

QUESTIONS FOR THE RECORD
STEPHEN E. BOYD
NOMINEE TO BE ASSISTANT ATTORNEY GENERAL
OFFICE OF LEGISLATIVE AFFAIRS

QUESTIONS FROM SENATOR GRASSLEY, CHAIRMAN

In order for our system of checks and balances to function properly, it is essential that the Justice Department cooperate with the Committee's oversight requests. Unfortunately, the Justice Department and/or FBI have completely failed to respond to the following oversight letters:

1. 2016-09-28 CEG to FBI (Combetta)
2. 2016-10-31 CEG to FBI (Clinton Investigation Update)
3. 2016-11-03 CEG to FBI (Clinton Investigation Scope Limitation)
4. 2016-11-15 CEG to DOJ (Morel Case Conflict)
5. 2016-11-15 CEG to FBI (Morel Case Conflict)
6. 2017-03-14 CEG to DOJ (FARA third follow up)
7. 2017-04-06 CEG to DOJ (Manafort Podesta FARA)
8. 2017-04-24 CEG to DOJ FBI (Follow-up on Fetal Tissue Investigation Referrals)
9. 2017-04-24 CEG to DOJ FBI (Lynch Memo)
10. 2017-04-24 Foster email to Ramer (Mueller meeting request on behalf of Senators Grassley, Feinstein, Graham, and Whitehouse)
11. 2017-04-24 CEG PJJ to FBI (FBI Hair Forensics 1991 memo)
12. 2017-04-27 CEG to FBI (Garland Texas Incident)
13. 2017-04-28 CEG to FBI (follow-up to Steele letter)
14. 2017-05-02 CEG to DOJ (McCabe Continuing Conflicts)
15. 2017-05-10 CEG to FBI + DOJ (ISIS Bride)
16. 2017-05-12 CEG DF to DOJ FBI (Briefings)

In addition, the Justice Department and/or FBI have failed to comply with material portions of the following letters or only provided response letters that failed to substantively address the questions raised:

1. 2016-01-15 CEG to DOJ (al Harzi follow up)
 - DOJ has failed to respond to any of the questions in this letter. DOJ claimed that a briefing by the FBI on 9-30-15 addressed the questions; however that is false, as the FBI explicitly only answered questions about FBI agents' involvement and directed the Committee to DOJ for questions about its role.
2. 2016-08-05 CEG to DOJ (Money Transfer to Iran)
 - DOJ sent a partially responsive letter and provided some documents on 9-13-16. However, DOJ has not answered in full any of the questions raised or categories of documents requested.
3. 2016-10-27 CEG to AG Lynch (DOJ Mortgage Settlements)
 - DOJ sent a written response on 12-6-16 but failed to produce the majority of the responsive documents. On a phone call, we were promised an in camera review and document production in December 2016, but the POC at DOJ has changed several times since then and they continue to stall.

4. 2017-02-15 CEG DF to DOJ FBI (Flynn Resignation)
 - Chairman Grassley and Ranking Member Feinstein received the requested briefing, but not the requested documents.
5. 2017-02-23 CEG to DOJ (Yates)
 - DOJ sent a letter on 5-26-17 refusing to comply with the letter.
6. 2017-03-06 CEG to FBI (Arrangement to Pay Steele)
 - Although portions of the questions were addressed in a briefing on another subject, none of the questions in this letter have been fully answered.
7. 2017-03-28 CEG to FBI (McCabe Conflict in Trump Associates Investigation)
 - Questions 2 - 7 and 9 -11 have not been answered at all. Questions 8 and 12 were only partially answered.
8. 2017-03-31 CEG to DOJ (Anti-Magnitsky FARA Violations)
 - DOJ sent a letter on 5-16-17 that failed to substantively respond to any of the questions raised.
9. 2017-05-17 CEG DF SW to FBI (Comey Memos)
 - FBI sent letter on 5-25-17 saying it would consult with Special Counsel Mueller before substantively responding to the letter.

Please answer the following questions:

1. What is the status of the Justice Department's and FBI's responses to these oversight letters, and to providing the Committee with the status of each, as well as an expected date for compliance?

Response: I appreciate the importance of the Committee's requests for information. I am currently serving as the Chief of Staff for the Office of Legal Policy. In this capacity, I do not have information regarding the disposition of specific correspondence or the status of congressional inquiries. If I am confirmed, I will work with others in the Department of Justice (Department) to determine the status of these matters and seek to respond in a manner consistent with the Department's obligations and its law enforcement, litigation, and national security responsibilities.

2. Will you commit to ensuring that the Department of Justice and FBI will provide a substantive, full response to each letter?

Response: If I am confirmed, it will be my intent to ensure that the Department of Justice Office of Legislative Affairs responds to the oversight needs of the Committee in a manner consistent with the Department's obligations and its law enforcement, litigation, and national security responsibilities. In instances where we must balance the Committee's request and the Department's responsibilities, I will be pleased to maintain an open line of communication with the Committee.

3. What would you do differently to ensure the Committee gets (1) timely and thorough replies to these letters, (2) regular and meaningful status updates on unanswered letters, and (3) a genuine dialogue about issues that the Justice Department is unwilling to answer voluntarily?

Response: I am currently serving as the Chief of Staff for the Office of Legal Policy. In this capacity, I do not have a full understanding of existing practices or policies regarding responses to congressional correspondence. If I am confirmed, I will work with others in the Department to determine whether we can improve existing procedures and make changes that will be helpful. I recognize the importance of timely responses to the Committee's oversight requests and will seek to do that in a manner consistent with the Department's responsibilities. Moreover, recognizing the importance of a clear line of communication, it will be my intent to promote dialogue between the Department and Congress, generally, and the Committee, specifically.

4. When will the Department of Justice arrange for the requested de-confliction meeting among Special Counsel Mueller and Senators Grassley, Feinstein, Graham, and Whitehouse?

Response: In my current capacity as Chief of Staff for the Office of Legal Policy, I have not been involved with this matter. Therefore, I am not in a position to comment or to commit to a particular course of action at this time. If I am confirmed, I will work with others in the Department to determine the status of this matter and seek to respond in a manner consistent with the Department's obligations and its law enforcement, litigation, and national security responsibilities.

5. On March 15, 2017, Ranking Member Feinstein and I received a briefing from then-Director Comey about the FBI's investigations of Russian interference in the 2016 election. On May 12, 2017, the Ranking Member and I sent a letter to the Justice Department and the FBI asking that the rest of the Committee receive a similar briefing. When will the Department of Justice arrange for Mr. Rosenstein and/or Mr. McCabe to provide that requested briefing to the rest of the Committee?

Response: I recognize the importance of this request. In my current capacity as Chief of Staff for the Office of Legal Policy, I have not been involved with this matter. Therefore, I am not in a position to comment or to commit to a particular course of action at this time.

QUESTIONS FOR THE RECORD
STEPHEN E. BOYD
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OFFICE OF LEGISLATIVE AFFAIRS

QUESTIONS FROM SENATOR FEINSTEIN, RANKING MEMBER

1. During Attorney General Sessions' confirmation hearing, Chairman Grassley asked the Attorney General to commit to responding to requests for information from the Chairman. He also asked the Attorney General to make the same promise to answer my requests as the Ranking Member. I thank Chairman Grassley for that courtesy. The Attorney General assured us that he would respond to the Chairman's and to my requests.

However, since that time, many agencies have signaled that they will not be responding to requests from the minority party or ranking member. This is apparently especially true for any requests regarding issues in which the White House has an interest. Thus far, the Justice Department has responded only to my letters when they are signed jointly with Senator Grassley, but not to letters signed only by Democrats. This is not the way the Department of Justice is supposed to do the work. The Department of Justice cannot simply ignore requests from members of Congress who are not from the President's party. This Committee has an oversight responsibility over the Department that must be respected.

- a. **Do you agree that the Justice Department should be responsive to all members of Congress – not simply those from the President's party?**

Response: I agree that the Department should be responsive to Congress in a manner that is consistent with its obligations and its law enforcement, litigation, and national security responsibilities.

- b. **Do you respect the oversight responsibilities of all members of the Judiciary Committee?**

Response: If I am confirmed, it is my intent to respond to inquiries from all members, whenever possible, in a manner that is consistent with the Department's obligations and its law enforcement, litigation, and national security responsibilities.

- c. **Will you commit to responding to requests from the Ranking Member? And does that include requests and questions the other Minority Members of the Committee as well?**

Response: See response 1b.

- d. **Will you commit to responding to requests for information from the Committee, even when the requests touch on issues of interest to the White House?**

Response: See response 1b.

**QUESTIONS FOR THE RECORD
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QUESTIONS FROM SENATOR DURBIN

For questions with subparts, please answer each subpart separately.

Questions for Stephen Boyd

1. **Will you commit that if you are confirmed, the Office of Legislative Affairs will not go longer than one month without providing a response to letters from members of this Committee, which has oversight jurisdiction over the Department of Justice?**

Response: I am currently serving as the Chief of Staff for the Office of Legal Policy. In this capacity, I do not have a full understanding of existing practices or policies regarding responses to congressional correspondence. If I am confirmed, I will work with others in the Department to determine whether we can improve existing procedures and make changes that will be helpful. I recognize the importance of timely responses to the Committee's oversight requests and will seek to do that in a manner consistent with the Department's responsibilities. Moreover, recognizing the importance of a clear line of communication, it will be my intent to promote dialogue between the Department and Congress, generally, and the Committee, specifically.

2. When Attorney General Sessions was under consideration by this Committee, I sent him a question in writing asking about his decision not to submit a blue slip in 2016 for the February 2016 nomination of Judge Abdul Kallon to fill a vacancy on the 11th Circuit. Attorney General Sessions responded as follows:

“As Senator Shelby and I expressed in our statement when Judge Kallon was nominated, we had negotiated in good faith for several months with the White House to fill judicial vacancies. We believed progress had been made, but as it turned out, the White House was not interested in good faith negotiations. The White House announced Judge Kallon's nomination outside of those negotiations and at a very late date. Accordingly, we exercised our Senatorial prerogative not to return the blue slips.”

Because then-Senator Sessions and Senator Shelby did not return blue slips, Chairman Grassley did not hold a hearing on Judge Kallon's nomination in 2016.

- a. **Do you agree with Attorney General Sessions that Senators have the prerogative not to return blue slips on circuit court nominees when the White House announces nominations outside of good faith negotiations with home state Senators?**

Response: It is my understanding that the blue slip process is a longstanding courtesy recognized in the Senate, and that any Senator has the prerogative to return or not return the blue slip as he or she wishes.

- b. **Do you agree with Attorney General Sessions' characterization that a circuit court nomination announcement made in February of a presidential election year is an announcement made "at a very late date"?**

Response: I do not have an opinion on that matter.

- c. **Was Chairman Grassley wrong to decline to hold a hearing on Judge Kallon's nomination in 2016?**

Response: My understanding is that the Chairman of the Senate Judiciary Committee has the authority to determine when or if to hold nomination hearings on judicial nominees. I am not in a position to comment further on the Committee's proceedings and scheduling matters.

- d. **If you are confirmed, will you commit to respect the Senatorial prerogative not to return blue slips?**

Response: See response to 2a.

- e. **If you are confirmed, will you commit not to request that the Senate Judiciary Committee hold hearings on nominees who have not received blue slips from both home state Senators?**

Response: See responses to 2a and 2c.

- f. **If you are confirmed, will you commit to respect decisions by the Chairman of the Senate Judiciary Committee not to hold hearings on nominees who have not received blue slips from both home state Senators?**

Response: See response to 2a.

QUESTIONS FOR THE RECORD
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QUESTIONS FROM SENATOR WHITEHOUSE

- 1) Please describe the procedure by which the Office of Legal Affairs (OLA) responds to Congressional inquiries. Should you be confirmed, will you commit to complying with standard procedures with respect to Congressional inquiries? Will you commit to treating inquiries by members of the minority party in the same manner as inquiries from members of the majority party?

Response: I am currently serving as the Chief of Staff for the Office of Legal Policy. In this capacity, I do not have a full understanding of existing practices or policies regarding responses to congressional correspondence. If I am confirmed, I will work with others in the Department to determine whether we can improve existing procedures and make any changes that will be helpful. If I am confirmed, it is my intent to respond to inquiries from all members, whenever possible, in a manner that is consistent with the Department's obligations and its law enforcement, litigation, and national security responsibilities.

- 2) As Chairman Grassley noted during your confirmation hearing, OLA has, on occasion, taken longer than a year to respond to a Congressional inquiry. You agreed that a year-long response time is too long with respect to any inquiry.

- a) As AAG, what specific steps will you take to ensure faster response times?

Response: Because I am not currently serving in the Office of Legislative Affairs, I do not have a full understanding of existing practices or policies regarding responses to congressional correspondence, and I am not in a position to opine about the specific length of time that a response to a particular inquiry may require. I recognize the importance of timely responses to Congress and will seek to do that in a manner consistent with the Department's responsibilities. If I am confirmed, I will work with others in the Department to determine whether we can improve existing procedures and make any changes that will be helpful.

- b) What do you consider the maximum reasonable time frame for responding to a Congressional inquiry?

Response: Because I am not currently serving in the Office of Legislative Affairs, I am not in a position to opine in response to your question.

- 3) What is OLA's obligation to respond to a Congressional inquiry?

Response: I believe that the Office of Legislative Affairs' obligation is to work with others in the Department to respond to Congressional inquiries in a respectful manner, consistent with the Department's responsibilities.

- 4) In what circumstances may the Department of Justice decline to answer a Congressional inquiry? What is your understanding of the bases on which the Department may decline to answer?

Response: Because I am not currently serving in the Office of Legislative Affairs, I am not in a position to respond fully to this question. My understanding is that, based on long standing policies and practices across administrations of both parties, the Department maintains the confidentiality of some types of information in order protect the independence and integrity of its law enforcement, national security, and litigation functions.

- 5) What obligation does OLA have to ensure that the Department of Justice's response to a Congressional inquiry is, in fact, substantively responsive to that inquiry?

Response: See responses to 2 - 4.

- 6) OLA is responsible for articulating the Department of Justice's position on legislation proposed by Congress. The last two individuals confirmed to this position both had decades of legal experience, both in private practice and public service. Are you concerned that your lack of experience practicing law will hinder your ability to perform this function as head of OLA? What experiences have prepared you for this role, and how?

Response: I have had the opportunity to serve in senior staff positions in the U.S. House of Representatives and the U.S. Senate, working in both personal offices and for the Senate Judiciary Committee. Over the last 13 years, I have garnered a wide range of legislative, policy, and oversight experience, and I believe that this perspective will serve me well if confirmed as Assistant Attorney General for the Office of Legislative Affairs. I am hopeful my experience and dedication to my work will be of mutual benefit to the Department, the Senate Judiciary Committee, and Congress. I will, of course, expect to consult frequently with the Department's fine lawyers in the course of fulfilling my duties.

- 7) What is OLA's role in assisting nominees with the preparation of responses to written Questions for the Record (QFRs)?

Response: Because I am not currently serving in the Office of Legislative Affairs, I am not in a position to respond to your question. In my case, the answers are my own and reflect my views. I consulted others in the Department as I deemed helpful and appropriate.

- 8) In assisting with the preparation of responses to QFRs, is it appropriate for OLA to suggest substantive changes to a nominee's answers?

Response: See response to 7.

- 9) What role did OLA play in the drafting, review, or approval of your responses to written QFRs?

Response: As indicated above in my responses to questions 7 and 8, the answers I am providing in response to these QFRs are my own and reflect my views. I consulted others in the Department as I deemed helpful and appropriate.