 tion, including any underlying evidence;

19 (2) explains the prosecution or declination deci-
20 sions, if any, reached by the Special Counsel; and

21 (3) contains information regarding significant
22 prosecutorial decisions and significant expenditures
23 by the Office of the Special Counsel.

24 (c) ADDITIONAL CONTENTS.—If, at any time during
25 the course of an investigation conducted by a Special

1 Counsel, the Special Counsel consulted with the Attorney
2 General for the purpose of including additional jurisdiction
3 beyond that specified in the original jurisdiction of the
4 Special Counsel, information regarding such consultation
5 shall be included in the report required under subsection
6 (a), including whether the Attorney General determined
7 to include the additional matters within the jurisdiction
8 of the Special Counsel or assign the matters to a different
9 investigator.

10 (d) CLASSIFIED ANNEX.—The report required under
11 subsection (a) shall be submitted in unclassified form, and
12 may include a classified annex if necessary.

13 (e) AVAILABILITY TO THE PUBLIC.—

14 (1) IN GENERAL.—The unclassified form of the
15 report shall be made available to the public, con-
16 sistent with section 552a of title 5, United States
17 Code (commonly known as the “Privacy Act of
18 1974”), other Federal statutes, and the Federal
19 Rules of Procedure.

20 (2) WRITTEN EXPLANATION.—If any informa-
21 tion contained in the report required under sub-
22 section (a) is determined to be classified or is other-
23 wise not made available to the public, the Attorney
24 General shall submit a written statement to Con-

1 gress that explains the reasons for such determina-
2 tion.

3 (f) REMOVAL OR TRANSFER OF SPECIAL COUN-
4 SEL.—If the Attorney General removes or transfers the
5 Special Counsel, the Attorney General shall communicate
6 to the Chairman and Ranking Member of the Committee
7 on the Judiciary of the Senate, and the Chairman and
8 Ranking Member of the Committee on the Judiciary of
9 the House of Representatives the reasons for such removal
10 or transfer in writing not later than 10 days after the date
11 on which the Special Counsel submits the report required
12 under subsection (a).

13 (g) COMPENSATION; ACCESS TO MATERIALS.—For
14 the purposes of completing the report required under sub-
15 section (a), the Special Counsel shall—

16 (1) continue to receive a salary and shall be
17 provided such resources, including staff, as is nec-
18 essary to complete such report; and

19 (2) have access to all materials of the investiga-
20 tion, unless the access is otherwise restricted by law
21 or court order.

22 (h) ADDITIONAL REPORTS.—In addition to any re-
23 port required under subsection (a) and not later than 180
24 days after the date of enactment of this Act or after the
25 appointment of any Special Counsel who was not ap-

1 pointed as of the date of enactment of this Act, and every
2 180 days thereafter, the Special Counsel shall submit to
3 the Attorney General, the Chairman and Ranking Member
4 of the Committee on the Judiciary of the Senate, and the
5 Chairman and Ranking Member of the Committee on the
6 Judiciary of the House of Representatives a report on—

7 (1) the budgetary requirements and expendi-
8 tures of the Office of Special Counsel;

9 (2) the number and types of personnel, such as
10 trial attorneys, paralegals, and investigators, em-
11 ployed by or assigned to the Office of the Special
12 Counsel;

13 (3) aggregate statistics on the performance of
14 the Office of the Special Counsel, such as the num-
15 ber of—

16 (A) persons charged;

17 (B) persons convicted; and

18 (C) search warrants sought; and

19 (4) any other information the Special Counsel
20 determines is relevant to the nature and cir-
21 cumstances of the investigation or the operations of
22 the Office of the Special Counsel.

23 **SEC. 3. SENSE OF CONGRESS.**

24 It is the sense of Congress that—

1 (1) Congress has an important responsibility
2 under the Constitution of the United States to con-
3 duct oversight of the executive branch, including the
4 Department of Justice;

5 (2) if a Special Counsel determines that he or
6 she possesses information that should be disclosed to
7 Congress, as part of the oversight role of Congress,
8 the Special Counsel should take all steps not prohib-
9 ited by law in order to do so, including information
10 relating to—

11 (A) any decision of a Special Counsel to
12 resign;

13 (B) any decision to remove a Special Coun-
14 sel from office, or transfer a Special Counsel to
15 another location or position within the Depart-
16 ment of Justice; or

17 (C) a determination by a Special Counsel
18 that he or she has become too circumscribed in
19 jurisdiction or authorization to effectively con-
20 tinue the investigation to completion;

21 (3) an investigation undertaken by a Special
22 Counsel is, by its nature, one of great political and
23 civic importance;

1 (4) the public has a substantial interest in re-
2 ceiving the conclusions of the Special Counsel at the
3 earliest possible time; and

4 (5) the Special Counsel should conclude the in-
5 vestigation as soon as practicable and to report on
6 his or her findings to the people of the United
7 States.

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