

Senator Chuck Grassley

Michael Horowitz

**Nominee, Inspector General, United States Department of Justice
Additional Follow-up Questions for the Record**

- (1) In follow-up question # 2, I asked you to identify the portion of the OLC opinion that you believe clearly explains the *statutory basis* for distinguishing between disclosures in response to a certain requestor and disclosures *to a Committee* for purposes of the Congressional exemption to the Privacy Act. Your answer quoted a portion of the opinion that makes unsupported assertions about how Congress “exercises its investigative and oversight authority” under the Constitution. However, that is unrelated to any *statutory basis* in the Privacy Act for conditioning the exemption upon receipt of request from a particular source.
- a. The statute conditions the exemption merely on the identity of the recipient (a Committee) without reference to a requirement for any request from any source. Accordingly, do you agree that the reasoning in the OLC opinion identifies no basis *in the statute* for conditioning an exempt disclosure upon a particular type of request?

Answer: The OLC opinion cites only to the Privacy Act generally and to the language of the congressional-disclosure exception in particular. I agree that the OLC opinion does not further identify a statutory basis for its conclusion.

- b. If not, which portion of the opinion identifies the statutory language requiring a Committee request in order for a disclosure to the Committee be exempt?

Answer: See answer to Question 1(a).