

**OPEN HEARING:
NOMINATIONS OF AARON LUKAS TO BE
PRINCIPAL DEPUTY DIRECTOR OF NATIONAL
INTELLIGENCE, JOSEPH KENT TO BE DIRECTOR
OF THE NATIONAL COUNTERTERRORISM CENTER,
OFFICE OF THE DIRECTOR OF NATIONAL
INTELLIGENCE, AND JOHN ANDREW EISENBERG
TO BE ASSISTANT ATTORNEY GENERAL
FOR THE NATIONAL SECURITY DIVISION,
DEPARTMENT OF JUSTICE**

HEARING
BEFORE THE
SELECT COMMITTEE ON INTELLIGENCE
OF THE
UNITED STATES SENATE
ONE HUNDRED NINETEENTH CONGRESS
FIRST SESSION

APRIL 9, 2025

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**OPEN HEARING: ON THE NOMINATIONS OF
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FOR THE NATIONAL SECURITY DIVISION,
DEPARTMENT OF JUSTICE**

WEDNESDAY, APRIL 9, 2025

U.S. SENATE,
SELECT COMMITTEE ON INTELLIGENCE,
Washington, DC.

The Committee met, pursuant to notice, at 2:55 p.m., in Room SH-216, the Hart Senate Office Building, the Hon. Tom Cotton, Chairman of the Committee, presiding.

Present: Senators Cotton (presiding), Warner, Risch, Collins, Cornyn, Young, Budd, Wyden, King, Bennet, and Kelly.

**OPENING STATEMENT OF HON. TOM COTTON,
A U.S. SENATOR FROM ARKANSAS**

Chairman COTTON. This hearing will come to order.

I want to welcome our nominees: Aaron Lukas, to be Principal Deputy Director of National Intelligence; Joe Kent, to be Director of the National Counterterrorism Center; and John Eisenberg, to be Assistant Attorney General for National Security at the Department of Justice.

As an initial matter, Committee rule 5.4 states that unless otherwise ordered by joint determination made by the Chair and Vice Chair, no confirmation hearing shall be held sooner than seven calendar days after receipt of the background questionnaire, financial disclosure statement, and responses to additional prehearing questions. While the Committee received most of the nominees' materials at least seven days in advance, we received a final batch of documents within that seven-day timeframe. Nevertheless, the Vice Chairman graciously has agreed to a joint determination to hold this hearing so we can get them done before our upcoming recess.

Also, I would like to remind all those in attendance, that while you are welcome to observe today's hearing, Vice Chairman Warner

and I are in agreement that we will not allow disruptions by the audience.

Audience members may not verbally or physically distract from the hearing, including by shouting, standing, raising signs, making gestures or blocking the view of the other members of the audience or otherwise annoying the Chairman. Those who do so will be immediately escorted from the room.

Our goal in conducting this hearing is to enable the committee to begin consideration of the nominees' qualifications and to allow for our Members' thoughtful deliberation. Each nominee here has provided substantive written responses to dozens of questions presented by the committee. Today, of course, Members will be able to ask additional questions and hear from the nominees.

The nominees before the committee today are exceptionally well qualified, capable, and impressive individuals with accomplished careers in public service. Their records and achievements speak for themselves.

First, Mr. Lukas has made an outside impact on our national security through his service as a career CIA officer and station chief and through joint duty rotations at the National Security Council and the Office of the Director of National Intelligence. With more than 20 years of intelligence experience, Mr. Lukas has the knowledge, know-how, and expertise needed to assist Director Gabbard in returning our intelligence community to its core mission of aggressively stealing secrets from our adversaries. He is joined today by his wife.

This Committee is eager to see the return of the ODNI to its original size, scope, and mission, which is why I am pleased to support President Trump's decision to nominate Mr. Lukas to be the Principal Deputy Director of National Intelligence.

Next, Mr. Kent's 20 years of military service during the War on Terror provides him with the experience and knowledge needed to lead the fight against terrorism as the Director of the National Counterterrorism Center. Serving as a Green Beret and later CIA officer, Mr. Kent has dedicated his entire career to courageously hunting down terrorists and keeping Americans safe. He knows firsthand the threat that terrorism presents to our homeland and the devastation it causes. His first wife, Shannon Kent, was killed while serving in Syria in 2019, for which we all express our continued sympathy and gratitude for her service.

Mr. Kent is a soldier and patriot. He is the right person to lead the National Counterterrorism Center.

Last but not least, Mr. Eisenberg's national security expertise as legal counsel has proved indispensable to the President and senior government officials. In the first Trump administration, Mr. Eisenberg served as the legal advisor to the National Security Council, assistant to the President and deputy counsel to the President for national security affairs.

He also previously served at the Department of Justice where he advised the Attorney General and numerous other senior officials on complex matters, including counsel in the intelligence community. I commend President Trump for nominating Mr. Eisenberg, who has the experience with national security and foreign relations

law necessary to serve as the Assistant Attorney General for the National Security Division at the Department of Justice.

Finally, I want to note that Mrs. Lukas, Mrs. Eisenberg, and Mr. Kent's family are here today to support our nominees. They have also supported our nominees in their years of service to our country, and I thank them all for being here.

I now recognize the Vice Chairman for his opening remarks.

**OPENING STATEMENT OF HON. MARK R. WARNER,
A U.S. SENATOR FROM VIRGINIA**

VICE CHAIRMAN WARNER. Thank you, Mr. Chairman, and I apologize to the Committee, I thought we were going to wait until after the third vote—my mistake—although, obviously, the Democrats didn't fully push it. And I come running in and I think, I just saw Chairman Crawford last night and now Chris Miller. Did you guys switch up on me in the 11th hour? I know you are here to introduce the nominees and the nominees are behind us and I did promise the chairman that I will maybe cut my rant by a minute or two because of my tardiness.

A minute or two only, Jim Risch.

I want to welcome our witnesses and congratulations. As the chairman said, you have all been nominated to serve in very important positions and you have obviously provided service to our country before.

I do want to remind you and I find this to be terribly important. When you raise your hand to serve, you are taking an oath not to one person, but to the Constitution. And every single American who has put their trust in that document. These three positions are all terribly important. They were all created after 9/11 to make sure we wouldn't have that type of tragedy again.

To make sure that we prevent that, I think you all will have to both ensure that you are able to maintain trust not only with the American people but also quite candidly with our allies and partners. You are going to have to inspire a workforce that candidly has been locked in the opening days of this administration. And most importantly, and I will try to drill down on this, you have got to be willing to speak truth to power, even if that means costing your job.

Mr. Kent, you have been nominated to lead the Agency most central to our fight against foreign terrorists. Echoing what Senator Cotton said, I would like to thank you again for your willingness to serve once again and after such a long career in both the military and IC, and echoing the loss that your family took defending our Nation.

Given your background, you clearly have the experience to do this job. I have no question about your patriotism or your commitment. I do have some questions about your judgment, and we will get into that in this hearing.

As I said, when we met, I have particular concerns you made during your congressional campaigns where you called for defunding the FBI and cutting the CIA. Or when you called Zelenskyy a thug—"a thug installed by a U.S.-backed counter-revolution," and obviously, I hope you will clarify those comments in your statement and in your questioning.

Mr. Lukas, as a former CIA officer who has served in the field, you understand better than most the importance of building trust. I've got to ask you, though, how can our allies and partners be expected to trust our world when we do things like threaten to kick Canada out of the Five Eyes or impose tariffs even with the new delay on partners like Australia who we actually have a trade surplus with.

I worry when we see that reliance on our partners when sometimes classified information has been treated so casually and carelessly that literally this information was getting out about an attack on the Houthis while the pilots were flying. It concerns me greatly. And the fact that nobody has been held accountable, that continues to bother me.

And lastly Mr. Eisenberg, your role will take on increased importance in the coming year as your team will be responsible for the reauthorization of FISA section 702. We know that 702 makes up about 60 percent of the President's Daily Brief and obviously it has challenges. I think we made strong reforms, but taking that role is going to be a challenge.

If confirmed, the three of you will not have easy tasks. The world has obviously become more complicated and dangerous. And I question at times the fact that it appears the administration, particularly vis-a-vis our friends and allies, is actually making America less prepared to take on this challenge.

I have shared with my colleagues and I have not had a chance before in a public setting, I was deeply concerned when the President fired the Director and Deputy Director of the NSA and several senior staff at the NSC, including, I would argue, a number of well respected Republican staffers, staffers who worked for Members of this Committee, all because of this individual, Laura Loomer, who claimed that 9/11 was an inside job; claimed that a weather machine controlled by Nikki Haley caused snow storms in Iowa or Italy; that the First Lady of Florida, Casey DeSantis, lied about her cancer; and that school shootings are staged. I don't know that any administration would let anyone with those views within 100 yards of the Oval Office, let alone giving the President a hit list of who to go after.

We also know that one of the President's first actions was celebrating the arrest of the terrorist who planned the Abbey Gate bombings; but the truth is, the President before that time fired the FBI leaders who were in charge of that investigation. I question how any of these actions make our country safer.

They were firing the folks who were responsible for the security of our country's nuclear stockpile or I increasingly worry about the firings and the potential additional firings at CISA when we still have China and potentially other countries deep into our telecom networks and taking advantage of those vulnerabilities.

We have also obviously seen, and I know there are more firings to come at like the CIA. We finally documented that close to \$400,000 to get a CIA officer through security clearance and training. And just firing folks because they have been hired in the last two years, as a former business guy, makes no sense to me.

We also know, and again, we have litigated this at times, but the notion that the information—classified information that was re-

laid on Signal is enormously troubling to me that there has been no accountability. We still don't know if the phones used have been scraped for malware; and we have learned subsequently that there were 20 additional group chats that included discussion of matters like Ukraine and Gaza. Why was that done and why hasn't there been any accountability?

Again, as I mentioned earlier, the firings of people like General Haugh at NSA and Admiral Chatfield at NATO.

I will skip the part where I was down in Hampton Roads where the *Truman* had been deployed from. I am not going to skip any of this. The community there was frankly incensed about this information getting out because they have loved ones on the *Truman* and they know if that information had gotten out and gotten into the hands of the Houthis it could have been a real tragedy.

Again, we know and you all as intelligence professionals and the folks who are going to introduce you know that we are made safer by our collaboration with our allies; and I worry whether our allies are going to continue to share information with us when we don't keep classified information classified—and we will never know for sure what they haven't been willing to share.

So I think the actions of this administration—I appreciate your willingness to serve, but I will continue to come back to that point, that will you be willing to speak truth to power, even if it costs your job, because that is the only way having an independent non-political IC can we actually guarantee national security.

Thank you, Mr. Chairman.

CHAIRMAN COTTON. Thank you.

As the Vice Chairman alluded to, there are ongoing votes on the Senate floor and in addition there is at least one other committee meeting. So if Senators are coming and going, it is not because we find you boring, it is because we have to get through other business and maybe we think that you are going to be easily confirmed on a large bipartisan vote.

Before we get to the witnesses, we do have three distinguished officials to introduce them. For Mr. Lukas, we have the Chairman of the House Intelligence Committee and Congressman from the finest State in the Union, Rick Crawford.

Take it away, Rick.

**STATEMENT OF HON. ERIC A. "RICK" CRAWFORD,
A U.S. REPRESENTATIVE FROM ARKANSAS**

Mr. CRAWFORD. Thank you, Mr. Chairman.

I appreciate the opportunity to introduce the Committee to Mr. Aaron Lukas, the nominee for Principal Deputy Director of National Intelligence. As I am sure you would agree Mr. Chairman, as with oversight of the intelligence community, what our IC today needs is more leadership from Arkansas.

Aaron grew up in Jacksonville, Arkansas, where his family moved before his first birthday. He attended school right next to Little Rock Air Force Base, which likely influenced his interest in serving his nation on the frontlines of our national security challenges.

Aaron attended the University of Texas. I will try not to hold that against him. He traveled the United States and began to ex-

pand his understanding of foreign cultures and languages by traveling and teaching English in former Warsaw pact countries.

Like many in his generation, the al-Qaida attacks on September 11, 2001, drew Aaron to public service. An economist by trade, he began work for the U.S. Trade Representative and was subsequently recruited by the Central Intelligence Agency to work as an analyst. Wanting to expand his service, Aaron moved to the CIA's Directorate of Operations and served globally, with distinction. After proving himself in the field, Aaron was called to leadership, serving in the Office of Director of National Intelligence and the National Security Council staff. Aaron has served under multiple administrations from both parties with the appropriate integrity of an intelligence officer. It certainly will be good to have someone with his operational background in the ODNI leadership. Mr. Chairman, I am confident your committee will give him proper review given his extensive and honorable public service, and with that it is my pleasure to introduce and recommend to the Committee Mr. Aaron Lukas.

Chairman COTTON. Thank you, Mr. Crawford.

You are welcome to stay for all of our festivities. I know you would find them fascinating. But I also know that there is a lot of business in the House and you need to get back over there.

For Mr. Kent, we have the former Director of the National Counterterrorism Center as well as former Acting Secretary of Defense, Christopher Miller.

Mr. Miller, take it away.

**STATEMENT OF HON. CHRISTOPHER MILLER,
FORMER ACTING SECRETARY OF DEFENSE**

Mr. MILLER. Good afternoon, Mr. Chairman and Mr. Vice Chairman, and Members of this incredibly important Committee: I am Chris Miller. I had the privilege of being unanimously confirmed by this Committee and the Senate in August 2020 to serve as the seventh Director of the United States National Counterterrorism Center.

When I left public office in 2021, I vowed never again to appear before Congress but when your Army buddy Joe Kent, an Army buddy who is universally known in the Fifth Special Forces Group, that was the organization that we served together in, he was known as the best soldier in the unit. When he asks you to introduce him for this confirmation hearing for the same position I once held, it was incomprehensible for me to say no.

Joe, this is an honor of a lifetime. Thank you for your willingness to reenter public service after an enormously impactful career as an Army Green Beret and a member of our Nation's most elite counterterrorism and hostage rescue task force, followed by continued service in harm's way after your retirement from the Army as a CIA paramilitary officer.

I was beyond gratified when after you left public service, you decided to run for Congress to represent a new generation of Americans that surely understand the life and death consequences of the decisions that are made in these chambers. Your willingness to run for elected office when you experienced the essence of our political experiment that those sitting before me know all so well was an

act of commitment and moral courage that oftentimes concerned me. I was frankly mortified as your good name and stellar reputation for principled leadership and selfless service were attacked. I am sure there were times when embroiled in political combat you thought you would rather be in foreign fields of strife in battle. But I was always reminded of President Theodore Roosevelt's thoughts about being in the arena and it is not the critic that counts.

Thanks for being the defining leader of your generation. And thank you, the Members of this important committee, for your willingness to be in the arena and your service to our Nation in this time of profound change and risk. It is with enormous honor and humility that I introduce Joe Kent for your consideration to be the next Director of the National Counterterrorism Center, one of the most unknown yet impactful organizations in the intelligence community.

Established by this Committee after al-Qaeda's 2001 assault on America, it has developed the most cutting-edge tools, processes, and procedures undergirded by a fervently dedicated cadre of analysts to guarantee that our Nation never suffers such a cataclysmic attack again.

But the most dedicated and skilled people, technology or standard operating procedures and frankly support of this Committee are meaningless without thoughtful, purposeful, and principled leadership. With your foresight and support, that leader will be Joe Kent, of the State of Washington. A former Army Green Beret Special Operator and paramilitary officer who has not only consumed intelligence on the ground throughout the world, but has conducted all aspects of the intelligence cycle. He is uniquely qualified to bring an operator's view to the halls of the NCTC.

But he also has a unique perspective on what happens when our intelligence community fails. On January 16, 2019, his soul mate and wife Shannon, a senior Navy Chief Petty Officer and a trail blazer in our Special Operations community, and most significantly, birth mother of their two sons, was killed in northeast Syria when a human intelligence meeting was compromised.

Guaranteeing that no other family ever experiences that unfathomable heartache is Joe Kent's professional purpose in life. Boys, thanks for being the joy of your father's life and his inspiration. Heather, thank you for serving in our Nation's Army and now in your next career, thank you for your love and support of Joe and the boys and being the foundation of such a wonderful family.

I don't need to tell this Committee that we are in the midst of an epic change of the global order and our national security enterprise is woefully behind in transforming to keep pace with the threats. There is no one, and I mean no one, more qualified in this nominee to lead the National Counterterrorism Center into this next era.

This Committee is vital to overseeing the essential eyes and ears of our national security enterprise so we maintain deterrence through world-class intelligence capabilities to provide decision makers such as yourself and our field commanders with decisive advantage. But the old ways of throwing more money and people at a problem after catastrophic surprise will no longer suffice. We need people with vision and experience. Joe Kent is that person of

vision and experience to lead the women and men of the little known treasure of the National Counterterrorism Center in the future.

Joe Kent is a man of enormous courage, integrity, morality, and understands better than anyone in this room the meaning of sacrifice and importance of accountable leadership. It is with enormous gratitude to our great nation in this Committee that I present to you for your constitutionally mandated role Mr. Joe Kent of Washington for your consideration for service as the ninth Director of the National Counterterrorism Center.

Thank you very much for your time.

Chairman COTTON. Thank you, Mr. Miller.

And for Mr. Eisenberg, we have our own distinguished colleague, Senator Cornyn.

**STATEMENT OF HON. JOHN CORNYN,
A U.S. SENATOR FROM TEXAS**

Senator CORNYN. Thank you, colleagues.

I am pleased to introduce John Andrew Eisenberg, President Trump's nominee to serve as Assistant Attorney General for National Security at the National Security Division of the Department of Justice.

Mr. Eisenberg currently serves as the senior counsel to the Attorney General, Pam Bondi. During President Trump's first term, he served as assistant to the President, Deputy Counsel to the President for National Security Affairs, and as a legal adviser to the National Security Council.

But his government service did not start there. Mr. Eisenberg has a long history of government service, particularly in national security matters. Between 2004 and 2009, Mr. Eisenberg served at the Department of Justice as an Associate Attorney General in the Office of Deputy Attorney General, as a Deputy Assistant Attorney General, the Office of Legal Counsel, and as Counsel to the Assistant Attorney General, and as a Special Assistant for Counterterrorism.

He was a law clerk for Supreme Court Justice Clarence Thomas and for Michael J. Luttig on the U.S. Court of Appeals for the Fourth Circuit. He earned his Bachelor of Science degree in mathematics from Stanford and his law degree from Yale. His wide breadth of experience will serve him well for the challenges that lie ahead.

Our Nation and the Department of Justice face many challenges from unrelenting foreign adversaries who want to weaken the United States. I am confident that Mr. Eisenberg understands the gravity of these threats. He knows firsthand the constant vigilance required and the authorities needed in order for the Department of Justice alongside of the intelligence community to successfully and effectively protect Americans and American interests.

One such example is his understanding of the Foreign Intelligence Surveillance Act, section 702 authority, and its value in the interests of the United States. I have had discussions with FBI Director Patel and CIA Director Ratcliffe about this on a number of occasions and how we must not willingly or inadvertently impair law enforcement and the intelligence community's ability to iden-

tify national security threats in real time. Mr. Eisenberg shares these views and I am grateful for that.

This is just one compelling example of the depth of knowledge and experience that Mr. Eisenberg will bring to this important role in President Trump's administration. I am confident that he will serve our country honorably and always put America first.

Mr. Eisenberg, congratulations on your nomination, and I look forward to voting for it at the first opportunity.

Chairman COTTON. Thank you, Senator Cornyn.

If our witnesses could please take your seats at the table.

Gentlemen, before we move to your statements I need you to answer five routine questions that the Committee poses to each nominee who appears before us. They require a simple "yes" or "no."

First, do you agree to appear before the Committee here or in other venues when invited?

(Chorus of Yes.)

Second, if confirmed, do you agree to send officials from your office to appear before the Committee and designated staff when invited?

(Chorus of Yes.)

Third, do you agree to provide documents and any other materials requested by the Committee in order for us to carry out our legislative and oversight responsibilities?

(Chorus of Yes.)

Fourth, will you ensure that your office and your staff provide such material to the Committee when requested?

(Chorus of Yes.)

Fifth, do you agree to inform and fully brief to the fullest extent possible all members of this Committee of intelligence activities and covert actions rather than only the Chairman and Vice Chairman?

(Chorus of Yes.)

Thank you all very much. After the hearing today, it is my intention to move quickly to convene a Committee business meeting to vote on the nominations and report them to the Senate for a prompt vote there as well.

We will now proceed to opening statements, after which I will recognize Members by seniority at the gavel for five minutes each. We will start with Mr. Lukas, followed by Mr. Kent, and concluding with Mr. Eisenberg.

Mr. Lukas.

**STATEMENT OF AARON LUKAS, NOMINEE TO BE PRINCIPAL
DEPUTY DIRECTOR OF NATIONAL INTELLIGENCE**

Mr. LUKAS. Chairman Cotton, Vice Chairman Warner, and distinguished Members of the Committee: It is an honor to appear before you as President Trump's nominee for Principal Deputy Director of National Intelligence. I want to thank the President for his confidence in me. I also want to thank the Director of National Intelligence, Tulsi Gabbard, for her outstanding leadership of the organization so far.

Finally, and most of all, I am grateful to my wonderful wife Carrie who is here today, and to my five children who, unfortunately, could not attend. Without their steadfast love and support

over the years, I have no doubt I would not be sitting before you right now.

I will confess, it is a strange feeling to be in the public spotlight today. For the past 20-plus years, I have worked as a CIA operations officer in the shadows, never calling attention to my real work, staying away from social media, and being active on the frontlines of intelligence. I've lived my covers, sometimes even operating under different names.

I was honored to serve my country in this past capacity, to support America's political leaders and warfighters alike with unbiased, apolitical intelligence and I was privileged to work with many, many dedicated patriots at the CIA and across other U.S. Government agencies.

Not long ago, Director Gabbard sat before this Committee and discussed her determination to rebuild an intelligence community with a laser like focus on our essential mission, ensuring the safety, security, and freedom of the American people. I whole-heartedly share this vision as do countless other career intelligence officers.

What I have seen from the inside, unfortunately, is an IC that is too often aimless, bloated, risk averse, and disconnected at times from the core mission of intelligence. My aim, if confirmed, is to support Director Gabbard by giving a voice to those unknown and unsung officers doing the hard work of intelligence every day: the operations officers, the analysts, the covert action specialists, the technical collectors, and all those people who support them.

The men and women of the U.S. intelligence community do dangerous, important work that is critical to our Nation's security. But that doesn't mean that all is well within the IC. Over the decades, America's intelligence agencies have morphed into large bureaucracies in which the majority of people have little to no direct connection to how intelligence is collected, analyzed, and presented to policymakers.

Reporting chains have grown unwieldy at times, paralyzing even simple decision making. Managers are incentivized to avoid risk and not rock the boat. Huge sums of taxpayer money are spent on technology projects that at times are outdated before they are deployed or worse, lack any connection from the beginning to the actual need of operators and analysts. Priorities that have nothing to do with intelligence have taken center stage, at times distracting us from mission.

President Trump and Director Gabbard have already taken important steps to reverse the decline of the IC, most notably by getting rid of a toxic diversity, equity, and inclusion political dogma that at best was a distraction and at worst pitted IC officers against one another. I will never forget the first Chief of Station seminar that I attended where the senior most directorate of operations human resources officer blithely informed the attendees that "It does not matter how good your operations are in station. Unless you advance a major DEI reform, you will not get promoted."

Think of that. Chiefs of Station, who also serve, by the way, as DNI representatives are supposed to be in those positions because they have proven they are capable field officers, because they are the best at doing real intelligence work, working with our partners at stealing vital secrets. And until the recently, the official message

was: “Your job really is to advance a political agenda, not to protect the country.”

As one of those field officers and a former analyst, I can tell you there are huge numbers of dedicated patriots in the IC who are thrilled we have an administration that just wants them to get back to work. It wants them to use their talents and skills to protect the American people, to keep politicization out of intelligence, to have high expectations and take reasoned risks. An administration that understands that risky ventures mean there will at times be failures, but that timidity is not an option.

To those dedicated professionals in the IC, I promise you: If confirmed as PDDNI, I will always have your backs even when you fail, as long as you are doing your best for the American people. And I will be supporting a Director who feels exactly the same way.

ODNI has a unique role to play in the IC. It is the institution where all streams of foreign intelligence and law enforcement information come together. The DNI is the President’s principal intelligence advisor and the ODNI presents the President’s Daily Brief. Taking direction from the White House, it sets collection priorities, deconflicts on budgets, works to fund and deploy cutting-edge technology, ensures agencies are respecting the privacy and civil liberties of Americans, and keeps Congress informed so that legislative oversight is meaningful.

These are all important tasks. But since its creation, many have asked whether the ODNI should even exist. My answer to that question is yes, but like the other IC elements, it must be focused on its unique mission. Too often, ODNI has grown without regards to that mission and has engaged in business that properly should be conducted by other agencies. Director Gabbard has said she is committed to ensuring ODNI is focused only on what it can do which will make it a stronger and a more effective leader of the IC. If confirmed, I will give her my full support in this endeavor.

I want to be clear. My aim is to make ODNI better, not to undermine it. What I bring to this role is the perspective of an intelligence officer who has worked both on the frontlines overseas and as a consumer of intelligence at the National Security Council.

For every program, every position, every taxpayer dollar that is spent, I will ask: How does this advance the IC’s core mission?

How does it serve policymakers; and, if it doesn’t, why are we doing it?

I believe asking these questions is how we make the IC stronger and better able to do our duty to protect the American people.

Once again, I thank the Members of the Committee for their consideration, and I look forward to any questions.

[The prepared statement of Mr. Lukas follows:]

**Mr. Aaron Lukas
Nominee for the Position of
Principal Deputy Director of National Intelligence
Statement for the Record
Before the Senate Select Committee on Intelligence
April 9, 2025**

Chairman Cotton, Vice Chairman Warner, distinguished members of the committee: It is an honor to appear before you as President Trump's nominee for Principal Deputy Director of National Intelligence. I want to thank the President for his confidence in me. I also want to thank Director of National Intelligence Tulsi Gabbard for her outstanding leadership of the organization.

Finally, most of all I'm grateful to my wonderful wife Carrie, who is here today, and my five children, who couldn't attend. Without their steadfast love and support over the years, I have no doubt I would not be sitting before you right now.

I will confess, it is a strange feeling to be in the public spotlight today. For the past 20-plus years, I've worked in the shadows as a CIA operations officer, most often overseas on the front lines of intelligence work. I've avoided calling attention to myself, stayed away from social media, and lived my covers – never talking about my real work, sometimes even operating under different names.

I was honored for the chance to serve my country in this capacity – to support America's political leaders and warfighters alike with unbiased, apolitical intelligence – and I was privileged to work with many, many dedicated patriots at CIA and across other U.S. government agencies.

Not long ago, Director Gabbard sat in this room and discussed her determination to rebuild an intelligence community with laser-like focus on our essential mission: ensuring the safety, security, and freedom of the American people. I wholeheartedly share this vision, as do countless other career intelligence officers.

What I have seen from the inside, unfortunately, is an IC that too often is aimless, bloated, risk averse, and disconnected from the core mission of intelligence. My aim, if confirmed, is to support Director Gabbard by giving a voice to those unknown and unsung officers doing the hard work of intelligence every day: The

operations officers, the analysts, the covert action specialists, the technical collectors, and all the people who support them.

The men and women of the U.S. Intelligence Community do dangerous, important work that is critical to our nation's security. But that doesn't mean that all is well with the IC.

Over the decades, America's intelligence agencies have morphed into large bureaucracies in which the majority of people have little to no connection to how intelligence is collected, analyzed, and presented to policy makers.

Reporting chains have grown unwieldy, paralyzing even simple decision making. Managers are incentivized to avoid risk and not rock the boat. Huge sums of taxpayer money is spent on technology projects that are either outdated before they are deployed or, worse, lack any connection to the actual needs of operators and analysts. Priorities that have nothing to do with intelligence have taken center stage, distracting us from mission.

President Trump and Director Gabbard have already taken important steps to reverse the decline of the IC, most notably by getting rid of a toxic diversity, equity, and inclusion political dogma that at best was a distraction, and at worst, pitted IC officers against each other.

I will never forget the first Chief of Station seminar I attended, where the senior most directorate of operations human resource officer blithely informed the attendees that, "It doesn't matter how good your Station's operations are. Unless you advance a major DEI project, you won't get promoted."

Think of that. Chiefs of Stations, who also serve as DNI representatives, are supposed to be in those positions because they've proven they're capable field officers. Because they're the best at doing real intelligence, at working with our partners, at stealing vital secrets. And until recently, the official message they were getting was, "Your job is to advance a political agenda, not protect the country."

As one of those field officers, and as a former analyst, I can tell you: There are huge numbers of dedicated patriots in the IC who are thrilled we have an administration that just wants them to get back to work. That wants them to use their talents and skills to protect the American people, to keep politicization out of

intelligence, to have high expectations and take reasoned risks. An administration that understands that risky ventures means there will at times be failures, but that timidity is not an option.

To those dedicated professionals in the IC, I promise you: If confirmed as PDDNI, I will always have your backs even when you fail, as long as you're doing your best for the American people. And I will be supporting a Director who feels exactly the same way.

ODNI has a unique role to play in leading the IC. It is the institution where all streams of foreign intelligence and law enforcement information come together. The DNI is the president's principal intelligence advisor and ODNI produces the President's Daily Brief. Taking direction from the White House, it sets collection priorities, deconflicts on budgets, works to fund and deploy cutting edge technology, ensures agencies are respecting the privacy and civil liberties of Americans, and keeps Congress informed so that legislative oversight is meaningful.

These are all important tasks. But since its creation, many have asked whether ODNI should even exist. My answer to that question is "yes," but like the other IC elements, it must be focused on **its** unique mission.

Too often, ODNI has grown without regard to that mission and it has engaged in business that properly should be conducted by other agencies. Director Gabbard has said she is committed to ensuring ODNI is focused only on what only **it** can do, which will make it a stronger and more effective leader of the IC. If confirmed, I will give her my full support in this endeavor.

I want to be clear: My aim is to make ODNI better, not to undermine it. What I bring to this role is the perspective of an intelligence officer who has worked both on the front lines overseas and as a consumer of intelligence at NSC.

For every program, every position, every taxpayer dollar that's spent, I will ask: How does this advance the IC's core mission? How does it support policy makers? And if it doesn't, why are we doing it?

I believe that's how we make the IC stronger and better able to do our duty to protect the American people.

Once again, I thank the members of the committee for their consideration and I look forward to questions.

Chairman COTTON. Thank you.
Mr. Kent.

**STATEMENT OF JOE KENT, NOMINEE TO BE DIRECTOR OF
THE NATIONAL COUNTERTERRORISM CENTER**

Mr. KENT. Thank you, Chairman Cotton, and thank you, Vice Chair Warner. I want to thank the President of the United States and DNI Gabbard for the trust in my leadership and for giving me this opportunity to continue my service to our Nation and what I view as the fight of my lifetime and the fight of my generation, and that is the fight against terrorism. Before we get into that, I want to thank Chris Miller for coming here today and saying all those great and wonderful things about me. Twenty years ago, Chris was my battalion commander in Iraq. We were knee deep in that fight, and today, this fight still continues. And it is in the honor of all of those who gave their lives in our nation's longest war, in the war on terror, our generation's war, that I continue this fight for my wife and everybody buried in section 60 at Arlington National Cemetery.

Before I talk about my vision as the leader of the National Counterterrorism Center, I really want to thank my family: My wife Heather is here. Heather served in Iraq, served in Afghanistan. And after we lost my late wife Shannon in a suicide bomber attack in Manbij, Syria, Heather came into our lives. I truly think she is a gift from God. I have been blessed twice. First, by Shannon who gave me my sons Colt and Josh, and then by Heather, coming in and helping us pick up the pieces so we could continue to serve our country. So, I couldn't be more grateful that she is here with us today.

Of all the titles I have had in my lifetime, as Green Beret, as a Special Missions Unit Operator, as a CIA paramilitary operations officer, the best title I have is Dad. And Colt and Josh bless me with that every single time they call me dad. They are here today, too, and I couldn't be more honored. My father Chris Kent is also here. My dad basically has had my back and been my role model for my entire life. So I couldn't be more honored to have my dad here. My mom is tuning in somewhere on C-Span as well. She is taking care of my niece who just joined the world. Amber Grace is the newest addition to the Kent family. So I have got a whole slew of Kents out there watching us on C-Span. So I appreciate all their support and love as well.

Joining us from the great State of Washington, we have got a couple of our local sheriffs that are here as well. We've got Sheriff Garcia and Sheriff Swank. So I can't thank them enough for being here to support us.

I couldn't be more honored to be by President Trump and I think this is a very critical time for us to continue to fight against terrorism. I would like to say that, hey, we have accomplished our mission and terrorism is fading into the rear-view mirror. I know a lot in our national security establishment and I know a lot of people in America are sick and tired of us talking about terrorism and the threat that terrorists face to our country and pose to our country. However, the fight continues and, as a matter of fact, I think

the threat posed by terrorists is even worse than it ever has been in years previous to this.

For the last 4 years we have had a wide open southern border thanks to the policies of the Biden administration. That let in countless terrorists from newly designated foreign cartels and also from violent gangs that have gone so far as taking over entire apartment complexes inside the United States. This is a direct result of the wide open southern border policy that Joe Biden had. And President Trump is committed to identifying these cartels and these violent gang members and making sure that we locate them and we get them out of our country. We deport them by any means necessary. And I am honored to support his quest to do that, to secure our country once more.

We also have massive terrorist threats coming from overseas and a lot of this is due to the debacles of the Biden administration. The withdrawal from Afghanistan was catastrophic. It was a horrible way to end one of our Nation's longest conflicts; however, it has given terrorists sanctuary to ISIS and to several other terrorist groups right now that are exploiting that ungoverned space and the leadership of the Taliban.

We also had the Biden administration's horrible debacle where they brought tens of thousands of unvetted Afghans into the United States of America. NCTC has done their job and they have identified over 1,400 of these Afghans as having ties to ISIS and other terrorist groups. Yet, Biden let them into the interior of the United States.

Same thing with a bunch of ISIS-affiliated Tajiks and Uzbeks who came into the United States of America as well. There is around 600 of them that were also identified by NCTC that are here in America right now because the Biden administration has allowed them to stay inside of our country. Locating these Afghans—locating these Tajiks, Uzbeks, and anyone else who has come into our country who have any ties to any foreign terrorist organization will be one of my top priorities so that we can locate them and we can get them out of our Nation to keep our country safe.

Another major challenge that we have that I am honored to support President Trump's prioritization of is actually securing our border. NCTC plays a vital role in screening and vetting anyone who seeks to come into our country and maintain that database and being able to look into the IC's data and being able to look into local law enforcement data to make sure that we connect all the dots and we don't let any known or suspected terrorists into our country. This is something that the President takes very seriously, and I look forward to supporting him in securing our country and making sure no more terrorists come into the United States of America.

The third mainline of effort that we have in NCTC and I think as a counterterrorist enterprise in general, is we have got to be proactive against the terrorist threats that are emanating from overseas. I already talked about Afghanistan. We have a major terrorist sanctuary there. Due to the failed regime-change policies in Syria, we now have an al-Qaeda affiliate that is being paraded around as the representative of the Syrian government that is ac-

tually being led by a former member of al-Qaeda who was hand-selected by Ayman al-Zawahiri, one of the 9/11 attack planners, who has now been installed as the President.

This sanctuary in Syria poses a major threat to our national security that we have to address, and we have to address this in a very pragmatic way. The past 20-plus years of endless wars and endless deployments overseas have quite frankly not addressed the terror threat that we faced after 9/11 and the terror threat that we face right now.

We have to find a way to strike a reasonable balance and have sustainable counterterrorism efforts that mostly focus on enabling partners, allies, surrogates, and proxies. And underpinning all of this is accurate intelligence. And that is what NCTC and the intelligence community can provide.

Accurate intelligence will prevent us from having more endless wars. It will tell us exactly where the terrorists are overseas so we can take them out before they come here. Accurate intelligence will stop terrorists from coming into our country and accurate intelligence is going to help us run down every single terrorist, every single cartel member that is inside the United States of America and get them the heck out of here.

Again, I am honored to be here. I am honored to be supported by President Trump and DNI Gabbard, and I look forward to our discussion today.

[The prepared statement of Mr. Kent follows:]

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Mr. Joe Kent
Nominee for the Position of
Director of the National Counterterrorism Center
Statement for the Record
Before the Senate Select Committee on Intelligence
April 9, 2025

Chairman Cotton, Vice Chairman Warner, and distinguished members of the Committee, I appreciate the opportunity to testify before you today as the nominee for the Director of the National Counterterrorism Center (NCTC). It was a pleasure meeting with many of you recently.

I want to thank President Trump and Director Gabbard for their confidence in my leadership. I am humbled that they chose me to lead our country's counterterrorism enterprise. And I would be proud to do my part to regain the American people's trust in our Intelligence Community.

To my family and friends, you truly embody the meaning of support, sacrifice and American determination. I am honored that you are standing by me, once again, as I tackle my next challenge. I didn't get here by myself, so let me take a moment to introduce the team that I am blessed to call my family. With me today is my loving wife Heather, who is also a veteran of Iraq and Afghanistan. Thank you for standing by me and loving our sons, Colt and Josh. It is for their future that we fight. My late wife Shannon's parents are also here. Shannon's father, Steve, is a retired Colonel in New York State Troopers. Shannon's mother is a retired schoolteacher. Shannon's sister, Mariah, is working as a 9-1-1 dispatcher in New York. As you can see, they are a family of service. Following the attacks of September 11, Steve served as a ground zero first responder and Shannon and her younger brother Mike immediately enlisted and spent decades fighting our nation's longest war. Both would ultimately lose their lives in this fight. I'm honored to have Steve and Mary here with me today. My wife Heather's parents are here too. Both Terri and Jerry Kaiser spent over two decades in uniform defending our nation. And, as always, my parents are behind me today. Thank you, Mom and Dad, for standing by me as I enlisted at age 18, ran off to war every chance I could, and helped me pick up the pieces after we lost Shannon. To my late wife Shannon, who gave her last full measure for our nation, it is her legacy and sprit that drives me forward each day.

In fact, it is a similar tenacious spirit that brings me here today. I have 20 years of military service in the war on terror, including 11 combat deployments. I have served with the 75th Ranger Regiment, Army Special Forces, and other special operations units. I also served as a CIA paramilitary operations officer. In every assignment, I partnered directly with the Intelligence Community, leveraging real-time information to lead counterterrorism operations in some of the most dangerous environments in the world. That said, out of everything that I have done, I am most proud of being Colt and Josh's Dad. This, above all else, has taught me what true commitment and patience means, especially as a Gold Star Family.

If confirmed, I will harness this experience as Director of NCTC. And I will harness the same grit that I brought to every Special Forces mission, making high-stake decisions under pressure with a deep understanding of how to turn intelligence into action. This is critical because our nation is in peril due to the negligence of the Biden administration. Fortunately, the American people recognized this and elected President Trump with a decisive mandate to restore our nation's security.

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We have our work cut out for us; our southern border previously offered an open door to individuals eager to wreak havoc in our country. Brutal, drug-trafficking cartels fueled a deadly fentanyl crisis across the United States. And the unchecked flow of migrants allowed other violent extremists to find their way into our country as well. For example, a Mauritanian migrant shot a Jewish man on his way to synagogue in Chicago last October after crossing into the United States at San Ysidro and spending more than a year-and-a-half in our country illegally. In June 2024, eight Tajikistan nationals were arrested following the discovery of the group's potential links to ISIS, after having all crossed into our country illegally at the southern border. As DNI Gabbard recently noted while at the border, there was much more to this story. While eight illegals with ties to ISIS were arrested, another several hundred illegals used the same ISIS smuggling network and were released into our nation by the Biden administration despite NCTC doing their job and accurately identifying these potential terrorists.

And our southern border wasn't the only avenue open to terrorists to access the United States. Again, just last October, an Afghan man was arrested in Oklahoma for plotting to carry out an attack on behalf of ISIS on election day. He, like many other Afghans, came to the United States following the Biden administration's debacle of a withdrawal from Afghanistan. This is just one terrorist we were able to stop. The professionals of the NCTC identified over a thousand Afghan refugees that had ties to terrorists that the Biden administration let into our nation. If confirmed, I promise that we will not allow known or suspected terrorists to freely enter our nation.

American citizens inside our own borders and U.S. military personnel stationed abroad face a growing, not diminishing, terrorist threat. Terrorists across continents and ideologies are now more energized than they have been years. The Israel-HAMAS conflict, associated terrorist messaging, and other traditional terrorist narratives continue to drive an elevated threat. Meanwhile, our brave men and women in uniform remain in harm's way in the Middle East as Iranian-backed militant proxies continue Iran's bidding across the region as they have for decades. And we have an al-Qaida offshoot governing Syria more than twenty years after the start of our own war against al-Qaida.

We need clear priorities and efficient resource management going forward so that American taxpayers know their dollars are supporting real measures of success in the fight against terrorism. We need this to ensure the safety, security, and freedom of the American people. We need this to drive intelligence operations that will keep our military out of endless wars. We need this to prevent useless deaths.

If confirmed, I will focus the National Counterterrorism Center on its core mission of protecting the nation against our most pressing terrorist threats. I will emphasize the basics: integrating and consolidating all available terrorism-related information; sharing terrorism analysis with policy makers, war fighters, and law enforcement customers; and leading strategic operational planning for the entire counterterrorism enterprise. I will bring the Center's power to bear against all the designated foreign terrorist organizations, or FTOs, threatening U.S. safety, security, and freedom, including the eight cartels and gangs recently designated as FTOs in February.

If confirmed as Director, I will also commit to holding the entire counterterrorism enterprise accountable for success and transparent communication to all stakeholders. I will commit to leading with integrity and without bias or political influence. I believe this is the only way the Intelligence Community can regain the trust of our ultimate customers, the American people. I view

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this Committee, along with other Congressional committees, as key partners in this goal. If confirmed, I promise to work with Congress on all matters of legislative interest related to terrorism and Intelligence Community oversight. It is this accountability and transparency that the American public deserves.

In closing, Senators, it would be an honor for me to return to the fight against terrorism and a privilege to once again serve our country. Thank you for your time and for your own service to this great nation. I look forward to your questions.

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Chairman COTTON. Thank you.
Mr. Eisenberg.

STATEMENT OF JOHN A. EISENBERG, NOMINEE TO BE ASSISTANT ATTORNEY GENERAL FOR THE NATIONAL SECURITY DIVISION

Mr. EISENBERG. I would like to begin by thanking you, Chairman Cotton and Vice Chairman Warner, for holding this hearing, and I would like to thank Senator Cornyn for his gracious introduction. I would also like to thank President Trump for the honor of this nomination and the Attorney General for her support and her confidence in me.

I am so fortunate to have the love of my life and my best friend here, my wife Kathryn. Somehow, she manages to have a full-time job and take care of the rest of the family. It is no exaggeration to say I wouldn't be here without her support. Her support and encouragement throughout most of my life and during the hardest times have made all the good things in life possible and have made the rest of it livable.

My son Paul and my eldest daughter Sarah couldn't miss school today. I don't remember having that view when I was their age, but that was theirs. My youngest daughter Evie can't be here with us because she has something called 22Q disorder, which is a microdeletion on chromosome 22, and causes developmental delays among a lot of other things. Evie is an inspiration to everyone who knows her. She doesn't let her disability get in the way and she greets just about every day with delight. Paul and Sarah aren't that bad either. Kathryn, Paul, Sarah and Evie are the joys of my life, and without them life itself would be unimaginable to me.

I learned the importance of family from my mom who is about five feet tall and is the most powerful woman that anyone has ever met. No one ever wanted to mess with Rhoda. Because of her, my sister Nancy, my brother Ethan and I couldn't be closer. While my mom passed away more than 10 years ago, I am fortunate to have a stepfather and father who are actually here today who are very supportive. I also count a small number of friends as family, and they know who they are.

I would like to say something about colleagues. There are too many to name here, and I have had the privilege of working alongside in all my years of government service and during my time in private practice. I am truly blessed to have worked with so many who are the embodiment of dedication, blazing intelligence, and integrity. Serving with them has been an honor of a lifetime and I am so grateful to know them.

National security is the thread that runs through my professional life. I was in Alexandria on September 11, 2001, when terrorists attacked our Nation, resulting in the deaths of some 3,000 people in coordinated attacks on the World Trade Center and the Pentagon. I think it is hard for people who weren't adults in 2001. At least I think it is hard for people who weren't adults in 2001 to understand the effect these attacks had on so many of us. It is easy to forget that follow-on attacks were thought to be very likely. Indeed, our success in thwarting other attacks of that magnitude led many to wonder if the threat had been overblown.

But I can't forget that day. I heard explosions caused by a commercial aircraft colliding with the Pentagon and I saw smoke rising from that building. My wife couldn't come home from her office in Washington for hours because the necessary Metro lines go through the Pentagon, and that was still burning. I saw F-16s trailing commercial airliners, I suppose escorting them out of the area. My country had really become a battlefield.

In my past government jobs, I focused on national security. The events of 9/11 instilled in me the need to be part of a response to terrorism. My recent government service has shown me the importance of protecting a nation from myriad threats, and I am deeply committed to the rule of law and the Constitution. But I also believe that the government has a solemn obligation to do what it can within those limits to protect the Nation and its people.

I was in the Department of Justice when it stood up the National Security Division, and I was part of a team that helped propose and implement the necessary changes to bring NSD into the world. It would be a great honor to lead that Division and the dedicated public servants who go to work there every day and who do so because they share the vision of which I spoke to protect this Nation.

To everyone in NSD, I look forward to working together, should I be confirmed, to protect this great nation and its people from the range of national security threats facing them.

I look forward to answering your questions.

[The prepared statement of Mr. Eisenberg follows:]

I would like to begin by thanking you, Chairman Cotton and Vice Chairman Warner for holding this hearing. I would also like to thank President Trump for the honor of this nomination.

I'm so fortunate to have the love of my life and my best friend here—my wife, Kathryn. Somehow, she manages to have a full-time job and take care of the rest of us. It's no exaggeration to say I wouldn't be here without her. Her support and encouragement—throughout most of my life and during the hardest times—has made all the good things possible and the rest livable.

My son, Paul, and my eldest daughter, Sarah, could not miss school today. My youngest daughter, Evie, can't be with us because she has something called 22Q, a microdeletion on chromosome 22, which causes developmental delays among other things. Evie is an inspiration to everyone who knows her. She doesn't let her disabilities get in her way, and she greets just about every day with delight. Paul

and Sarah aren't bad either. Kathryn, Paul, Sarah, and Evie are the joys of my life, and without them, life itself would be unimaginable to me.

I learned the importance of family from my mother, who, at all of 5 feet, was the most powerful person I ever met. *No one* wanted to mess with Rhoda. Because of her, my sister (Nancy), brother (Ethan), and I couldn't be closer. While my mother passed away more than a decade ago, I am fortunate to have both a stepfather and father who are very supportive. I also count a very small number of friends as family. They know who they are, and I thank each of them for their support over the years.

I would also like to say something about the colleagues—too many to name here—I have had the privilege of working alongside in my years of government service and during my time in private practice. I am truly blessed to have worked with so many who are the embodiment of dedication, blazing intelligence, and integrity. Serving with

each of them has been an honor, and I am so grateful to know them.

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In my past government jobs, I have focused on national security. The events of 9/11 instilled in me the need to be part of the response to terrorism. My more recent government service has shown me the importance of protecting the Nation from myriad other threats. I am deeply committed to the rule of law and our Constitution. But I also believe that the Government has a solemn obligation to do what it can within those limits to protect the Nation and its people.

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in NSD and who do so because they share the vision of which I spoke to protect the Nation. To everyone in NSD, I look forward to working together, should I be confirmed, to protect this great Nation and its people from the range of national security threats facing them.

I look forward to answering your questions.

Chairman COTTON. Thank you.

Mr. Lukas, Congress created the Office of the Director of National Intelligence to eliminate stovepipes of intelligence and to ensure integration across the elements while working hand in hand with the Under Secretary of Defense for Intelligence and Security. That's the Director of Defense Intelligence and the principal adviser to the DNI on defense intelligence to ensure that national and military intelligence needs are met. Congress also sought to ensure analytic objectivity standards were set and they were met.

Will you commit to working with this Committee to restore the ODNI to what it was originally intended to be?

Mr. LUKAS. Yes, Chairman, if confirmed I would commit to that.

Chairman COTTON. In your experience is ODNI on the path of becoming just the bureaucracy that it was created to eclipse?

Mr. LUKAS. Thank you, Chairman. As I said in my opening remarks, I had seen ODNI grow over the years, often without regard to its original mission. So, yes, I would agree with that statement. As I said earlier, I believe ODNI has an important role to play, but we need to ensure it is focused on that role and not left to business that is properly left to other IC agencies.

Chairman COTTON. Thank you. One point in particular is the relationship between the IC, the intelligence community, and the Department of Defense. I am not aware of many processes or procedures, at least effective ones, for ensuring the needed collaboration between the DNI and Under Secretary of Defense for Intelligence and Security. What are your thoughts on how we can improve that relationship?

Mr. LUKAS. Senator, I do agree that is a critical relationship. The DOD brings a lot to the intelligence community—a lot of resources, a lot of individuals, a lot of power.

My understanding is that currently there is a weekly sync between the Director's advisers for military affairs and OSD, INS. If confirmed, I would certainly expect that I would also have regular communication with that same office, with the Under Secretary, and I would be willing to work with the Committee to look at whether we need any sort of formal processes or procedures to put in place to ensure that coordination is continuing as it should.

Chairman COTTON. Thank you. Let's turn our attention to China. This year's Annual Threat Assessment stated "China stands out as the actor most capable of threatening U.S. interests globally."

There is of course bipartisan support in Congress for ensuring that the Chinese Communists don't achieve their goals in replacing the United States as the world's dominant economic and therefore military superpower.

What is your opinion on whether the intelligence community is currently properly postured to address the threat posed by Communist China?

Mr. LUKAS. Thank you for the question, Senator.

I have seen over many years as an intelligence officer that the IC has assessed that China is a key adversary and has placed a high priority on collecting and analyzing information to provide to policymakers regarding China's plans and intentions. If confirmed, I would certainly look forward to working with the IC agencies themselves to ensure they are adequately resourced and are plac-

ing those resources in the areas that they need to be, vis-a-vis China. That is of course, if I am confirmed.

I lack that bird's eye view, quite frankly, right now about which agency is doing, but certainly that would be a priority for me if confirmed.

Chairman COTTON. Thank you.

Mr. Kent, I want to turn to the threat of terrorism. China is without question our most serious long-term threat—the only nation that has the size and wealth and power to potentially replace the United States as the world's dominant power. But as you say in your opening statement, the threat of terrorism remains serious and ongoing. To borrow from a quote sometimes attributed to Trotsky: You may not be interested in terrorism any more, but terrorism is still interested in you.

Is that correct and something that Americans need to understand?

Mr. KENT. Thank you, Senator. I think that is 100 percent accurate. I mean, look. We have real threats that come from the Chinese Communist Party and other traditional state actors. However, terrorists want to kill us right now in this moment, and tragically, many of them are already here inside the United States. And there are countless other adversaries we have that are terrorists overseas that are planning to kill us right now. So we have to stay vigilant.

Chairman COTTON. Thank you.

Vice Chairman.

Vice Chairman WARNER. Thank you, Mr. Chairman, and again, gentlemen, thank you for your willingness to serve again.

Mr. Kent, you are currently acting chief of staff to Director Gabbard, right?

Mr. KENT. Yes, Senator.

Vice Chairman WARNER. Was Director Gabbard consulted before General Haugh was fired as NSA Director?

Mr. KENT. I was not aware of any conversations that took place, but that doesn't mean they didn't happen.

Vice Chairman WARNER. I just feel like if she wasn't, I just would be even further concerned that you are taking a 30-year career veteran that had, I believe, almost uniform support, and I think the firing was uncalled for and I would be concerned if the director hadn't been notified.

And we talked about this before, but I just want to go through it again. You participated in a group chat that was the subject of the Atlantic article published by Jeffrey Goldberg on March 24, 2025, correct?

Mr. KENT. Was I in the chat?

Vice Chairman WARNER. Yes.

Mr. LUKAS. I was, Senator.

Vice Chairman WARNER. You were on the chat?

Mr. KENT. Yes, I was.

Vice Chairman WARNER. Did you use a personal phone or a government phone during that chat?

Mr. KENT. There is currently ongoing litigation, Senator, so I really can't give any more details.

Vice Chairman WARNER. I am pretty disappointed by that answer. What about this: Do you know whether your device has been

actually taken and scanned for any malware that might have been put into it?

Mr. KENT. We followed all the security procedures and took all security precautions.

Vice Chairman WARNER. You took all security procedures and did everything appropriate?

Mr. KENT. (Nods in affirmative).

Vice Chairman WARNER. Again, I don't question your patriotism and commitment, but I find that an astounding answer. I mean, there have been reports that there were 20 other group chats that Director Waltz had that included subjects like Ukraine, China, Gaza. Were you involved in any of those chats?

Mr. KENT. I was not.

Vice Chairman WARNER. So any of the other 20 that have been reported, you didn't participate at all?

Mr. KENT. As I said, Senator, there is ongoing litigation right now, so there is not really much more I can say.

Vice Chairman WARNER. Has anyone with classification authority reviewed the information—and I don't have to read through the comments you made in that chat, but others—are you stating before this Committee that information relaying the timing of an attack from American Forces that if it had been discovered could have cost our pilots' lives, and you are still making the statement that none of that was classified?

Mr. KENT. There was no classified information in the chat. And all the circumstances around it are currently under ongoing litigation. So there is not much I can say, Senator.

Vice Chairman WARNER. Again, as I said at the outset, I don't doubt your patriotism, but I really doubt your judgment on that.

I will go to you, Mr. Lukas.

You also said and I was really kind of astounded in your prequestioning hearing, quote, "Based on your experience, the information presented in the media related to The Atlantic article could reasonably have been deemed unclassified."

You have been a CIA agent a long time. Are you familiar with other times when a Defense Secretary was willing to share impending military operations on unsecured devices before the operations took place?

Mr. LUKAS. Thank you, Senator. I am a career intelligence officer, I am not a military officer, so I have not been privy to any war plans in any form, classified or unclassified, so that is really not a question I can comment on.

Vice Chairman WARNER. Let's put it this way: If you as a CIA officer had released this kind of information or put it on an unsecured device, wouldn't you have been reprimanded or fired?

Mr. LUKAS. Senator, really all I can say is both the White House and Department of Defense have said that the information in that chat had not gone through a classification process. I have no reason to doubt that. So otherwise, I—

Vice Chairman WARNER. Giving out—Sir, again, I respect your service. But giving out on an unsecured commercial connected device information that relays the specifics of an American attack on a foreign adversary, that if had gotten out—I would love both of you gentlemen to come down to Virginia Beach and meet with the

800-plus Virginians who I met with who many of them knew sailors on the *Truman* and the crowd was 90 percent veterans.

Gentlemen, your answers would not stand. They would hoot you out of the room when that kind of information is so carelessly handled. Again, I can't believe any of the three of you would on your own have ever done this and I find it really disappointing that you are still standing by the flimsy, careless behavior and somehow defending it.

Thank you, Mr. Chairman.

Chairman COTTON. Senator Collins.

Senator COLLINS. Thank you, Mr. Chairman.

Mr. Kent, you have an extraordinary career serving your country, 20 years in uniform in the war against terror. You also have worked at the CIA. You are now acting chief of staff at the DNI. So with all that experience, when you were part of the group chat on Signal, did it occur to you during the conversation that: Hey, maybe I should say something. Some of the information that is being talked about could jeopardize our warfighters or be useful to the Houthis, or did you have that thought at any point during the discussion?

Mr. KENT. I did not, Senator.

Senator COLLINS. So that raises in my mind whether there is routine use of the Signal application platform in order to have conversations about very sensitive information. Maybe it hasn't gone through a classification review, but if you are talking about war plans, that's pretty sensitive information. Is Signal used commonly to your knowledge for those kinds of discussions?

Mr. KENT. Signal was installed on my government work phone when I received it, Senator. And Signal has pretty adequate two-way encryption, so Signal is routinely used and approved by the chain of command.

Senator COLLINS. Does it concern you that one of the people on the group chat was in Russia at the time? We know that Russia is trying very hard to penetrate our communications systems?

Mr. KENT. There was no classified information discussed on there, Senator, so that was not a concern to me.

Senator COLLINS. Well, I hope this is something, should you be confirmed, that you will take a hard look at.

I, too, have the Signal application on my phone, but I don't use it to discuss highly sensitive information. And I think we need perhaps guidelines that are clearer to members of the intelligence community and to the Department of Defense to make sure that we don't have a repeat of this. I know that at least you must be concerned that there was a reporter on the phone—does that concern you?

Mr. KENT. Most certainly, Senator.

Senator COLLINS. I wanted to turn to a different issue, and as I left to vote you were starting to get into this.

When I look at the most imminent threats facing our Nation right now, to me it is the counterterrorism attack. And ISIS is growing. It is operating in Somalia, Afghanistan, ISIS K, Pakistan, where over 700 attacks in Syria in 2024 alone. Al-Qaeda is re-emerging as well. We know about the Houthis' attacks on our naval ships on the international shipping.

My concern is that we have had a shift away from focusing on counterterrorism and instead on great power competition, which certainly is important. But if I look at what I am most worried about happening tomorrow is a terrorist attack. Could you comment on that issue and how you think we balance the competing needs?

Mr. KENT. Certainly. I share your concerns and I share your view. The terrorist threats posed by al-Qaeda, by ISIS, by the Iranian threat network, they are countless and they are unrelenting. And as you pointed out, they have only grown in recent years because of all the different sanctuary countries that terrorists have been able to cultivate. So I think we have to strike a balance where we have constant vigilance. And I think a lot of this ties back into who we let into our country. I think right now all the lights are blinking red because we had open borders for the last four years and we don't know who is in our country.

When NCTC did what they were supposed to do and they identified terrorist threats, they were ignored by the last administration. So this is why I am concerned.

So focusing heavily on making sure that we locate all the terrorists inside of our country, including the cartels and criminal terrorist gangs, getting them out of our country, securing the border. That is essential. And making sure we keep a finger on the pulse overseas, and we do that by enabling our intelligence community.

Senator COLLINS. Thank you.

Chairman COTTON. Gentlemen, as I alluded at the outset, there is other business on the Senate floor to which I have to attend. I am going to step away and I am going to put the Committee in the capable hands of Senator Budd who graciously agreed to stay for the duration of my absence. I cannot say how long it will be. I guess it depends in part on how persuasive my Democratic colleagues find me over in the Senate. So it may be a long time. But in the meantime, I will recognize Senator Kelly for his five minutes and turn the gavel over to Senator Budd.

Thank you again.

(Senator Budd assumed the Chair.)

Senator KELLY. Thank you, Mr. Chairman.

Mr. Kent, on May 2, 2011, the U.S. conducted Operation Neptune Spear in which Seal Team 6 shot and killed Osama bin Laden. That occurred in Abbottabad, Pakistan.

Mr. Kent, you are a Special Operator; is that correct?

Mr. KENT. That's correct, sir.

Senator KELLY. Would it have been appropriate for the Obama administration to share on an unsecured app 2 hours prior to that mission that Navy Special Operators were in-bound to Pakistan to conduct that specific operation?

Mr. KENT. On an unsecured app, absolutely not.

Senator KELLY. Absolutely not. OK. I just wanted to clarify based on what the Chairman just asked you.

Mr. KENT. Signal is a government-approved, two-way encryption app that wasn't available in 2011.

Senator KELLY. That is an unsecured platform. It's an application available to the general public. And if you have any experience

with the intelligence community, which I think you do, Mr. Kent, is that correct?

Mr. KENT. That's correct.

Senator KELLY. You would understand that it is not a secure platform.

I want to go on to something else. This concerns January 6th. Do you believe that the violence on January 6th was intentionally organized or directed?

Mr. KENT. That is still under investigation. We are looking into whether elements of the government could have enhanced the criminal acuity of some of the rioters that day.

Senator KELLY. You said on Twitter that the FBI and the intelligence community were involved in planning and directing the riot; is that correct?

Mr. KENT. Sounds like something I said, yeah.

Senator KELLY. What evidence do you have for that claim?

Mr. KENT. So we have already identified that there were multiple confidential human informants ran by the FBI and other law enforcement agencies that were present in the crowd that day directing, removing barriers, those types of things. This has been investigated widely. We are continuing to look into it.

The intelligence—I would say the FBI and other elements of the law enforcement apparatus attempted to suppress the fact that there was undercover confidential HUMINT informants that were part of these different groups.

We also had intelligence leading up to January 6th that there was going to be violence that day. So that speaks to some degree of intelligence infiltration into some of these organizations.

Senator KELLY. Who within the FBI?

Mr. KENT. We are looking into that right now.

Senator KELLY. Which departments of the FBI?

Mr. KENT. Probably the Washington Field Office.

Senator KELLY. So you believe the Washington Field Office was involved in the planning of the violence in the building next door on January 6th?

Mr. KENT. It is being looked into. I mean, we had—

Senator KELLY. And who is looking into it?

Mr. KENT. We are in the intelligence community. We are looking into it right now.

Senator KELLY. Do you believe that the IC conducts actions of this nature against Americans?

Mr. KENT. Does the IC—both the FBI and other law enforcement agencies entrapping individuals?

If you look at who was running the Washington Field Office during January 6th, it was Steven D'Antuono. He was also running the field office in Michigan where many of the defendants were let go after they were accused of attempting to kidnap the Governor because of the vast majority of them were undercover FBI confidential informants. So unfortunately this behavior does happen by members of law enforcement and the intelligence community, and it is incumbent upon us to make sure we are transparent with the American people.

Senator KELLY. Mr. Kent, would you be willing to share this evidence of this investigation with this Committee?

Mr. KENT. I look forward to it, Senator.

Senator KELLY. Are you aware that procedures for considering candidates for U.S. security clearances have long considered attempts to overthrow the government as a serious red flag?

Mr. KENT. Yes.

Senator KELLY. Would you have concerns about giving a security clearance to someone who participated in violent acts at the Capitol on January 6th in an attempt to overturn an election?

Mr. KENT. I have consistently condemned anyone who used any act of violence against law enforcement or anyone else.

Senator KELLY. So in your current role as chief of staff to the DNI, you would not be in favor of approving any kind of clearance for somebody who participated in any violence against the United States?

Mr. KENT. No, if you commit an act of violence against a police officer or anybody else, you've got nowhere to go. You get your day in court and that is it.

Senator KELLY. Traditionally, the IC's counterterrorism efforts have focused on foreign terrorist organizations, FTO designated groups. The cartels have now been similarly designated.

Would you seek to expand that to other groups you have proposed treating like terrorists?

Mr. KENT. We have our work cut out for us right now with imminent threats coming from ISIS, al-Qaeda, the Iranian threat network. The cartels and violent gangs were just designated. So, I think if another group rises to the threshold of presenting a threat we present that to the President and give him the option of designating them.

Senator KELLY. Do you think there are other groups that have risen to that level?

Mr. KENT. As of right now, no, I do not.

Senator KELLY. Thank you. Thank you, Mr. Chairman.

Senator BUDD. Senator Cornyn, you are recognized.

Senator CORNYN. Mr. Lukas, as you and I discussed in my office, one of the problems we have had, the U.S. Government has had generally is a lack of trust in our government and government institutions because of the misconduct of individuals who have created a lack of confidence in our intelligence community, including the CIA and other agencies. But my hope is that now that the new administration is in place that that will no longer be the concern that it was previously.

Specifically, you and I talked about FISA 702, the Foreign Intelligence Surveillance Act, 702. In your lengthy experience as an intelligence officer, have you found that authority to be useful?

Mr. LUKAS. Thank you for the question, Senator, and I appreciated our chance to chat in your office. As a career CIA officer, I used information collected under FISA section 702 information on a very regular basis. As I expressed to you in our previous chat, I believe that this authority is critical to U.S. national security. I believe that while valid concerns have been raised at various points about how the process is used, that the reforms that were undertaken last year largely addressed those concerns, and that this is an essential tool that should be reauthorized.

Senator CORNYN. And you don't see a need for any additional reforms at this time?

Mr. LUKAS. Senator, I would just commit that if confirmed that I would be happy to work with the oversight committees to look at whether additional reforms are needed; but personally, I am confident that sufficient safeguards currently are in place to ensure the privacy and the civil liberties of Americans are respected.

Senator CORNYN. Thank you.

Mr. Kent, let me ask you, Senator Kelly talked about foreign terrorist organizations. As you know, the cartels in Mexico have now been designated as such. And obviously the scourge of fentanyl is the leading cause of death of young people between the age of 18 and 45 in this country.

Unfortunately, Mexico has a serious problem with the cartels and the fact that corruption makes it exceedingly difficult for us or for the Mexican government itself to deal with this threat. How would you prioritize the threat of drug trafficking organizations like the drug cartels in Mexico?

How would you approach that and are there things that are not being done now that you think should be done?

Mr. KENT. Thank you, Senator. I agree with President Trump that we have to take on these cartels like we take on terrorists. The cartels have killed hundreds of thousands of Americans over the years with fentanyl, so I am glad we are finally taking this seriously.

So No. 1, I think supporting what is taking place right now on the southern border and making sure we have strong border security so we can prevent the fentanyl from coming into the country. That is essential. I think we also need to work hand-in-hand with the Mexican government. I think most of us in the intelligence community have been pleasantly surprised to see how cooperative the Mexican government has been. It seems they want to take out these cartels as well. So working with the Mexican government, enabling them to take out these cartels, these cartel leaders.

But then I do think we need to trace the precursor trail back to where it originates. Much of the precursors, the ingredients, for fentanyl are coming from China. Some of it is coming from India. We are going to need hard diplomacy. We are going to need to use economic leverage to make sure that we cut off the fentanyl precursors from actually entering Mexico as well.

Senator CORNYN. Mr. Eisenberg, do you agree with me that the People's Republic of China under the control of President Xi and the Chinese Communist Party endeavor to undermine the United States at nearly all costs in order to achieve their ambitions of dominance?

Mr. EISENBERG. Senator, yeah, I certainly agree that China is our main and most existential long-term competitor.

Senator CORNYN. With that in mind, should American entities be investing in sensitive technologies in China only for them to develop, deploy, and weaponize them against us in furtherance of their goals?

Mr. EISENBERG. That is a difficult question that actually I just never looked into.

Senator CORNYN. I know it is a difficult question, that is why I asked you.

Mr. EISENBERG. Can I phone a friend? [Laughter.]

Senator CORNYN. Why don't you lean forward a little bit so that I can hear you.

Mr. EISENBERG. Yes, that is something I would look into if I were confirmed. I can see issues on both sides of it. Why obviously there is a good reason to not do that if you are an American company, for example; but I can also understand why engagement is also a reasonable strategy. But if I were an American company, I would be very, very hesitant to get involved with that.

Senator CORNYN. Unfortunately, the attraction of the huge Chinese market and the money that would be generated from that seems to drive decisions about investments in China. But we have, as you may know, the FIGHT China Act, the Foreign Investment Guardrails to Help Thwart China Act, is one that would provide some outbound investment transparency, particularly with the extensive technologies that we are working on with the administration. Right now we are working with the Treasury Department and others to try to provide technical assistance so we can get this right.

But I look forward to working with you and the rest of the intelligence community to get this done.

I think it is absolutely critical. Inadvertently American companies are providing the financial resources necessary not only to modernize the Chinese economy, but to help them modernize their weapons and their military in a way that would allow them then to achieve their ambition, for example, of taking Taiwan by military force.

It makes no sense to me that we would inadvertently encourage or allow that and be blind to the consequences. So thank you for your answer. And thank you, each of you, for being here and your willingness to serve.

Senator BUDD. Senator King, you are recognized.

Senator KING. Thank you, Mr. Chairman.

Mr. Kent, thank you for your testimony. I walked in from voting when you were talking about the threat of terrorism and I am glad you identified that because I think it is a serious threat and I think we have sort of taken our eye off that ball. So I compliment you on that.

I did want to ask you, though, that you mentioned that withdrawal from Afghanistan. Do you know when that decision was made and who made it?

Mr. KENT. Withdrawal from Afghanistan?

Senator KING. Yes.

Mr. KENT. It appears it was not very well coordinated and it probably wasn't made all at the same time but it was made around August of 2021.

Senator KING. Actually it was made in February of 2020 by President Trump when he signed the Doha Agreement, which basically said we will leave Afghanistan by May of 2021 as long as the Taliban doesn't shoot at us. That discussion did not include the Afghan government. So the decision to leave Afghanistan was actu-

ally made by the Trump administration a year and a half before the actual withdrawal. You are aware of that, I imagine?

Mr. KENT. Actually, it happened in multiple phases. President Trump attempted to get us out ahead of that but then we had members of the intelligence community unfortunately and we had members of the media who spread an extension of the Russia hoax who said that Putin was putting bounties on the heads of American soldiers and that stopped Congress from allocating money—

Senator KING. The Russia hoax?

Mr. KENT. Yeah, the Russia hoax.

Senator KING. The Russia hoax.

Are you aware that on August 2, 2016, President then-candidate Trump's campaign manager Paul Manafort had dinner in New York with an agent of Russian intelligence, Konstantin Kilimnik, and shared the internal polling data of the Trump campaign? Do you still consider that a "hoax"?

Mr. KENT. Senator, the Russia hoax has been widely debunked. What I was talking about in Afghanistan is that we had an agreement with the Taliban—

Senator KING. Not by you—

Mr. KENT. We fought the Taliban from the negotiating table—

Senator KING. Please respond to my question. Are you aware of a dinner between a Russian agent and the chairman of the—

Mr. KENT. Myself and the American people are aware of the origin of the Steele dossier and probably chapter and verse of the Russia hoax. It has been widely debunked.

Senator KING. You have done a pretty good job of not talking about the dinner. Have you ever been involved in politics? Do you know how significant internal polling data is? It tells you where your strengths are, where your weaknesses are, where the battleground States—where the issues are. I think that information being handed over to an agent of Russian intelligence—and by the way this was found unanimously by this Committee in our report on the Russian involvement in the 2016 election.

So let's move on. You mentioned several times there was no classified information in that telephone call, in that Signal chat.

So you don't consider the timing of an attack, the weapons being used, and when those weapons are going to be deployed as sensitive and otherwise classified?

I realize it wasn't formally classified, but if you had done that as a junior staffer at the National Security Council, wouldn't you have been fired—to hand out that kind of information on an unsecure public platform?

Mr. KENT. There was no classified information in that Signal chat.

Senator KING. So—so, telling an adversary when the attack is going to happen, that is not classified?

I mean, you are saying it is not classified. You are just giving it a bit of semantics; but any person in this room would tell us that attack plans involving timing and weapons would be of immense value. If it had been the Houthis instead of Jeff Goldberg, we would have lost pilots in that strike, would we not?

Mr. KENT. There was no classified information and it is currently under litigation, Senator. So I can't say much more about the Signal chat.

Senator KING. And you can't tell us what telephone you were using? What possible litigation excuse is there for not telling us what phone you were using?

Mr. KENT. The details of the Signal chat are currently under litigation. There is not much more I can say.

Senator KING. What is the litigation?

Mr. KENT. There is litigation against multiple members that were in the chat group right now.

Senator KING. You say it is not classified. If it walks like a duck and looks like a duck and quacks like a duck, it is classified.

Mr. Eisenberg, the Annual Threat Assessment tells us that our adversaries, Russia, China, Iran, are stepping up covert influence, and yet in the administration in the Department of—I guess I would call it the department formally known as Justice—the administration disbanded the Foreign Influence Task Force and it has also stopped U.S. enforcement of the Foreign Agents Registration Act.

How is that possibly going to make this country safer in light of the intelligence community's assessment a month ago that foreign influence was a rising threat to this country? I call that unilateral disarmament.

Mr. EISENBERG. Senator, I believe the memo you are referring to—

Senator KING. Could you get closer to your microphone, please?

Mr. EISENBERG. Sure. Can you hear me?

Senator KING. Yes, please.

Mr. EISENBERG. The memo you referred to doesn't end all FARA enforcement. It limits FARA criminal enforcement to a specific set of works like traditional espionage with foreign powers. It really doesn't end all FARA enforcement. And the fact—

Senator KING. It narrows FARA enforcement, does it not?

Mr. EISENBERG. Yes, it narrows it. And the fact that an entity no longer exists doesn't mean that people that have the skills that were previously in the department are no longer there.

Senator KING. Do you know whether or not those people are there or have they been fired?

Mr. EISENBERG. I do not. I am not in ISD now and I do not know.

Senator KING. Thank you. Thank you Mr. Chairman.

Senator BUDD. Thank you. I recognize myself. Thanks to each of you for your service and for your willingness to continue to serve.

Mr. Eisenberg, you mentioned about the threat from China, but if you would elaborate a bit on that, and also talk about what changes or priority shifts are necessary to posture the U.S. to counter the threat posed by the CCP?

Mr. EISENBERG. I think, first of all, I should say that it has been about four years since I reviewed intelligence, but it is clear that China is our main strategic competitor in the world and wishes us a long and happy retirement in which we buy their goods and they don't sell ours there. And I think that is a situation in which we should use all instruments of national power in order to help the United States get better footing in that war—in that battle. What

exactly that looks like is something I can't say at the moment. It would be something I would look into if I am confirmed.

Senator BUDD. Thank you. Mr. Lukas, same question, particularly the part about what priority shifts are necessary to posture us to better counter the threat posed by the CCP.

Mr. LUKAS. Thank you, Senator. I do recognize and the intelligence community recognizes that China is America's strategic adversary. I can assure you that the IC is currently postured in a way that prioritizes collection on China across many fronts in terms of what additional posturing we might need to do in that area.

Unfortunately, I am not in a position to comment on that right now. But if confirmed I would be happy to work with the committee and meet one-on-one to come up with a plan for moving forward in that area.

Senator BUDD. Thank you.

Mr. Kent, I enjoyed time with you several weeks ago.

As an experienced professional in the counterterrorism fight, what do you see are the benefits of applying the CT mindset that you used over the years to a counternarcotics problem that we see coming from the southern border—or maybe even the northern border, just the CT to the counternarcotics challenge.

Mr. KENT. Thank you, Senator. I also enjoyed our conversation in your office.

I think we learned a lot of lessons over the 20-plus years about how we defeat decentralized networks, the best way to attack those nodes. And in particular the best way to integrate intelligence, intelligence fusion, and making sure that intelligence is getting in the hands of those who are on the frontlines, whether that it is guys overseas kicking in doors or whether it is in the hands of our patrolmen and sheriffs deputies that are out there patrolling in our streets.

Senator BUDD. Thank you for that.

Mr. Lukas, back to you. I enjoyed your opening comments and also your history. So you have been there. You have done that. But let me get your thoughts as a potential PDDNI, if confirmed.

You are going to be responsible for the IC's budget—at least for crafting it. So what is your vision for making it more efficient while still being assured that we have the most effective intelligence capability?

Mr. LUKAS. Thank you, Senator. If I am confirmed as PDDNI, of course, my primary role would be to support Director Gabbard in her overseeing of the U.S. intelligence community budget.

I think the key role for ODNI, the important thing to remember is deconfliction. That is what ODNI needs to do. We need to make sure from that position that the various agencies—the 18 agencies of the intelligence community—are not wasting money, spending on things that are duplicative. And that is the unique value that ODNI brings to that. So if confirmed, I pledge to you I will work with both Director Gabbard and with the IC's Chief Financial Officer to ensure that ODNI is carrying out that duty in a diligent way.

Senator BUDD. So, I think in life having a to-do list is second to having a stop doing list. Do you have in this setting anything that you could share with us that would be on the stop doing list?

Mr. LUKAS. Senator, I have over the years seen a lot of things that I think the IC should probably stop doing. Unfortunately, in this setting it is very difficult to speak about those because some of those are vulnerabilities and things that we would not like to discuss in an open hearing. I would be happy to come back to meet with you—

Senator BUDD. We will talk later.

Mr. LUKAS [continuing]. Or talk later in a classified setting.

Senator BUDD. Understand.

Mr. Kent and also Mr. Lukas, if there is time.

Mr. Kent, you served at the CIA. So how important is it that the IC not be politicized and that policymakers and operations officers are receiving unbiased objective intelligence?

Mr. KENT. Nothing could be more important, Senator. We have to take the politicization out of the intelligence community. We have to make sure that the truth gets up to those who are making policy and to those that are on the frontlines in harm's way. So, if confirmed, you will have my commitment that NCTC will be non-political and focused solely on going after our Nation's enemies.

Senator BUDD. Any thoughts, Mr. Lukas?

Mr. LUKAS. Senator, I absolutely share Mr. Kent's thoughts on that issue. The intelligence community has nothing if it doesn't have the trust of the policymakers that it seeks to serve. It is absolutely important and critical, in fact, for us to provide apolitical, unbiased intelligence that policymakers can rely on.

Senator BUDD. Thank you all.

Senator Wyden.

Senator WYDEN. Thank you, Mr. Chairman.

In my view, Mr. Kent's extremist views which are well known in the Pacific Northwest thoroughly disqualify him from any leadership position, certainly one that addresses who is and isn't a terrorist.

So I am going to begin with your ominous record, Mr. Eisenberg. While working in the Bush administration's Department of Justice, you contributed to memos that authorized illegal surveillance, yet so far you have refused to provide any details about this work. Even worse is that in some cases you have refused to acknowledge that the reforms passed by Congress to address these abuses are actually binding.

So, in 2008 Congress passed legislation reconfirming that the government needs a warrant to conduct surveillance in the United States. That was in direct response to the memo you helped write that said the President has inherent authority to conduct warrantless surveillance.

I sent you a question asking whether the 2008 law requiring a warrant is binding. You said yes, but only to the extent that law is constitutional.

So I would like to give you another chance. Is that law binding, or do you believe there could be some constitutional argument that would allow the President to get around the law?

Mr. EISENBERG. As an initial matter, Senator you are asking me things I worked on 20 years ago that I don't have access to, so it is pretty hard for me to remember all of the details.

Senator WYDEN. It is not a complicated question, sir. It is about whether or not you are for warrantless surveillance, yes or no. Just tell me warrantless surveillance as a policy matter, because this is what it is about.

Mr. EISENBERG. You are asking me if as a policy matter we should have warrantless surveillance?

Senator WYDEN. Yes. Certainly your answer when we got the response said: “Yes, the 2008 law requires a warrant,” and then you qualified it, “only to the extent that the law is constitutional.”

So what is your position on warrantless surveillance?

Mr. EISENBERG. Those are two totally separate questions. Are you asking me as a policy matter what I think about warrantless surveillance or are you asking me as a legal matter?

Senator WYDEN. Is the law binding or do you believe that there could be some constitutional argument that would allow the President to get around the law?

Mr. EISENBERG. Senator, so, without being able to talk to a bunch of other lawyers and think about all of the possible circumstances, I am just unwilling to say that a law could never be unconstitutional as applied. There is always a possibility for some application to be unconstitutional, and I think the careful lawyer would always note that.

Senator WYDEN. That is not what the law says. In 2015, Congress passed legislation prohibiting bulk collection of phone and email records. This was in direct response to the revelation that the government had collected the records of millions of innocent Americans.

So here I ask you whether bulk collection is as Congress clearly intended, currently illegal. You responded that it depends on the facts and the law, and that it is a hypothetical.

So, again, I would like to give you another chance: Is bulk collection of phone and email records currently illegal?

Mr. EISENBERG. I can't say without thinking more about it. These are complicated questions of constitutional law and statutory interpretation. The OLC opinion on surveillance that we discussed earlier is like 80—70 pages or something. They are long and detailed arguments. It is not something I can give just an off-the-cuff answer with three minutes of looking. Those are difficult questions.

Senator WYDEN. You have been working in these areas for years and years, Mr. Eisenberg.

The reality is these are straightforward propositions embedded in black letter text, and you won't give an answer.

I am going to hold the record open so that you can continue to ruminate on this, which you apparently feel is necessary to answer what I think is a straightforward question.

I will wrap up with one other and we will see what your response is on this:

In October 2022, the Department of Justice issued a policy restricting collection of information on journalists. Director Gabbard said she supported continuing that policy. She said it was essential to protecting press freedoms and maintaining a critical balance between national security and upholding the First Amendment.

Mr. Lukas who is sitting at the table with you agrees with Director Gabbard. So, once again, we are talking about a pretty straight-

forward policy position, and I would like to know what your views are, Mr. Eisenberg.

Mr. EISENBERG. Senator, I am sorry. I can't answer what I think of a policy that I have never had an opportunity even to review.

Senator WYDEN. So Director Gabbard says she supports the policy, but that is immaterial to you?

Mr. EISENBERG. No, that is not immaterial. That is something I would certainly lean into. But you are asking for my opinion and I am just saying I can't do that without having reviewed the actual policy you are asking about. I can't tell you what I think of a policy I have never seen.

Senator WYDEN. You haven't ever heard about this—this is an issue of first impression for you. You never heard about it until this afternoon?

Mr. EISENBERG. The devil is in the details, Senator. So I do not know the details of the policy.

Senator WYDEN. This is black letter text.

Thank you, Mr. Chairman.

Senator BUDD. Thank you. Senator Young.

Senator YOUNG. Thank you, Chairman.

Mr. Eisenberg, the Trump administration has rightly put focus on disrupting and deterring China's malign influence within the United States.

From a legal perspective, and with the tools and authorities of the Department of Justice in mind, what do you see as the most urgent actions—the most urgent actions that we should be pursuing to stop this malign influence, disrupt IT theft, and economic and tech espionage?

Mr. EISENBERG. Thanks for the question, Senator.

For a more complete answer I would certainly want to be able to discuss it with the professionals inside the NSD space.

Senator YOUNG. Okay.

Mr. EISENBERG. But it seems to me that making sure that we have all the intelligence collection that we can in order to find our vulnerabilities and adequate cyber security would be very good starts.

Senator YOUNG. So, an inventory of the cyber capabilities and how would you go about that?

Mr. EISENBERG. I would talk to the people who have those abilities and who are in charge of those around not just in the Department of Justice but around the intelligence community to see the status.

Senator YOUNG. People like—

Mr. EISENBERG. NSA, various other intelligence organizations that do these things.

Senator YOUNG. If confirmed, what laws and regulations do you anticipate relying on in executing your role and NSD's role in this priority of cyber space?

Mr. EISENBERG. Well, Foreign Intelligence Surveillance Act would be one, to be able to collect the necessary intelligence to find our vulnerabilities. Essentially any tool to collect information that we have I think would be very important in order to ascertain, you know, to learn as much as we can about our various vulnerabilities.

Senator YOUNG. And have you reviewed and are you deeply familiar with the laws and regulations that would govern your position, your conduct, and your responsibilities?

Mr. EISENBERG. I am quite familiar with some of them, but—the Foreign Intelligence Surveillance Act, but there are quite a number that the National Security Division administers, so I am more familiar with some than I am with others but fortunately we have a lot of experts around the Department on the various other authorities.

Senator YOUNG. Thank you.

Mr. Lukas, I think we share a view that we need more people from all kinds of backgrounds and experiences as we reform and fix the IC's analytical enterprise, bringing different perspectives and ideas to the fore. If confirmed, can you speak to what your priorities would be in attracting, recruiting, and retaining such a workforce?

Mr. LUKAS. Yes, thank you, Senator and I appreciated our conversation in your office where we talked about this topic.

My view is that particularly the analytical cadre of the U.S. intelligence community needs a wide diversity of background skills and viewpoints. That is quite different than having a political dogma called Diversity, Equity, and Inclusion.

Part of that would be reaching out in terms of our recruitment efforts, looking across the country to universities where the IC has not traditionally been active and looking to just bringing in a much broader community of new analysts who would be able to work on the questions facing our nation.

Senator YOUNG. Thank you. I find that any organization runs best if it is open to free exchange and an honest, even a brutal confrontation with the truth and have heated arguments behind closed doors before important decisions are made and all the rest. And it seems like you embrace that ethic and culture. Is that an accurate characterization?

Mr. LUKAS. Yes, Senator, that is an accurate characterization.

Senator YOUNG. What tangible directions would you recommend to of the Director in furtherance of good decisionmaking as it relates to receiving different ideas and perspectives?

Mr. LUKAS. Advising the, Director, I think it would be critical for her to be in regular contact with the heads of the IC agencies to be understanding how they are conducting their recruitment, what sort of cultures they are trying to build based on objectivity and non-politicization of intelligence. She really needs to dig in and understand what problems the community is facing and I believe we have a Director who is already doing that.

Senator YOUNG. Thank you, Chairman.

Chairman COTTON. Thank you, Senator Young.

Senator Collins has a follow-up question.

Senator COLLINS. Thank you.

Mr. Kent, you had an exchange earlier about our country's withdrawal from Afghanistan. In fact, that withdrawal which was poorly executed and resulted in the deaths of 13 servicemembers occurred during the Biden administration, not the first Trump administration; is that correct?

Mr. KENT. That's correct, Senator.

Senator COLLINS. Thank you.

Chairman COTTON. I bet he is very happy you gave him a chance to correct the record on that one.

Senator Warner, I understand you have one follow-up?

Vice Chairman WARNER. Again, I appreciate everybody's service. I have been pretty disappointed by some of your answers, and I just—Mr. Kent, again, I appreciate your service and you got two great boys there. And you have your absolute right to have the views of, you know, all these bad things emanated from President Biden and frankly on a number of those things, I agree.

But I just say I don't expect a response or comment, but I just cannot believe that if Joe Biden's administration had as carelessly handled classified information that you wouldn't have been one of the first calling for accountability and responsibility. And I am disappointed that that's not the case here.

And again, I will just go back to the comment I made, at the end of the day I imagine all three of you gentlemen will be confirmed. But when you take that oath, it is an oath to a Constitution and not a single individual. And I just hope and pray that when you are in these positions you will be willing to speak truth to power.

Thank you, Mr. Chairman.

Chairman COTTON. Thank you.

Gentlemen, as I mentioned earlier, it is my intention to hold a committee vote on your nominations as soon as possible. Therefore, for planning purposes, any Member who wishes to submit questions for the record after today's hearing please do so by close of business tomorrow. I am confident that we can expect prompt answers from our nominees to those questions for the record.

I do expect, given that many of our Members were absent due to other business this afternoon, you may have a few more of those written questions than normal. So we would appreciate your prompt attention.

Mr. Kent and Mr. Lukas, I expect to move to your nominations when we return from our April work period in our States.

Mr. Eisenberg, you still need to appear before the Judiciary Committee, and we will move promptly forward once that appearance has occurred.

So, thank you all. The hearing is adjourned.

(Whereupon, the proceedings were adjourned at 4:28 p.m.)

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**SELECT COMMITTEE ON
INTELLIGENCE**

UNITED STATES SENATE



**QUESTIONNAIRE FOR COMPLETION BY
PRESIDENTIAL NOMINEES**

**SELECT COMMITTEE ON INTELLIGENCE
UNITED STATES SENATE**

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**QUESTIONNAIRE FOR COMPLETION BY
PRESIDENTIAL NOMINEES**

PART A - BIOGRAPHICAL INFORMATION

1. FULL NAME: Aaron Paul Lukas
OTHER NAMES USED:
2. DATE AND PLACE OF BIRTH: May 18, 1971, Tom's River, NJ
CITIZENSHIP: USA
3. MARITAL STATUS: Married
4. SPOUSE'S NAME: [REDACTED]
5. SPOUSE'S MAIDEN NAME IF APPLICABLE: [REDACTED]
6. NAMES AND AGES OF CHILDREN:

<u>NAME</u>	<u>AGE</u>
[REDACTED]	[REDACTED]

7. EDUCATION SINCE HIGH SCHOOL:

<u>INSTITUTION</u>	<u>DATES ATTENDED</u>	<u>DEGREE RECEIVED</u>	<u>DATE OF DEGREE</u>
Texas A&M University	1989-1993	BA Political Science	July 1993
The George Washington Univ	1995-1997	MA International Affairs	December 1997

8. EMPLOYMENT RECORD (LIST ALL POSITIONS HELD SINCE COLLEGE, INCLUDING MILITARY SERVICE. INDICATE NAME OF EMPLOYER, POSITION, TITLE OR DESCRIPTION, LOCATION, AND DATES OF EMPLOYMENT).

<u>EMPLOYER</u>	<u>POSITION/TITLE</u>	<u>LOCATION</u>	<u>DATES</u>
Students for Central & Eastern Europe	Director	Prague, Czech Republic	1993-1995

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Cato Institute	Intern	Washington, DC	1995-1996
Cato Institute	Webmaster	Washington, DC	1996-1997
Cato Institute	Policy Analyst	Washington, DC	1996-2002
U.S. Trade Representative	Chief Speechwriter	Washington, DC	2002-2004
Central Intelligence Agency	Analyst	McLean, VA	2004-2005
Central Intelligence Agency	Operations Officer	Multiple Global	2005-Present
ODNI	Chief of Staff	McLean, VA	2020
National Security Council	Dep Senior Director/ Acting Senior Director	Washington, DC	2020-2021

9. GOVERNMENT EXPERIENCE (INDICATE EXPERIENCE IN OR ASSOCIATION WITH FEDERAL, STATE, OR LOCAL GOVERNMENTS, INCLUDING ADVISORY, CONSULTATIVE, HONORARY, OR OTHER PART-TIME SERVICE OR POSITION. DO NOT REPEAT INFORMATION ALREADY PROVIDED IN QUESTION 8).

N/A

10. INDICATE ANY SPECIALIZED INTELLIGENCE OR NATIONAL SECURITY EXPERTISE YOU HAVE ACQUIRED HAVING SERVED IN THE POSITIONS DESCRIBED IN QUESTIONS 8 AND/OR 9.

I have served for 21 years with the Central Intelligence Agency and have held a TS/SCI clearance throughout my tenure. At CIA, I have worked as an Analyst (2004-2005) and as an Operations Officer (2005-present) and have experience/training in all of the IC's core missions: conducting all-source analysis, intelligence collection, and covert action. While most of this work was classified, I would be happy to elaborate more fully in the appropriate setting. In addition to CIA, I worked both as Chief of Staff at the Office of the Director of National Intelligence and at the National Security Council, where I gained first-hand experience directing the IC and seeing how policy makers utilize intelligence to inform their decision making.

I most recently was a CIA Station Chief / DNI Representative in a former Soviet country. I am certified in CIA's most rigorous operational tradecraft required to operate in the hostile counterintelligence environments and also have training/experience in the conduct of high-threat meetings. I have extensive counterintelligence training and have served as intelligence advisor/briefer to two ambassadors. During my tenure as an analyst, I contributed work on more than one occasion to the President's Daily Brief. I have extensive experience collaborating with private industry and across U.S. Government agencies, including with NSA, FBI, DIA, State INR, and others. I understand intimately the value of ground-level intelligence and how to work with collectors, targeters, and analysts from multiple organizations to advance the shared mission of protecting the United States via focused, high-quality intelligence support.

11. HONORS AND AWARDS (PROVIDE INFORMATION ON SCHOLARSHIPS, FELLOWSHIPS, HONORARY DEGREES, MILITARY DECORATIONS, CIVILIAN SERVICE CITATIONS, OR ANY OTHER SPECIAL RECOGNITION FOR OUTSTANDING PERFORMANCE OR ACHIEVEMENT).

CIA has recognized my work with 13 exceptional performance awards, two meritorious unit citations, and multiple language achievement awards. ODNI bestowed a DNI's Distinguished Achievement Award for my work on organizational reform. Texas A&M awarded me the Lechner Fellowship (four-year scholarship).

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12. ORGANIZATIONAL AFFILIATIONS (LIST MEMBERSHIPS IN AND OFFICES HELD WITHIN THE LAST TEN YEARS IN ANY PROFESSIONAL, CIVIC, FRATERNAL, BUSINESS, SCHOLARLY, CULTURAL, CHARITABLE, OR OTHER SIMILAR ORGANIZATIONS).

<u>ORGANIZATION</u>	<u>OFFICE HELD</u>	<u>DATES</u>
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N/A		
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13. PUBLISHED WRITINGS AND SPEECHES (LIST THE TITLES, PUBLISHERS, BLOGS AND PUBLICATION DATES OF ANY BOOKS, ARTICLES, REPORTS, OR OTHER PUBLISHED MATERIALS YOU HAVE AUTHORED. ALSO LIST ANY PUBLIC SPEECHES OR REMARKS YOU HAVE MADE WITHIN THE LAST TEN YEARS FOR WHICH THERE IS A TEXT, TRANSCRIPT, OR VIDEO). IF ASKED, WILL YOU PROVIDE A COPY OF EACH REQUESTED PUBLICATION, TEXT, TRANSCRIPT, OR VIDEO?

Please see attached document for list of written publications; I can provide copies upon request. While I had numerous broadcast media appearances prior to working with the federal government, I do not have a record of these and they do not appear to exist online.

PART B - QUALIFICATIONS

14. QUALIFICATIONS (DESCRIBE WHY YOU BELIEVE YOU ARE QUALIFIED TO SERVE AS THE PRINCIPAL DEPUTY DIRECTOR OF NATIONAL INTELLIGENCE).

For the past two decades, I have served on the front lines of intelligence as a CIA operations officer. I have extensive, direct experience with how the community collects information, analyzes it, and presents finished intelligence to decision makers. I also have worked on covert action programs, both as an executor and from the National Security Council as a policy official. I've utilized and enabled signals intelligence and worked across agencies with nearly all components of the IC. Before that, I worked as an analyst creating and briefing finished intelligence products. These experiences position me to keep a focus on the core missions of intelligence: On the work of the collectors, the analysts, and the covert operators who are at the heart of what the IC should be doing. I've seen what works well, and I've seen where we fall short. If confirmed as PDDNI, I will use this experience to support the DNI by asking about every program, every regulation, and every dollar we spend: Does this advance the mission of the IC?

PART C - POLITICAL AND FOREIGN AFFILIATIONS

15. POLITICAL ACTIVITIES (LIST ANY MEMBERSHIPS OR OFFICES HELD IN OR FINANCIAL CONTRIBUTIONS OR SERVICES RENDERED TO, ANY POLITICAL PARTY, ELECTION COMMITTEE, POLITICAL ACTION COMMITTEE, OR INDIVIDUAL CANDIDATE DURING THE LAST TEN YEARS).

Blake Masters for Senate	\$10 contribution	October 2022
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Nick Freitas for Congress	\$25 contribution	September 2020
Martha McSally for Senate	\$25 contribution	January 2020
Ricky Gill for Congress	\$250 contribution	December 2021

16. CANDIDACY FOR PUBLIC OFFICE (FURNISH DETAILS OF ANY CANDIDACY FOR ELECTIVE PUBLIC OFFICE).

N/A

17. FOREIGN AFFILIATIONS

(NOTE: QUESTIONS 17A AND B ARE NOT LIMITED TO RELATIONSHIPS REQUIRING REGISTRATION UNDER THE FOREIGN AGENTS REGISTRATION ACT. QUESTIONS 17A, B, AND C DO NOT CALL FOR A POSITIVE RESPONSE IF THE REPRESENTATION OR TRANSACTION WAS AUTHORIZED BY THE UNITED STATES GOVERNMENT IN CONNECTION WITH YOUR OR YOUR SPOUSE'S EMPLOYMENT IN GOVERNMENT SERVICE.)

A. HAVE YOU OR YOUR SPOUSE EVER REPRESENTED IN ANY CAPACITY (E.G. EMPLOYEE, ATTORNEY, OR POLITICAL/BUSINESS CONSULTANT), WITH OR WITHOUT COMPENSATION, A FOREIGN GOVERNMENT OR AN ENTITY CONTROLLED BY A FOREIGN GOVERNMENT? IF SO, PLEASE FULLY DESCRIBE SUCH RELATIONSHIP.

No.

B. HAVE ANY OF YOUR OR YOUR SPOUSE'S ASSOCIATES REPRESENTED, IN ANY CAPACITY, WITH OR WITHOUT COMPENSATION, A FOREIGN GOVERNMENT OR AN ENTITY CONTROLLED BY A FOREIGN GOVERNMENT? IF SO, PLEASE FULLY DESCRIBE SUCH RELATIONSHIP.

No.

C. DURING THE PAST TEN YEARS, HAVE YOU OR YOUR SPOUSE RECEIVED ANY COMPENSATION FROM, OR BEEN INVOLVED IN ANY FINANCIAL OR BUSINESS TRANSACTIONS WITH, A FOREIGN GOVERNMENT OR ANY ENTITY CONTROLLED BY A FOREIGN GOVERNMENT? IF SO, PLEASE PROVIDE DETAILS.

No.

D. HAVE YOU OR YOUR SPOUSE EVER REGISTERED UNDER THE FOREIGN AGENTS REGISTRATION ACT? IF SO, PLEASE PROVIDE DETAILS.

No.

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18. DESCRIBE ANY LOBBYING ACTIVITY DURING THE PAST TEN YEARS, OTHER THAN IN AN OFFICIAL U.S. GOVERNMENT CAPACITY, IN WHICH YOU OR YOUR SPOUSE HAVE ENGAGED FOR THE PURPOSE OF DIRECTLY OR INDIRECTLY INFLUENCING THE PASSAGE, DEFEAT, OR MODIFICATION OF FEDERAL LEGISLATION, OR FOR THE PURPOSE OF AFFECTING THE ADMINISTRATION AND EXECUTION OF FEDERAL LAW OR PUBLIC POLICY.

My wife is president of the 501c3, Independent Women's Forum, and vice president of the 501c4, Independent Women's Voice. In this capacity she has testified before Congress on policy issues, including childcare, paid leave programs, and the government's response to Covid. She frequently signs letters related to legislation and other policy matters that are important to American women, representing the position of these organizations and their members and supporters.

PART D - FINANCIAL DISCLOSURE AND CONFLICT OF INTEREST

19. DESCRIBE ANY EMPLOYMENT, BUSINESS RELATIONSHIP, FINANCIAL TRANSACTION, INVESTMENT, ASSOCIATION, OR ACTIVITY (INCLUDING, BUT NOT LIMITED TO, DEALINGS WITH THE FEDERAL GOVERNMENT ON YOUR OWN BEHALF OR ON BEHALF OF A CLIENT), WHICH COULD CREATE, OR APPEAR TO CREATE, A CONFLICT OF INTEREST IN THE POSITION TO WHICH YOU HAVE BEEN NOMINATED.

None.

20. DO YOU INTEND TO SEVER ALL BUSINESS CONNECTIONS WITH YOUR PRESENT EMPLOYERS, FIRMS, BUSINESS ASSOCIATES AND/OR PARTNERSHIPS, OR OTHER ORGANIZATIONS IN THE EVENT THAT YOU ARE CONFIRMED BY THE SENATE? IF NOT, PLEASE EXPLAIN.

N/A

21. DESCRIBE THE FINANCIAL ARRANGEMENTS YOU HAVE MADE OR PLAN TO MAKE, IF YOU ARE CONFIRMED, IN CONNECTION WITH SEVERANCE FROM YOUR CURRENT POSITION. PLEASE INCLUDE SEVERANCE PAY, PENSION RIGHTS, STOCK OPTIONS, DEFERRED INCOME ARRANGEMENTS, AND ANY AND ALL COMPENSATION THAT WILL OR MIGHT BE RECEIVED IN THE FUTURE AS A RESULT OF YOUR CURRENT BUSINESS OR PROFESSIONAL RELATIONSHIPS.

N/A

22. DO YOU HAVE ANY PLANS, COMMITMENTS, OR AGREEMENTS TO PURSUE OUTSIDE EMPLOYMENT, WITH OR WITHOUT COMPENSATION, DURING YOUR SERVICE WITH THE GOVERNMENT? IF SO, PLEASE PROVIDE DETAILS.

No.

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23. AS FAR AS CAN BE FORESEEN, STATE YOUR PLANS AFTER COMPLETING GOVERNMENT SERVICE. PLEASE SPECIFICALLY DESCRIBE ANY AGREEMENTS OR UNDERSTANDINGS, WRITTEN OR UNWRITTEN, CONCERNING EMPLOYMENT AFTER LEAVING GOVERNMENT SERVICE. IN PARTICULAR, DESCRIBE ANY AGREEMENTS, UNDERSTANDINGS, OR OPTIONS TO RETURN TO YOUR CURRENT POSITION.

I have no plans after my government service.

24. IF YOU ARE PRESENTLY IN GOVERNMENT SERVICE, DURING THE PAST FIVE YEARS OF SUCH SERVICE, HAVE YOU RECEIVED FROM A PERSON OUTSIDE OF GOVERNMENT AN OFFER OR EXPRESSION OF INTEREST TO EMPLOY YOUR SERVICES AFTER YOU LEAVE GOVERNMENT SERVICE? IF YES, PLEASE PROVIDE DETAILS.

No.

25. IS YOUR SPOUSE EMPLOYED? IF YES AND THE NATURE OF THIS EMPLOYMENT IS RELATED IN ANY WAY TO THE POSITION FOR WHICH YOU ARE SEEKING CONFIRMATION, PLEASE INDICATE YOUR SPOUSE'S EMPLOYER, THE POSITION, AND THE LENGTH OF TIME THE POSITION HAS BEEN HELD. IF YOUR SPOUSE'S EMPLOYMENT IS NOT RELATED TO THE POSITION TO WHICH YOU HAVE BEEN NOMINATED, PLEASE SO STATE.

Yes. My spouse's position is not related to the position to which I have been nominated.

26. LIST BELOW ALL CORPORATIONS, PARTNERSHIPS, FOUNDATIONS, TRUSTS, OR OTHER ENTITIES TOWARD WHICH YOU OR YOUR SPOUSE HAVE FIDUCIARY OBLIGATIONS OR IN WHICH YOU OR YOUR SPOUSE HAVE HELD DIRECTORSHIPS OR OTHER POSITIONS OF TRUST DURING THE PAST FIVE YEARS.

<u>NAME OF ENTITY</u>	<u>POSITION</u>	<u>DATES HELD</u>	<u>SELF OR SPOUSE</u>
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27. LIST ALL GIFTS EXCEEDING \$100 IN VALUE RECEIVED DURING THE PAST FIVE YEARS BY YOU, YOUR SPOUSE, OR YOUR DEPENDENTS. (NOTE: GIFTS RECEIVED FROM RELATIVES AND GIFTS GIVEN TO YOUR SPOUSE OR DEPENDENT NEED NOT BE INCLUDED UNLESS THE GIFT WAS GIVEN WITH YOUR KNOWLEDGE AND ACQUIESCENCE AND YOU HAD REASON TO BELIEVE THE GIFT WAS GIVEN BECAUSE OF YOUR OFFICIAL POSITION.)

None.

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28. LIST ALL SECURITIES, REAL PROPERTY, PARTNERSHIP INTERESTS, OR OTHER INVESTMENTS OR RECEIVABLES WITH A CURRENT MARKET VALUE (OR, IF MARKET VALUE IS NOT ASCERTAINABLE, ESTIMATED CURRENT FAIR VALUE) IN EXCESS OF \$1,000. (NOTE: THE INFORMATION PROVIDED IN RESPONSE TO SCHEDULE A OF THE DISCLOSURE FORMS OF THE OFFICE OF GOVERNMENT ETHICS MAY BE INCORPORATED BY REFERENCE, PROVIDED THAT CURRENT VALUATIONS ARE USED.)

<u>DESCRIPTION OF PROPERTY</u>	<u>VALUE</u>	<u>METHOD OF VALUATION</u>
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See Schedule A of OGE Form 278.

29. LIST ALL LOANS OR OTHER INDEBTEDNESS (INCLUDING ANY CONTINGENT LIABILITIES) IN EXCESS OF \$10,000. EXCLUDE A MORTGAGE ON YOUR PERSONAL RESIDENCE UNLESS IT IS RENTED OUT, AND LOANS SECURED BY AUTOMOBILES, HOUSEHOLD FURNITURE, OR APPLIANCES. (NOTE: THE INFORMATION PROVIDED IN RESPONSE TO SCHEDULE C OF THE DISCLOSURE FORM OF THE OFFICE OF GOVERNMENT ETHICS MAY BE INCORPORATED BY REFERENCE, PROVIDED THAT CONTINGENT LIABILITIES ARE ALSO INCLUDED.)

<u>NATURE OF OBLIGATION</u>	<u>NAME OF OBLIGEE</u>	<u>AMOUNT</u>
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Mortgage on primary residence. (Currently rented out.)	PNC Bank	\$700,000
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30. ARE YOU OR YOUR SPOUSE NOW IN DEFAULT ON ANY LOAN, DEBT, OR OTHER FINANCIAL OBLIGATION? HAVE YOU OR YOUR SPOUSE BEEN IN DEFAULT ON ANY LOAN, DEBT, OR OTHER FINANCIAL OBLIGATION IN THE PAST TEN YEARS? HAVE YOU OR YOUR SPOUSE EVER BEEN REFUSED CREDIT OR HAD A LOAN APPLICATION DENIED? IF THE ANSWER TO ANY OF THESE QUESTIONS IS YES, PLEASE PROVIDE DETAILS.

No.

31. LIST THE SPECIFIC SOURCES AND AMOUNTS OF ALL INCOME RECEIVED DURING THE LAST FIVE YEARS, INCLUDING ALL SALARIES, FEES, DIVIDENDS, INTEREST, GIFTS, RENTS, ROYALTIES, PATENTS, HONORARIA, AND OTHER ITEMS EXCEEDING \$200. (COPIES OF U.S. INCOME TAX RETURNS FOR THESE YEARS MAY BE SUBSTITUTED HERE, BUT THEIR SUBMISSION IS NOT REQUIRED.)

INFORMATION REDACTED

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INFORMATION REDACTED

32. IF ASKED, WILL YOU PROVIDE THE COMMITTEE WITH COPIES OF YOUR AND YOUR SPOUSE'S FEDERAL INCOME TAX RETURNS FOR THE PAST THREE YEARS?

Yes.

33. LIST ALL JURISDICTIONS IN WHICH YOU AND YOUR SPOUSE FILE ANNUAL INCOME TAX RETURNS.

Virginia.

34. HAVE YOUR FEDERAL OR STATE TAX RETURNS BEEN THE SUBJECT OF AN AUDIT, INVESTIGATION, OR INQUIRY AT ANY TIME? IF SO, PLEASE PROVIDE DETAILS, INCLUDING THE RESULT OF ANY SUCH PROCEEDING.

No.

35. IF YOU ARE AN ATTORNEY, ACCOUNTANT, OR OTHER PROFESSIONAL, PLEASE LIST ALL CLIENTS AND CUSTOMERS WHOM YOU BILLED MORE THAN \$200 WORTH OF SERVICES DURING THE PAST FIVE YEARS. ALSO, LIST ALL JURISDICTIONS IN WHICH YOU ARE LICENSED TO PRACTICE.

N/A

36. DO YOU INTEND TO PLACE YOUR FINANCIAL HOLDINGS AND THOSE OF YOUR SPOUSE AND

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DEPENDENT MEMBERS OF YOUR IMMEDIATE HOUSEHOLD IN A BLIND TRUST? IF YES, PLEASE FURNISH DETAILS. IF NO, DESCRIBE OTHER ARRANGEMENTS FOR AVOIDING ANY POTENTIAL CONFLICTS OF INTEREST.

I will abide by any agreement reached with the Office of Government Ethics to ensure there are no real or perceived conflicts of interest.

37. IF APPLICABLE, LIST THE LAST THREE YEARS OF ANNUAL FINANCIAL DISCLOSURE REPORTS YOU HAVE BEEN REQUIRED TO FILE WITH YOUR AGENCY, DEPARTMENT, OR BRANCH OF GOVERNMENT. IF ASKED, WILL YOU PROVIDE A COPY OF THESE REPORTS?

See attached document.

PART E - ETHICAL MATTERS

38. HAVE YOU EVER BEEN THE SUBJECT OF A DISCIPLINARY PROCEEDING OR CITED FOR A BREACH OF ETHICS OR UNPROFESSIONAL CONDUCT BY, OR BEEN THE SUBJECT OF A COMPLAINT TO, ANY COURT, ADMINISTRATIVE AGENCY, PROFESSIONAL ASSOCIATION, DISCIPLINARY COMMITTEE, OR OTHER PROFESSIONAL GROUP? IF SO, PLEASE PROVIDE DETAILS.

No.

39. HAVE YOU EVER BEEN INVESTIGATED, HELD, ARRESTED, OR CHARGED BY ANY FEDERAL, STATE, OR OTHER LAW ENFORCEMENT AUTHORITY FOR VIOLATION OF ANY FEDERAL STATE, COUNTY, OR MUNICIPAL LAW, REGULATION, OR ORDINANCE, OTHER THAN A MINOR TRAFFIC OFFENSE, OR NAMED AS A DEFENDANT OR OTHERWISE IN ANY INDICTMENT OR INFORMATION RELATING TO SUCH VIOLATION? IF SO, PLEASE PROVIDE DETAILS.

No.

40. HAVE YOU EVER BEEN CONVICTED OF OR ENTERED A PLEA OF GUILTY OR NOLO CONTENDERE TO ANY CRIMINAL VIOLATION OTHER THAN A MINOR TRAFFIC OFFENSE? IF SO, PLEASE PROVIDE DETAILS.

No.

41. ARE YOU PRESENTLY OR HAVE YOU EVER BEEN A PARTY IN INTEREST IN ANY ADMINISTRATIVE AGENCY PROCEEDING OR CIVIL LITIGATION? IF SO, PLEASE PROVIDE DETAILS.

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No.

42. HAVE YOU BEEN INTERVIEWED OR ASKED TO SUPPLY ANY INFORMATION AS A WITNESS OR OTHERWISE IN CONNECTION WITH ANY CONGRESSIONAL INVESTIGATION, FEDERAL, OR STATE AGENCY PROCEEDING, GRAND JURY INVESTIGATION, OR CRIMINAL OR CIVIL LITIGATION IN THE PAST TEN YEARS? IF SO, PLEASE PROVIDE DETAILS.

No.

43. HAS ANY BUSINESS OF WHICH YOU ARE OR WERE AN OFFICER, DIRECTOR, OR PARTNER BEEN A PARTY TO ANY ADMINISTRATIVE AGENCY PROCEEDING OR CRIMINAL OR CIVIL LITIGATION RELEVANT TO THE POSITION TO WHICH YOU HAVE BEEN NOMINATED? IF SO, PLEASE PROVIDE DETAILS. (WITH RESPECT TO A BUSINESS OF WHICH YOU ARE OR WERE AN OFFICER, YOU NEED ONLY CONSIDER PROCEEDINGS AND LITIGATION THAT OCCURRED WHILE YOU WERE AN OFFICER OF THAT BUSINESS.)

No.

44. HAVE YOU EVER BEEN THE SUBJECT OF ANY INSPECTOR GENERAL INVESTIGATION? IF SO, PLEASE PROVIDE DETAILS.

No.

PART F - SECURITY INFORMATION

45. HAVE YOU EVER BEEN DENIED ANY SECURITY CLEARANCE OR ACCESS TO CLASSIFIED INFORMATION FOR ANY REASON? IF YES, PLEASE EXPLAIN IN DETAIL.

No.

46. HAVE YOU BEEN REQUIRED TO TAKE A POLYGRAPH EXAMINATION FOR ANY SECURITY CLEARANCE OR ACCESS TO CLASSIFIED INFORMATION? IF YES, PLEASE EXPLAIN.

Yes, I have taken a TS/SCI Full-Scope Polygraph through the Central Intelligence Agency.

47. HAVE YOU EVER REFUSED TO SUBMIT TO A POLYGRAPH EXAMINATION? IF YES, PLEASE EXPLAIN.

No.

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PART G - ADDITIONAL INFORMATION

48. DESCRIBE IN YOUR OWN WORDS THE CONCEPT OF CONGRESSIONAL OVERSIGHT OF U.S. INTELLIGENCE ACTIVITIES. IN PARTICULAR, CHARACTERIZE WHAT YOU BELIEVE TO BE THE OBLIGATIONS OF THE PRINCIPAL DEPUTY DIRECTOR OF NATIONAL INTELLIGENCE AND THE INTELLIGENCE COMMITTEES OF THE CONGRESS, RESPECTIVELY, IN THE OVERSIGHT PROCESS.

Congress plays a crucial oversight role for the Intelligence Community, ensuring that IC agencies follow the law and do not abuse the considerable trust the American people place in them. Congress further ensures IC agencies are good stewards of the public's money and are properly directing their efforts towards the protection of the country. If confirmed as PDDNI, I will ensure ODNI fully informs Congress, in a timely manner, of everything the IC is doing, and I will be willing to appear before the relevant committees to discuss intelligence matters as requested.

49. EXPLAIN YOUR UNDERSTANDING OF THE RESPONSIBILITIES OF THE PRINCIPAL DEPUTY DIRECTOR OF NATIONAL INTELLIGENCE.

If confirmed as PDDNI, I will support the Director of National Intelligence with integrity and in accordance with the Constitution and laws of the United States. In extensive conversations with the DNI, she expressed a commitment to provide the President and policymakers with timely, independent, unbiased intelligence integrated and drawn from across the Intelligence Community (IC), to support informed decision-making. I strongly align with these goals and if confirmed would do my utmost to support the DNI and help implement her vision for the community, providing advice and assistance as needed drawn from my decades as a career intelligence officer.

Congress created the position of Director of National Intelligence in the wake of 9/11 to first, serve as the leader of the IC responsible for integrating foreign, domestic, and military intelligence and collection across IC elements; and second, to serve as the president's principal intelligence advisor. The role of the PDDNI is primarily to support the DNI in executing these duties, ensuring implementation of the president's priorities and directives as expressed by the DNI. To do this, the PDDNI needs to be in constant contact not only with the senior ODNI staff, but also with counterparts and leaders from across the intelligence community. In short, the DNI sets the direction for the IC based on the president's priorities, and the PDDNI plays a key role in ensuring the intelligence agencies both understand and take action to implement the DNI's instructions.

AFFIRMATION

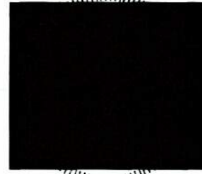
I, AARON LUKAS, DO SWEAR THAT THE ANSWERS I HAVE PROVIDED TO THIS QUESTIONNAIRE ARE ACCURATE AND COMPLETE.

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04/03/2025
(Date)

AARON LUKAS SIGNATURE REDACTED

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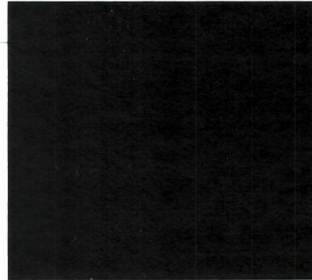
TO THE CHAIRMAN, SELECT COMMITTEE ON INTELLIGENCE:

In connection with my nomination to be the Principal Deputy Director of National Intelligence, I hereby express my willingness to respond to requests to appear and testify before any duly constituted committee of the Senate.

AARON LUKAS SIGNATURE REDACTED

Signature

Date: 04/03/2025



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**SELECT COMMITTEE ON
INTELLIGENCE**

UNITED STATES SENATE



**Additional Pre-Hearing Questions for
Aaron Lukas upon his nomination to be
Principal Deputy Director of National Intelligence**

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Responsibilities of the Principal Deputy Director of National Intelligence

QUESTION 1: Please explain your understanding of the responsibility of the Principal Deputy Director of National Intelligence (PDDNI) in the following capacities:

- A. To assist the Director of National Intelligence (DNI) in carrying out the DNI's duties and responsibilities; and
- B. To act in the DNI's place in the DNI's absence.

The PDDNI is legally obligated to aid the DNI in performing the DNI's tasks and duties, and to step into the DNI's role and exercise her authority when she is unavailable or incapacitated. In practical terms, the DNI and PDDNI jointly oversee the day-to-day operations of the Office of the Director of National Intelligence, focusing on its role in integrating, supervising, and supporting the Intelligence Community. Through this collaboration, the PDDNI provides guidance, support, and reinforcement to the DNI's objectives, ensuring the execution of her strategic goals and vision for both the ODNI and the broader IC. While not statutorily directed, I believe the PDDNI should also play a meaningful role building foreign partnerships and meeting with senior liaison officials as this task is too demanding for the DNI to effectively manage alone. In all duties, the PDDNI must act with integrity and in accordance with the Constitution and laws of the United States.

QUESTION 2: Have you discussed with Director Gabbard her specific expectations of you, if confirmed as PDDNI? If so, please describe these expectations.

In my discussions with Director Gabbard to date, she has expressed an intention to lean into her role as the president's principal intelligence advisor and to pursue common-sense reforms that mitigate against the politicization and weaponization of intelligence. If confirmed, I would expect to support the DNI as required and directed, but especially by managing ODNI's day-to-day business and working with ODNI leadership to ensure the organization is conducting its core functions of deconflicting and harmonizing intelligence efforts and budgets across the community, by conducting partner engagements as directed by the DNI, and by driving responsiveness to congressional oversight. All these duties would be carried out in close consultation with and under the direction of the DNI.

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QUESTION 3: Is your understanding that you and the DNI will divide responsibilities and that you will have a specific portfolio as PDDNI? If so, please describe this portfolio as you understand it. If not, please describe what you believe your primary responsibilities and activities will be, and on what areas you will concentrate.

Beyond the duties of the PDDNI as defined by law, regulation, and policy, I have learned from DNI Gabbard that, if I am confirmed, she would expect me to draw on my professional experience to review IC programs and policies with an eye to assessing how each contributes to (or doesn't) the IC's core front-line missions: collection, analysis, and covert action. She has made clear her expectation that the IC refocus on these activities and question programs that do not meaningfully advance them. If confirmed, I would play a role in advising the DNI in this area. Additionally, I would expect to support the DNI in her commitment to build up the expertise, professionalism, and morale of our workforce – reestablishing a culture of nonpartisanship. All this would require working to foster greater alignment and coordination within the IC, acting as a responsible manager of national resources in administering the annual budget for the National Intelligence Program, and prioritizing transparency with the public and collaboration with Congressional oversight. If confirmed, I aim to embody these principles.

QUESTION 4: What do you expect to be your specific management responsibilities within the Office of the Director of National Intelligence (ODNI)? Is it your understanding that anyone will report to you directly, if you are confirmed?

If confirmed, I will support the DNI in guiding the IC and overseeing the ODNI workforce. Currently, 17 of the 19 deputy directors who lead ODNI components report to the PDDNI. This represents all of the deputy directors except for the IC Inspector General and OEEO, which statutorily report directly to the DNI. Via oversight of these deputy directors, the PDDNI works to execute the vision and directives of the DNI. I would not expect major changes to this arrangement; however, the number of deputy directors may rise or fall in response to organizational changes over time.

QUESTION 5: What will your role and responsibilities be in relation to the Deputy Director of National Intelligence for Mission Integration (DDNI/MI)?

The DDNI/MI is concerned with aligning mission capabilities, shaping enterprise resource and policy decisions, and overseeing the provision of timely, objective, and relevant intelligence. Like other deputy directors, the DDNI/MI would report to me

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if I am confirmed as PDDNI. The DDNI/MI in particular would assist the PDDNI with intelligence support in advance of leading Deputies Committees meetings, before engagements with foreign liaison services, and on those occasions when the DNI is away or unavailable for Oval Office support.

QUESTION 6: What issues have you discovered through your general observation, professional experience, or through your preparation for your confirmation, with respect to the DNI's role in overseeing the Central Intelligence Agency (CIA)?

As a career CIA officer and a former DNI representative overseas, I have been involved in ODNI-led coordination efforts. However, I cannot honestly say that ODNI has major visible impacts on CIA operations. ODNI plays a more obvious role in the coordination of analysis and production of the PDB. Nevertheless, for the most part, rank-and-file CIA officers rarely interact with ODNI and many do not understand its role.

In principle, the DNI supervises the CIA in the same way it oversees the other components of the IC; but culturally, many CIA officers see their agency, not ODNI, as the leader of the IC. I believe the close relationship between Director Gabbard and Director Ratcliffe will lead to more clear differentiation between these two roles and a more productive ODNI/CIA relationship.

QUESTION 7: What issues have you discovered through your general observation, professional experience, or through your preparation for your confirmation, with respect to the DNI's role in overseeing intelligence elements of the Department of Defense (DoD)?

I understand that ODNI and the Department of Defense, via the USD(I&S), collaborate fairly well in managing the DoD's intelligence elements. That said, there likely is potential to enhance coordination in the realm of the intelligence budget and funding framework between the Military Intelligence Program and the National Intelligence Program. Additionally, there is room to further explore and align on collection platforms and strategies to better meet the needs of decision-makers, military personnel, and policy leaders.

QUESTION 8: What issues have you discovered through your general observation, professional experience, or through your preparation for your confirmation, with respect to the DNI's role in overseeing intelligence elements of other departments of the United States Government?

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I do not yet have great insight into how the DNI manages some of the smaller intelligence components across various U.S. Government departments. However, drawing from my experience as both a collector and consumer of intelligence, I believe there may be potential to improve the ODNI's utilization of expertise within these elements. While most IC elements produce finished intelligence, the products produced by the larger organizations often dominate conversations. Bringing the full experience and resources of the IC to bear can help combat group think and contribute to more robust, objective intelligence.

QUESTION 9: Do you believe additional legislation is needed to clarify or strengthen the authorities and responsibilities of the DNI with respect to the IC?

I do not think I currently have the necessary information to determine if new legislation would be warranted to enhance or clarify the DNI's authorities and responsibilities within the IC. If confirmed, I will work with the oversight committees to assess whether the ODNI faces difficulties in executing its duties and identify areas of potential concern. Ongoing evaluation of existing authorities is crucial, particularly given the rapid advancements in technology and evolving threats.

Keeping the Congressional Intelligence Committees Fully and Currently Informed

QUESTION 10: Please explain your understanding of the DNI's obligations under Sections 502 and 503 of the National Security Act of 1947 (50 U.S.C. §§ 3092-93).

Section 502 of the National Security Act charges the DNI with a responsibility to keep the congressional intelligence committees fully and currently informed of all intelligence activities other than covert actions, to furnish the congressional intelligence committees with any information or material concerning intelligence activities other than covert actions requested by the committees to carry out their responsibilities, and to report significant anticipated intelligence activities or significant intelligence failures other than covert action.

Section 503(b) of the National Security Act charges the DNI with keeping the congressional intelligence committees fully and currently informed of all covert actions under her responsibility, including significant failures, and to furnish to the congressional intelligence committees any information or material concerning covert actions which is in ODNI's possession, custody, or control and which is

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requested by either of the congressional intelligence committees in order to carry out its authorized responsibilities.

QUESTION 11: Does the PDDNI have any responsibilities to ensure that all departments, agencies, and other entities of the United States Government involved in intelligence activities in general, and covert action in particular, comply with the reporting requirements in Sections 502 and 503 of the National Security Act of 1947 (50 U.S.C. §§ 3092-93)?

The PDDNI assists the DNI in her critical role in ensuring that all USG departments, agencies, and other entities involved in intelligence activities – including covert actions – comply with reporting requirements and applicable laws, including the National Security Act of 1947.

QUESTION 12: Under what circumstances, if any, do you believe notification should be limited to the Chairman and Vice Chairman or Ranking Member of the congressional intelligence committees?

Notification should be limited to the Chairman and Vice Chairman or Ranking Member of the congressional intelligence committees ONLY in circumstances where the President determines that it is essential to limit access to a covert action finding to meet extraordinary circumstances affecting vital interests of the United States, as authorized by Section 503 of the National Security Act.

SSCI and HPSCI consist entirely of cleared Members who have the duty to oversee the activities of the IC. Barring the circumstances described in statute above, I pledge to inform ALL Members of the congressional intelligence committees equally.

National Security Threats

QUESTION 13: What do you view as the principal threats to national security with which the IC must concern itself in the coming years? Please explain the basis for your views.

The recent Annual Threat Assessment of the IC, as approved by DNI Gabbard, informs my perspectives on the threats to the US in the near term and looking ahead. The most pressing threats come from terrorists, transnational criminal organizations, and cartels, which are directly threatening and harming our citizens. A range of cyber and intelligence actors are targeting our wealth, critical

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infrastructure, telecom, and media. State adversaries and their proxies are also trying to weaken and displace US economic and military power in their regions and across the globe, and both state and nonstate actors pose multiple immediate threats to the Homeland and US national interest. State adversaries have weapons that can strike US territory, or disable vital US systems in space, for coercive aims or actual war. Russia, China, Iran, and North Korea – individually, and collectively – are challenging the US interests in the world by attacking or threatening others in their spheres of influence, with both asymmetric and conventional hard power tactics, and promoting alternative systems to compete with the US, primarily in trade, finance, and security. They seek to challenge the US and other countries through deliberate campaigns to gain an advantage, while also trying to avoid direct war. Growing cooperation between and among these adversaries is increasing their fortitude against the US, the potential for hostilities with any one of them to draw in another, and pressure on other global actors to choose sides.

QUESTION 14: Based on your experience, how has the IC performed in adjusting its policies, resource allocations, planning, training, and programs to address these threats?

Most IC officers are dedicated, patriotic Americans, but the institutions in which they work too often have been slow to adjust to changing threats and new technological realities. Examples include the shift of focus to counter Chinese aggression and espionage, which came years later that it should have, and the current slowness in adopting AI to the intelligence business. The IC currently lags far behind the private sector, and increasingly behind America's adversaries, in adopting this game-changing technology. As the head of the intelligence community and as the President's principal intelligence advisor, the Director of National Intelligence should be a critical link in translating U.S. national security priorities into action inside the IC.

QUESTION 15: Apart from national security threats discussed in your prior responses, and based on your experience in the IC, what do you consider to be the highest priority management challenges facing the ODNI and the broader IC?

Based on my experiences and on discussions with officers across the community, I expect the following two related areas may be high priority management challenges:

-Emerging technology: The convergence of emerging and disruptive tech—like AI, quantum computing, and autonomous systems—will shape the future of intelligence. Integrating these technologies in ways that advance the IC's ability to stay ahead of our adversaries represents a major challenge that will require ODNI leadership.

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-Data: Intelligence is information and America's intelligence agencies collect vast quantities of it. The challenge is no longer simply about managing volume. Intelligence services that can collect, access, exploit, and generate actionable insights the fastest will have a strategic advantage. Since data is fundamental to everything the IC does, ensuring the integrity of data throughout its lifecycle, while also adopting rapid improvements to these capabilities on pace with our adversaries, will be critical to the IC's future success.

Office of the Director of National Intelligence

There has been considerable debate in Congress concerning the appropriate size and function of the ODNI since the enactment of the Intelligence Reform and Terrorism Prevention Act of 2004 (IRTPA). Congress has considered various proposals and reforms to address these issues. In answering the questions that follow, please address the ODNI's staff functions and the specific ODNI components.

QUESTION 16: What is your view of the ODNI's size, organization, and function?

The DNI was created by Congress to supervise and harmonize the operations of the various components of the IC. ODNI sets goals and priorities for collection, analysis, production, and distribution of national intelligence; brings together streams of intelligence and law enforcement information in the NCTC; formulates and manages the implementation of the annual budget for the National Intelligence Program; helps bolster partnerships with foreign intelligence services; and more. Some of these are critical functions that are not duplicated elsewhere. Historically, however, as with all bureaucracies, ODNI has suffered from mission creep, lack of focus, and duplication of effort. If confirmed as PDDNI, I would support the DNI's stated goal of ensuring ODNI is laser-focused on its core missions and sized appropriately to accomplish them.

QUESTION 17: Do you believe that the ODNI has sufficient personnel resources or more personnel than required (including ODNI cadre and IC detailee personnel) to effectively carry out its statutory responsibilities? If not, where does ODNI require additional personnel resources? If so, where should ODNI streamline its personnel?

Under Director Gabbard, ODNI is conducting a mission-focused review of the ODNI components. This includes a review of each component's statutory

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functions, the roles and functions it performs that have a strong Community demand signal and a customer base that relies on them, and other activities that reflect previous Administration priorities and/or tasks that are not deemed as providing value-add for partners. If confirmed as PDDNI, I would consult closely with career ODNI leadership to form an opinion on what is the optimal size and structure of the organization.

QUESTION 18: What are your views on the intelligence budget in the short-, medium-, and long-term? In what areas should the intelligence budget be modified, and how?

If confirmed, I look forward to working with Congress to make sure the intelligence budget is adequate to the threats we face and is responsibly used. There will always be some tension between spending on the current threat landscape and long-term strategic investments that position the IC for the future. There is also a need to balance transparency with the American people about IC spending with the secrecy inherent in classified national security work.

QUESTION 19: What reforms are required to ensure that ODNI's personnel and resources are in line with ODNI's value to the IC?

I do not want to prejudge what personnel/resource reforms ODNI may need. If confirmed, I would look to conduct mission reviews of each ODNI component to gain a clearer picture of the value-added various ODNI elements provide to IC partners. Past reviews have highlighted that some products and services have a clear demand signal from customers, including those beyond the IC -- like the NT-50 agencies and state/local/private sector partners. Mission reviews also can help identify areas of duplication, or where ODNI-driven data calls and requirements are placing an undue burden on IC elements without delivering any clear value to the IC.

QUESTION 20: Describe your understanding of the role played by National Intelligence Managers (NIMs) under ODNI's current structure and organization.

As the principal advisors to the DNI on all aspects of intelligence, NIMs provide IC wide integrated mission input to support the DNI in managing the various mission and programmatic activities of the IC. In partnership with the National Intelligence Council, NIMs are responsible for ensuring the integration and coordination of analytic and collection efforts and serve as mission managers to ensure integration among IC elements and across IC functions, disciplines, and activities for the

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purpose of achieving unity of effort and effect. NIMs advise the DNI on the development of the NIPF and provide both strategic direction and guidance to the IC for mission areas across specified regional and functional portfolios. NIMs advise the DNI, and serve as her proxy, on budget planning and programming efforts, and provide recommendations to the DNI on whether IC activities sufficiently address policymaker priorities, developing and implementing Unifying Intelligence Strategies which inform the ICs planning and budgetary processes. Furthermore, when an event or situation threatens US national security interests and requires an expedited shift in national intelligence posture priorities, or emphasis, the DNI may designate a NIM as National Intelligence Crisis Manager, which offers a temporary expansion of resources, responsibilities, and authorities.

QUESTION 21: If confirmed, what goals do you have for the IC?

If confirmed, my goals for the IC would center around sharpening our collection against evolving threats, producing useful objective analysis, integrating new technologies, strengthening trust with the American people, and ensuring intelligence work aligns with both national security priorities and constitutional values. In other words, my objective is to promote an IC that is well-positioned to protect the American people.

QUESTION 22: What in your view is the appropriate balance between the ODNI's community-management responsibilities and providing flexibility to the daily decision-making authorities of individual IC agency directors?

The role of ODNI should be to serve as a coordinating body while the DNI sets broad priorities for the IC. Under such a system, IC agency directors exercise most decision-making authority for their organizations even as they respond to the DNI's directional guidance. In my view, the ODNI should be seen as a sort of National Security Council for the IC – a relatively lean organization that ensures information is shared, projects and budgets are deconflicted, administration policy is communicated, and results are measured. What community management should not mean is duplicating functions at ODNI that are properly carried out by other IC elements.

QUESTION 23: What do you believe is the appropriate balance between government employees and contractor employees in the ODNI?

Under DNI Gabbard's direction, ODNI is focused on continuing to reduce core contractors, in keeping with Congressional and OMB direction. The overall mission

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review will also focus on ensuring that ODNI has the right mix of government and contract staff. Just to note--This was also a priority for DNI Ratcliffe, and since 2020, ODNI has reduced from more than 900 core contractors to the mid-300s by embracing Performance Work Statement contracting, vice Line of Effort.

QUESTION 24: What do you believe is the appropriate balance between ODNI cadre employees and those on detail or assigned from other government agencies?

This appropriate balance between cadre and detailees is a shifting target and one appropriately determined in consultation with Congress and the IC agencies. If confirmed, I would look streamline the overall workforce while keeping core, necessary ODNI capabilities intact. As part of this, some shifting of responsibilities from detailees to core cadre employees might be necessary. The overall goal would be to make ODNI more efficient, freeing skilled officers to be tasked against more urgent mission requirements throughout the IC.

QUESTION 25: What is your view of the principles that should guide the IC in its use of contractors, rather than full-time government employees, to fulfill intelligence-related functions?

Following on the previous question, I believe the core functions of the ODNI should be run by ODNI cadre employees, not contractors or detailees, both of which serve a purpose in the organization, but not for core ODNI tasks.

QUESTION 26: What do you believe is the appropriate proportionality in the ODNI between cadre employees and detailees from other government entities?

See answers to questions 24-25.

QUESTION 27: What is your assessment of the personnel accountability system presently in place both at the ODNI and within the other IC elements?

Accountability is essential to uphold the integrity of the Intelligence Community. If confirmed as PDDNI, I am committed to conducting a review to assess personnel accountability systems within the ODNI and the broader IC.

QUESTION 28: What actions, if any, should be considered to strengthen personnel accountability as well as ensure fair process in the IC, including matters related to allegations of serious misconduct?

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If confirmed as PDDNI, I am committed to reviewing personnel accountability systems within the ODNI and the IC to determine if any improvements need to be made to strengthen them, and to ensure a fair process to adjudicate allegations of misconduct is in place. Under no circumstances should unprofessional conduct be tolerated at ODNI or within the IC agencies it leads.

Cybersecurity

QUESTION 29: The ODNI has a central role to play in coordinating cybersecurity efforts, particularly with the respective roles of the Director of the National Security Agency and the head of U.S. Cyber Command.

- A. Are there any changes that you would recommend for the DNI's and IC's roles within the nation's cybersecurity authorities and responsibilities?

The IC is responsible for collecting, analyzing, producing, and disseminating intelligence on foreign cyber threats at the appropriate level of classification. The DNI has a responsibility to establish and oversee common cybersecurity standards across the IC, approve all IT architecture purchases, and develop the IC IT architecture to ensure the maximum protection and availability of intelligence under both the National Security Act and FISMA. If confirmed, I am committed to working with the DNI to reviewing in detail the ODNI's and IC's roles within the national cybersecurity mission and identifying any changes that might be beneficial.

- B. What is your view regarding the proposals to end the "dual-hat" relationship between the National Security Agency and U.S. Cyber Command?

If confirmed, I will work with DoD to review the current status of the relationship between US Cyber Command and NSA, with a particular focus on understanding how a termination of the "dual-hatting" arrangement might affect the overall effectiveness of both organizations and any associated operational risks.

- C. What should be the IC's role in helping to protect U.S. commercial computer networks? What cyber threat information (classified or unclassified) should be shared with U.S. private sector critical

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infrastructure entities to enable them to protect their networks from possible cyber-attack?

Robust data sharing and information exchange between the IC and the private sector is vital to protecting critical infrastructure that depends on secure cyber networks. This imperative has gained increasing importance as sophisticated foreign actors continue to target our critical infrastructure. My goal would be to engage with IC experts to determine what information is currently being shared and received, the guidelines that are used to determine that, and identify areas where improvements can be made to optimize the public-private cybersecurity partnership.

Science & Technology and Research & Development

QUESTION 30: How do you assess the state of research and development (R&D) activities within the IC?

The IC has an active ecosystem of R&D activities that seeks to advance the nation's intelligence capabilities. The R&D enterprise consists of both efforts within individual agencies, focused on their unique mission sets, as well as a capability within ODNI that crosses agency boundaries and aims to look over the horizon to identify emerging technologies and critical needs. This model has yielded many successes over the years, but is facing increasing challenges in sustaining US technology leadership due to the rapid emergence of new technologies, the increasingly dominant role of private sector innovation, the need for capital-intensive infrastructure to sustain innovation, and because of increasing competition from China and other near peer nations -- particularly in the areas of AI, microelectronics, and quantum computing.

QUESTION 31: What changes, if any, need to be made in the IC regarding R&D?

Despite various successes, the IC R&D enterprise faces a rapidly expanding set of challenges. Foreign competition is such that the IC no longer has the luxury of time, particularly in the rapidly developing areas of microelectronics, AI, and quantum computing. To maintain the IC's technological edge, the IC R&D enterprise must be increasingly fast, flexible, and agile. It needs to improve its collaboration with the private sector. The IC must build on existing efforts to streamline its R&D acquisitions processes including the recent approval of Other Transaction

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Authorities (OTA) and continue to evolve its procedures for transitioning new technologies into operational use.

IC Missions and Capabilities

QUESTION 32: Please explain your views of the current quality of the IC's intelligence analysis.

The IC often produces high-quality, impactful analysis. But this varies based on many factors, most notably on the quality of the collection that informs the analysis.

QUESTION 33: If confirmed, what steps would you take to improve the IC's intelligence analysis?

If confirmed, I would work closely with the DDNI/MI to ensure that analytic products incorporate views from across the IC, that the views of dissenting agencies are clearly communicated to intelligence consumers, and that the analytic ombudsman process is robust and readily available. I further would charge the DDNI/MI to review analytic training courses with the goal of reinforcing a culture of objectivity and free from politicization. Finally, I would advise the DNI to order a review of compartmentation procedures to examine whether key raw reporting is getting to the analysts who need it.

QUESTION 34: Please explain your views of the current quality of the IC's intelligence collection.

I believe IC collection generally reflects NIPF priorities and thus largely is aimed at the country's most challenging intelligence problems. I would be happy to provide additional thoughts on the state of collection in a classified setting.

QUESTION 35: What are your recommendations for improving the quality of the IC's intelligence collection?

I would be happy to discuss this question in a classified setting.

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QUESTION 36: If confirmed, what role would you have with regard to intelligence collection, and what steps would you take to improve the IC's intelligence collection?

If confirmed, my role would be to support the DNI in ensuring IC operational elements have the resources, personnel, technology, and policy guidance they need to successfully accomplish their collection mission. I would use formal coordination mechanisms, such as the DEXCOM, as well as informal communications with IC counterparts responsible for managing collection programs to make sure I understand the unique challenges and needs of each agency.

QUESTION 37: If confirmed, would you recommend changes to the security clearance process regarding IC contractors and/or Federal employees?

From what I have seen, the process of granting security clearances has meaningfully improved since I joined the CIA more than two decades ago, when stories of applicants waiting a year or more for a clearance were common. But there is still room for improvement and the long wait times for onboarding new employees in the IC is a deterrent to attracting new talent. If confirmed, I would explore whether new technologies, employed under the IC's continual vetting concept, might add further efficiencies while maintaining a high standard of security.

QUESTION 38: Please explain what your responsibilities would be, if confirmed, in making decisions or recommendations concerning IC officials' accountability with respect to matters of misconduct or noncompliance with federal laws, regulations, Intelligence Community Directives, or other IC-issued guidance.

If confirmed, I would share responsibility for ensuring legal and ethical conduct by IC officials, a critical component of maintaining public trust. I would ensure adequate policies and processes are in place and exercised to address misconduct and noncompliance with applicable law and policy. This would include engagement with appropriate legal advisors when addressing potential violations of law.

QUESTION 39: Please explain your responsibilities, if confirmed, to ensure that performance and rewards systems across the IC agencies are fair and equitable.

If confirmed, I am committed to working with DNI Gabbard to support and enable personnel performance systems, including rewards, that base decisions solely on

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professional qualifications, performance, and the operational needs of the IC and reflect the objectivity and integrity we expect of intelligence professionals.

Financial Management and Acquisitions

QUESTION 40: If confirmed, what role do you expect to have in reviewing business system investments in the IC?

If confirmed, I would oversee the IC CIO, whose office serves as the IC Business Transformation Office. In that role, my approach to reviewing IC business system investments would be strategic, oversight-driven, and focused on ensuring these investments align with mission, enhance efficiency, and deliver value to national security. Under the National Security Act, the DNI has authority to coordinate and oversee IC-wide resources, including budget and systems. The National Security Act also makes the DNI responsible for the entire life cycle of IC business systems and mandates that the DNI establish a board that advises her on policies and procedures needed to effectively integrate all IC business activities and certifies that IC business systems comply with policy priorities. I would advise the DNI to lean into those authorities and mandate.

QUESTION 41: What is your assessment of the IC's current acquisitions capability?

The IC has a long history of delivering extraordinary capabilities and rapidly adopting emerging technology, leveraging unique acquisition and procurement authorities. Based on my conversations with specialists, I believe today's IC acquisition program execution has improved significantly compared to ten years ago, when more than half of the IC major systems acquisitions were assessed as not meeting goals for cost, schedule, security risks, performance, or milestone criteria achievement. According to ODNI's most recent annual program management plan submitted to Congress, major system acquisitions are consistently achieving their baselined cost, schedule, and performance goals.

To achieve the pace of development required to maintain competitive advantage with competitors and adversaries, the IC will need to leverage new acquisition processes and emerging technology. It must strengthen private sector partnerships, support organizations like In-Q-Tel, and rethink organizational structures to be both deliberate and strategic in how technology is employed.

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QUESTION 42: Do you believe the space industrial base specifically, and the intelligence industrial base more generally, are capable of producing the number of complex systems the IC and the DoD demand of them on time and within budget?

The intelligence industrial base has demonstrated its ability to produce complex systems to meet the demands of the IC and DoD. While challenges exist, I am confident it can adapt to increasing demands for quantity and complexity. To ensure long term health and viability, ODNI must regularly assess industry capabilities and identify opportunities for investment and improvement. It needs to deepen private sector partnerships and find ways to expand the cleared, software development base.

With regards specifically to the space industrial base, the growth of commercial space and the emphasis on proliferated architectures are presenting some unique opportunities and stressors, particularly with the supply chain. DoD, IC, and NASA are jointly leading an effort to assess emerging supply chain risks and coordinate mitigation strategies across government agencies. Based on my conversation with ODNI staff, I understand initial assessments indicate additional strategic investments may be needed to support national security as well as the expanding commercial sector.

Department of Defense

QUESTION 43: Please explain your understanding of the need to balance the requirements of national and tactical consumers, specifically between establishing a unified intelligence effort that includes DoD intelligence elements with the continuing requirement that combat support agencies be able to respond to the needs of military commanders.

There is a need to balance the requirements of national and tactical consumers of intelligence. As I understand it, ODNI, in partnership with OUSD I&S, constantly evaluates both national and tactical intelligence requirements to balance resources against priorities. ODNI has a number of touch points into this process:

- *The various NIMs IC wide strategy boards have representatives from each of the IC elements and non-IC organizations with a stake in that NIMs respective area of responsibility.*

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- *The DNI's Advisor for Military Affairs, a 3 star officer, advises and assists on integration efforts across the DoD with ODNI, including engagement with OUSD I&S, the Joint Staff, military services, combat support agencies, and combatant commands.*
- *ODNI directorate for Mission Integration leadership and the head of the Joint Staff Directorate for Intelligence have a weekly synch to ensure the DoD and IC coordinate on both national and military intelligence needs to the warfighter.*

QUESTION 44: What concerns do you have, if any, as to the IC's ability to support war zones while still retaining its full capabilities to conduct missions outside of war zones?

The IC has a long and successful history of providing intelligence support to war zones, which has been a core mission since the creation of the first service-based intel services in the 19th century. IC personnel support, and are usually forward deployed to, nearly every military operation – including current operations in numerous combat locations. Closer to home, the IC has supported both NORTHCOM and SOUTHCOM for decades, and over the last few months has ramped up capabilities against cartels and human traffickers. Overall, I do not see a reduction in support to the warfighter, inside or outside of warzones.

Covert Action

QUESTION 45: What is your view of the DNI's responsibility to supervise, direct, or control the conduct of covert action by the CIA?

My perspective is quite similar to how Director Gabbard described the matter during her confirmation process. By law, the President is the sole authority responsible for deciding whether to use covert action to advance national security goals. According to Executive Order 12333, the DNI is tasked with supervising and advising the President and the National Security Council on all current and proposed covert action initiatives. This responsibility dictates the DNI should receive a steady stream of updates about ongoing covert action programs and remain actively involved in the national security process for approving and evaluating covert action decisions. The DNI collaborates with the CIA and the Office of Management and Budget to secure funding for new initiatives and ensures Congress receives proper written notice about any additional resources

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needed. Within the boundaries of this notification, the DNI also strives to ensure all relevant departments and agencies involved in a specific covert action understand their roles and adhere to the legal reporting obligations.

QUESTION 46: Do you believe that any additional authorities are necessary to ensure that covert action programs are lawful, meet the public policy goals of the United States, or for any other purpose?

Covert action programs are subject to a rigorous set of approvals and requirements – including but not limited to the DNI’s oversight, advisory, and coordination role – to ensure that they are lawful, meet the public policy goals of the United States, and otherwise align with the President’s directives, national security priorities, and the overall intelligence strategy. These approvals and requirements are grounded in numerous authorities, including the National Security Act of 1947, Executive Order 12333, and executive branch policy issuances.

QUESTION 47: What in your view is the appropriate role for the CIA Inspector General in auditing covert action programs?

The Central Intelligence Agency Act of 1949 lists the CIA Inspector General’s duties and responsibilities as including conducting and supervising audits relating to “the programs and operations of the Agency,” which would include covert actions. I defer to CIA as to how best to facilitate the CIA IG’s performance of this duty and responsibility with respect to covert action programs.

QUESTION 48: If confirmed, what role will you have regarding covert actions?

I have been involved in multiple covert action findings over the course of my career and, if confirmed, would stand ready to advise the DNI as requested. I also would expect to engage in regular coordination with the NSC and the executing agencies to track ongoing actions and ensure IC responsiveness to policy maker requirements in this area, leading deputies coordination meetings as needed. I would be prepared to brief oversight committees on covert action as requested.

Privacy and Civil Liberties

QUESTION 49: Please describe the IC’s efforts to protect privacy and civil liberties, and what, if any, challenges face the IC in these areas.

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The IC has robust oversight and compliance programs that aim to ensure it exercises its authorities in a way that protects the privacy and civil liberties of Americans. These programs implement requirements from FISA, the Privacy Act, EO 12333, and its implementing Attorney General approved guidelines, as well as ODNI and departmental requirements that ensure IC leadership, the President, Congress, and the Judiciary have appropriate oversight into intelligence activities. Of course, a large enterprise that seeks to continually incorporate emerging technologies, such as the IC, can always integrate new oversight methods. If confirmed, I am committed to continually seek to implement such methods to ensure that intelligence is objective and non-politicized.

QUESTION 50: Section 102A(f)(4) of the National Security Act of 1947 (50 U.S.C. § 3024(f)(4)) provides that “[t]he Director of National Intelligence shall ensure compliance with the Constitution and laws of the United States by the Central Intelligence Agency and shall ensure such compliance by other elements of the intelligence community through the host executive departments that manage the programs and activities that are part of the National Intelligence Program.” What are the most important subjects concerning compliance with the Constitution and laws that the DNI should address in fulfilling this responsibility?

The DNI must ensure compliance with the Constitution and all laws of the United States. Safeguarding civil liberties is paramount, particularly in the context of intelligence activities and other collection authorities. Ensuring that surveillance programs are conducted with robust oversight, adhere to statutory and constitutional protections, and respect privacy rights is essential. Compliance with minimization and targeting procedures as well as proper handling of US person information, must remain a top priority.

If confirmed, I will support the DNI’s commitments to transparency, rigorous oversight, and collaboration with Congress to uphold these principles and maintain public trust in the IC.

QUESTION 51: What methods, and through what officials, should the DNI use to ensure compliance with the Constitution and laws, including, but not limited to, the Office of the General Counsel, the ODNI Inspector General, and the Civil Liberties Protection Officers?

If confirmed, I would promote individual responsibility for compliance with the Constitution, consistent with each official’s Oath of Office. I would support the DNI by empowering the General Counsel, the IGIC, the Civil Liberties Protection

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Officer, and their offices, to fully execute the responsibilities assigned in the National Security Act. I understand the General Counsel, as chief legal advisor, provides advice on the application of the Constitution and other law and policy to the complex, novel issues faced by ODNI. I understand the ICIG promotes the economy, efficiency, and effectiveness while independent audits, inspections, reviews, and investigations of IC activities. The Civil Liberties and Protection Officer ensures the protection of civil liberties and privacy, including through compliance reviews, investigations, privacy impact assessments, and transparency efforts.

Foreign Intelligence Surveillance Act

Section 702 of the Foreign Intelligence Surveillance Act (FISA) permits the government to conduct targeted surveillance of terrorists and other foreign adversaries who are located outside the United States. Unless Congress acts, Title VII of FISA, including Section 702, will expire on April 20, 2026.

QUESTION 52: Please describe your understanding of the value of Section 702, including to the President's Daily Brief.

FISA Section 702-acquired intelligence is a critical mission enabler for the IC. I understand that nearly 60 percent of articles in the President's Daily Brief contain 702 information. As a CIA operations officer, I often relied on 702 information to inform targeting of human sources, meaning 702 directly supports other methods of collection.

QUESTION 53: Do you support the reauthorization of Section 702?

Yes.

QUESTION 54: What amendments, if any, to Section 702 or other provisions of FISA do you believe are necessary?

I defer to Congress to determine whether the American people believe additional FISA reforms are necessary and, if confirmed, I would work to ensure the IC comply with all statutory requirements. My personal view is that any amendments to Section 702 or other provisions of FISA should focus on enhancing transparency, oversight, and accountability, while maintaining the IC's ability to protect national security

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effectively. My goal is to work closely with DNI Gabbard, Congress, and other oversight bodies to support the implementation of reforms that balance operational effectiveness with accountability, civil liberties protection, and public trust.

QUESTION 55: The *Reforming Intelligence and Securing America Act* (RISAA) amended FISA to enhance the collection of foreign intelligence concerning the “international production, distribution, or financing of illicit synthetic drugs, opioids, cocaine, or other drugs driving overdose deaths, or precursors of any aforementioned.” Do you support this amendment? What are your views on how this amendment will support IC’s counternarcotics mission?

I endorse the modification to FISA, introduced via RISAA, which bolsters the Intelligence Community’s (IC) capacity to gather foreign intelligence concerning the global manufacture, trafficking, and funding of illegal narcotics. I also applaud Director Gabbard’s pledge to ensure this authority is exercised prudently, with strong oversight, to protect privacy and civil rights.

This change tackles the escalating and critical danger posed by synthetic drugs, opioids, and other substances driving overdose fatalities across the United States. By empowering the IC to pinpoint and dismantle international drug syndicates, this measure enhances our capability to address one of the country’s most urgent public health and safety challenges. It will strengthen the IC’s efforts against narcotics by equipping us with essential resources to monitor and interrupt the worldwide supply chains of drug cartels and their financial systems. Improved foreign intelligence gathering can deepen our insight into the origins of precursor chemicals, manufacturing sites, and distribution pathways, while fostering better collaboration with domestic law enforcement and global allies. It also should aid in detecting and countering the influence of state and non-state entities that enable or benefit from these operations.

QUESTION 56: The FBI’s use of U.S Person queries was the subject of debate during RISAA’s drafting and reauthorization. As a result, RISAA enacted many reforms on query procedures and requirements. What is your position on whether warrants should be required before an agency undertakes a U.S. Person query?

While I am sensitive to potential abuses of FISA, I also am concerned that a firm warrant requirement for all U.S. person queries under Section 702 would be incompatible with time-sensitive national security actions. I believe the existing framework, with RISAA reforms, provides largely sufficient safeguards against

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abuse, though I would support working with Congress to consider additional measures when RISAA authorities are reauthorized.

QUESTION 57: If a U.S. Person's selector is queried against FISA Section 702 information, and it reveals terrorist connections, what additional steps do the Intelligence Community and Department of Justice need to take before they can target the U.S. Person's communications?

As I understand it, a US Person may only be targeted by the USG as permitted by FISA. Any such targeting includes the following additional steps that ensure compliance with US law and constitutional protections before targeting the US Persons communications:

- *Probable cause determination: Under FISA, the IC and DOJ must establish probable cause that the US person is an agent of a foreign power, for example as a member of an international terrorist group or as someone knowingly engaged in international terrorism. This determination must be supported by credible and detailed evidence.*
- *FISA court approval: DOJ must submit an application to the FISC, to include affidavits detailing the probable cause and the specific justification for targeting the US person. The FISC must approve the application before any targeting can occur (absent an emergency, which would permit the Attorney General to approve targeting for no more than 7 days before the FISC has approved the application).*
- *Compliance with minimization procedures: The IC must ensure that that collection resulting from the targeting is handled in a manner that complies with FISA's minimization procedures to limit the retention, dissemination, and use of non-relevant information about the US person.*
- *Coordination and oversight: All targeting actions must involve close coordination between the IC, DOJ, and oversight bodies to ensure the proposed targeting is lawful, narrowly tailored, and proportionate to the threat.*

QUESTION 58: There is a lot of misinformation about incidental collection as it pertains to FISA Section 702. Please clarify this term and discuss its importance to national security.

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Under FISA, Section 702, incidental collection refers to the unintentional acquisition of communications involving US persons or entities during the lawful surveillance of non US persons reasonably believed to be located outside the US. Incidental collection can occur when a US person communicates with a foreign individual who is the intended target of the surveillance. Notably, targeting a foreign individual for the purpose of indirectly collecting on a US person is prohibited.

QUESTION 59: Please describe the extent of oversight mandated to ensure that the Intelligence Community is compliant with FISA procedures and requirements.

Pursuant to FISA, robust oversight must be conducted by relevant IC agencies, ODNI, DOJ, the FISC, and Congress to ensure that Americans' civil liberties are protected. ONDI and DOJ must conduct regular and comprehensive joint oversight over Section 702 and hold accountable those who are not in compliance. Every identified incident of noncompliance must be reported to Congress.

Potential Politicization of Intelligence

QUESTION 60: How do you define the politicizing of intelligence?

Politicization of intelligence is the manipulation or distortion of intelligence gathering, analysis, or dissemination to serve political agendas, biases, or interests other than conveying objective truth as best it can be ascertained. It occurs when intelligence is shaped—whether through selective presentation, omission of key facts, or pressure on analysts—to align with the goals of a particular administration, party, or individual. It can happen intentionally or unintentionally. This undermines the credibility of the intelligence and, ultimately, of the intelligence community. Politicization can take various forms, such as exaggerating threats to justify policy decisions, downplaying evidence that contradicts a preferred narrative, or using intelligence as a tool to target political opponents. It directly undermines the IC's fundamental duty to provide unbiased, fact-based insights to inform decision making.

QUESTION 61: What responsibilities does the PDDNI role entail, relative to ensuring the IC's analysis remains objective and free from political consideration?

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The PDDNI has the same responsibility as the DNI to uphold standards of objectivity and encourage/protect an analytical culture and tradecraft that rejects politicization and bias, whether intentional or not. Safeguarding and enhancing the caliber of IC analysis is essential to fulfilling the IC's mission of delivering precise, prompt, and impartial intelligence to decision-makers. If confirmed, I would uphold the strict application of Intelligence Community Directive (ICD) 203 and ICD 206, which set benchmarks for analytic objectivity, precision, and timeliness. I have been happy to see that some IC elements have prioritized training in recent years to maintain standards of quality and accountability throughout their organizations. Building on this, I would advocate for a review training standards across the IC to ensure the values of objectivity and integrity are being uniformly taught.

QUESTION 62: In your view, how significant a concern is the risk of politicized intelligence?

Because intelligence products are written by humans, and humans have preferences and biases, politicization is a constant professional hazard in the intelligence business. I believe we should go to great lengths to mitigate against it. As Director Gabbard said in her testimony, reaffirming the IC's apolitical role in furtherance of national security is imperative to ensuring our national security.

Politics has no role in any stage of the intelligence cycle—whether it's gathering, processing, analyzing, producing, or sharing intelligence. Even minor infusions of bias, political leanings, or agency-specific agendas at different points can accumulate and skew the final intelligence outputs. To reinforce the IC's nonpartisan nature, leaders need to foster a culture of impartiality throughout their organizations, from the highest levels to the lowest. Reward systems should encourage diverse perspectives and independent analysis, free from pressure to align with preset conclusions or beliefs. Leaders need to challenge and address any subtle biases that emerge, ensuring that the organization's methods align with the IC's core duty to deliver precise, evidence-driven assessments and analysis, objectively and without prejudice.

Whistleblowers & The IC Inspector General

QUESTION 63: Do you support a strong Inspector General of the Intelligence Community (ICIG) to provide independent oversight for the IC? Will you ensure that the Office of the ICIG is resourced and staffed in accordance with the ICIG's requests?

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Yes for both questions. I believe strongly in meaningful, independent oversight of intelligence activities.

QUESTION 64: If confirmed, how would you ensure the IC's IGs maintain their independence?

The independence of the Intelligence Community's Inspector General is crucial for maintaining oversight and accountability within the IC. If confirmed, I will support and strengthen the IG's role, ensuring all ODNI officers recognize that full cooperation is both required and important, irrespective of any political or organizational consequences stemming from audits or investigations.

QUESTION 65: Do you support the statutory rights of whistleblowers and intend to honor the anonymity of whistleblowers who come forward? Are there aspects of the IC whistleblower statute with which you disagree?

I support the statutory rights of whistleblowers and, if confirmed, I will honor their anonymity. There are no aspects of the whistleblower statute with which I disagree.

QUESTION 66: If a whistleblower follows the law in seeking to report a matter to Congress under the IC Whistleblower Protection Act, will you commit to ensuring his or her submission is delivered to Congress within seven days, as the law requires?

Yes.

QUESTION 67: Will you commit, if confirmed, to protect the identity of IC whistleblowers who seek to remain anonymous?

Yes.

QUESTION 68: IC whistleblowers have the statutory right to provide their complaints directly to Congress. The law states that whistleblowers must obtain from the DNI, through the IC IG, "direction on how to contact the congressional intelligence committees in accordance with appropriate security practices." Do you agree that this provision does not permit the DNI to deny that direct access to Congress altogether?

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Yes, I agree. Whistleblowers have the right to provide information directly to oversight committees.

FBI Background Investigations

QUESTION 69: Should the FBI conduct background investigations of all Presidential nominees for positions within the executive branch of the federal government to ensure that those under consideration for positions of significant authority and responsibility will not misuse the power of their offices and do not have vulnerabilities that make them susceptible to coercion by our adversaries?

Yes.

QUESTION 70: Have you undergone, or will you undergo, an FBI background investigation as part of the process associated with your nomination?

Yes.

QUESTION 71: Do you agree to provide the results of your FBI background investigation to the Chairman and Vice Chairman of this Committee for review?

Yes, I agree.

Workforce Protection

QUESTION 72: Will you commit that, if confirmed, you will seek to recruit, attract, and retain a workforce based on principles of fairness and merit, and without consideration of personal political preferences?

Yes.

QUESTION 73: Do you commit to consider professional qualifications in personnel decisions exclusively, without consideration of partisan or political factors?

Yes.

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QUESTION 74: Would you ever consider an individual's personal political preferences, to include "loyalty" to the President, in making personnel decisions, such as to hire, fire, or promote an individual?

No.

QUESTION 75: If confirmed, what assurances will you provide to the IC workforce that personnel decisions will be based exclusively on professional qualifications, performance, and needs and not on personal political preferences?

If confirmed, I can assure the IC workforce that personnel decisions over which I have influence would be based exclusively on professional qualifications, performance, and needs of the service. NOT on personal political preferences. I have deployed side-by-side with hundreds of talented officers and in most cases never knew, nor wanted to know, their political views. The IC can only accomplish its mission when we see ourselves as one team engaged in the same fight; politics should play no role.

QUESTION 76: If you receive credible allegations that IC employees or others in the executive branch are seeking to fire or force out IC employees because of their perceived political views or loyalty to the President, will you commit to informing the congressional intelligence committees and immediately stopping such efforts?

Yes.

QUESTION 77: Will you impose a political litmus test for IC employees? Is a political litmus test ever appropriate in determining who can or should work in the IC?

I would never impose, or tolerate, a political litmus test for IC officers.

Questions from Senator Warner

Legal Compliance

QUESTION 78: If confirmed, will you commit to expend the funds authorized and appropriated by Congress for the ODNI and to formally notify Congress and obtain approval for any recessions or deferrals, in accordance with the law?

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If confirmed, I commit to following the law and I commit to complying with applicable legal requirements regarding responding to requests from Congress.

QUESTION 79: If confirmed, will you commit to ensure that all personnel actions taken by the ODNI are carried out in strict accordance with the law?

If confirmed, I commit to following the law.

QUESTION 80: If confirmed, will you commit to comply with all duly issued court orders or other rulings, even if you disagree with the court's decision?

Generally, if there is a court order that directly binds a federal official who is a party to the case and subject to the court's jurisdiction, the official should follow it.

Department of Government Efficiency

QUESTION 81: If confirmed, will you commit not to accept direction from the Department of Government Efficiency on any personnel or other matters relating to ODNI?

Yes. If confirmed, I will ensure personnel and other matters follow the direction of the Director of National Intelligence and not outside entities.

QUESTION 82: If confirmed, will you commit to prevent DOGE from accessing ODNI systems?

If confirmed, I would follow the law and any applicable judicial decisions regarding access to ODNI systems, with the presumption being no outside organization is granted access.

Protecting Classified Information

QUESTION 83: Should any employee of the Intelligence Community be granted access to classified information if they have not been determined to be eligible for access under Executive Order 12968 based upon a favorable adjudication of an appropriate investigation of the employee's background?

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Generally, no. EO 12968 does not permit access to classified information prior to a completed background investigation and adjudication. However, the President has broad authority to grant individuals access to classified information, and under the EO certain policy exceptions exist to account for exigent circumstances.

QUESTION 84: Do you agree that all personnel granted access to classified information have a lifetime obligation to protect that information, including after they leave government service?

Yes, this is a life-long duty shared by all persons granted access to classified USG information.

Ethics

QUESTION 85: Federal ethics laws, to include 10 U.S.C. §208, prohibit government employees from participating in matters where they, or certain family members or organizations with which they have certain relationships, have a financial interest. Do you agree, without qualification, if confirmed, to disclose any potential conflicts of interest, including investments, business ties, family relationships, or other connections that could be perceived as influencing your decision making?

Yes, I agree with these prohibitions.

QUESTION 86: Do you agree, without qualification, if confirmed, that if a conflict of interest arises, you will recuse yourself from participating in any relevant decisions regarding that specific matter?

Yes. If confirmed, I would commit to recuse myself from any matters involving a conflict of interest.

QUESTION 87: Do you commit, without qualification, if confirmed, to decision-making on the merits and exclusively in the public interest, without regard to private gain or personal benefit?

Yes.

Questions from Senator Wyden

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FISA

QUESTION 88: During her confirmation process, Director Gabbard wrote: “Warrants should generally be required before an agency undertakes a U.S. Person query of FISA Section 702 data, except in exigent circumstances, such as imminent threats to life or national security.” Do you agree?

Yes.

QUESTION 89: During his confirmation process, Assistant Attorney General for National Security John Demers was asked about the prohibition on reverse targeting in Section 702 of FISA. He responded: “As I understand it, determining whether a particular known U.S. person has been reverse-targeted through the targeting of a Section 702 target necessitates a fact specific inquiry that would involve consideration of a variety of factors. For example, as the Privacy and Civil Liberties Oversight Board noted in its 2014 report, if a Section 702 tasking resulted in substantial reporting by the Intelligence Community regarding a U.S. person, but little reporting about the Section 702 target, that might be an indication that reverse targeting may have occurred.” How would you ensure that this fact specific analysis is applied to the nomination of Section 702 targets?

My understanding is that, consistent with Assistant Attorney General Demer’s statement, IC elements make fact-specific determinations and consider a variety of factors to ensure that Section 702 is not used for reverse-targeting of U.S. Persons. Such determinations are also reviewed by the Department of Justice. If confirmed I will ensure that any instance of reverse targeting through Section 702 is reported to the FISC and Congress and will collaborate with the Department of Justice to determine the cause, implement solutions, and ensure such an incident does not re-occur.

QUESTION 90: During her confirmation process, Director Gabbard wrote that she would oppose any effort to re-codify Section 215 of the USA PATRIOT Act. Do you agree?

Yes. I oppose re-codifying Section 215 as it previously stood—especially the bulk collection version. It was a blunt tool that presented major privacy concerns without a security gain that might justify it. The Privacy and Civil Liberties Oversight Board found in 2014 that it yielded no unique, critical counterterrorism

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wins. Meanwhile, it alienated the public and the courts, increasing suspicion of the IC.

QUESTION 91: Do you agree with Director Gabbard that Section 215 “raised significant constitutional concerns”?

Yes.

Other Surveillance

QUESTION 92: During her confirmation process, Director Gabbard wrote that Section 213 of the USA PATRIOT Act, which permits delayed notice of search warrants, “raised significant constitutional concerns.” Do you agree?

I do not think Section 213 is inherently unconstitutional given the requirement of court approval and the showing of “adverse results,” and courts have upheld it, but its breadth and lax guardrails spark legitimate concerns, as expressed by Director Gabbard. My view is that IC use of delayed-notice warrants stays narrow: tied to imminent threats, documented rigorously, and reported to Congress per the Intelligence Oversight Act.

QUESTION 93: Do you believe the Intelligence Community can or should collect U.S. location information pursuant to EO 12333 authorities? If no, how should the IC ensure that it is not collecting the information through incidental collection? If yes, should there be any limitations on the Intelligence Community’s use, retention, or dissemination of the information?.

U.S. location information has intelligence value. That said, under EO 12333, IC elements must operate in accordance with Attorney General-approved procedures that set for the circumstances and limits under which elements may lawfully collect, retain, and disseminate U.S. Person information, to include their location information. Moreover, if that information is commercial acquired, IC elements are required to implement the May 2024 IC Policy Framework for Commercially Available Information to determine whether U.S. location information datasets capture personal attributes, conditions, or identifiers that are traceable to one or more specific U.S. persons, either through the dataset itself or by correlating the dataset with other available information. If so, IC elements apply enhanced safeguards to protect that information.

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If confirmed, I would support the DNI's engagements with the Department of Justice, the IC elements, our legal counsels, and this committee to ensure that the IC elements comply with these oversight mechanisms and maintain the trust of the American people.

QUESTION 94: Do you agree that the Intelligence Community cannot request that a foreign entity conduct any activity that it is not authorized to undertake itself? If yes, do you agree that this prohibition also applies to requests from Executive Branch officials outside the Intelligence Community?

Yes, and yes.

Commercially Available Information

QUESTION 95: Do you support the Intelligence Community's May 2024 Policy Framework for Commercially Available Information? Please elaborate on any aspects you do or do not support.

I support the IC's May 2024 Policy Framework for Commercially Available Information (CAI). I back the framework's recognition of CAI as "invaluable" to our mission. The IC's ability to tap into vast, legally available datasets—for example, shipping logs to spot sanctions evasion or online chatter to preempt terrorism—gives us valuable intelligence without resorting to intrusive methods. The May 2024 document lays out sound baseline principles: use CAI for validated missions, comply with laws, and consider privacy upfront. I agree with requiring agencies to assess risks before acquiring "sensitive CAI"—data heavy with U.S. persons' personal details like location or health info. Weighing mission value against privacy harm, as outlined, is a sound starting point to keep us focused on threats.

QUESTION 96: Do you commit, as Director Gabbard did, to keeping the Committee fully and currently informed of the Intelligence Community's procurement of, access to, or collection of Sensitive Commercially Available Information?

Yes.

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QUESTION 97: Section G(2) of the Framework requires the ODNI, in coordination with relevant Intelligence Community elements, to provide a report to the public every two years regarding the Intelligence Community’s access to and collection, processing, and safeguarding of Sensitive Commercially Available Information. During her confirmation process, Director Gabbard wrote that she supported this requirement and committed to implementing it. Is that also your position?

I subscribe to DNI Gabbard’s position on this issue.

Cybersecurity

QUESTION 98: During her confirmation process, Director Gabbard wrote that she would use her position as DNI to advocate for policies, practices or legislation to strengthen cyber protections in the telecommunications sector. Will you make the same commitment?

Yes, if confirmed, I would commit to advocate for such policies.

QUESTION 99: During her confirmation process, Director Gabbard wrote that: “Any cybersecurity legislation should ensure that data sharing between the private sector and government or other entities is done in a way that respects privacy and avoids unnecessary exposure of personal information.” Do you agree with this view and, if so, how would you go about ensuring those privacy protections?

I concur with Director Gabbard’s stance: Cybersecurity legislation should balance data sharing—between private companies, the government, or other parties—with robust privacy protections to prevent unwarranted exposure of personal information. This aligns with the Fourth Amendment’s spirit and the IC obligation to safeguard both security and civil liberties. Her view reflects a practical reality: effective cybersecurity demands collaboration, such as when tech firms share breach data with the IC, but it can’t come at the cost of turning Americans’ private lives into an open book. I’d argue this isn’t just a legal necessity; it’s a trust issue. If people fear unchecked data grabs, cooperation collapses, and our mission suffers. For the IC, there need to be clear rules on what information can be shared, strict controls on who can access it for what purposes, guidelines on storage and encryption, and regular consultation with businesses to ensure alignment on these policies. Finally, the Privacy and Civil Liberties Oversight Board (PCLOB) and IC Inspectors General should monitor our practices.

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Transparency

QUESTION 100: Attorney General-approved procedures and guidelines for Executive Order 12333 are currently posted online. Do you commit to continuing to post these procedures and to make public any modifications, superseding policies and procedures, or significant interpretations?

Yes.

QUESTION 101: Will you support the declassification and public release of any interpretation of law that provides a basis for intelligence activities, but is inconsistent with the public's understanding of the law?

Yes, to the extent it is consistent with the protection of sources and methods.

QUESTION 102: What would you do if an employee of the Intelligence Community or any other Executive Branch official made a misrepresentation to Congress or to the public related to intelligence matters. If that person refused to correct the public record, would you do so personally?

I share DNI Gabbard's commitment that all IC personnel will be truthful and transparent with Congress and the American people. Consistent with the protection of classified information, I am committed to correcting any inaccuracies represented to Congress by IC personnel and will ensure the IC is transparent and responsive.

Chief of Mission Authorities

QUESTION 103: 22 U.S. C. § 3927 states that: "Under the direction of the President, the chief of mission to a foreign country... shall have full responsibility for the direction, coordination, and supervision of all Government executive branch employees in that country..." Absent direct intervention from the President or the National Security Council, is the Intelligence Community obligated to cease intelligence activities (including, but not limited to collection activities, covert action and liaison relationships) that do not have the approval of the chief of mission?

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All overseas IC collection activities must follow U.S. law, which includes 22 U.S.C. § 3927.

Encryption

QUESTION 104: During her confirmation process, Director Gabbard wrote: “From a civil liberties perspective, there are serious constitutional concerns about the government being granted unrestricted access to America’s private digital property. Mandating mechanisms to bypass encryption or privacy technologies undermines user security, privacy, and trust, and poses significant risks of exploitation by malicious actors.” She reiterated that position during her confirmation hearing, saying, “these back doors lead down a dangerous path that can undermine Americans’ Fourth Amendment rights and civil liberties.” Do you agree?

I agree. The Fourth Amendment shields Americans from "unreasonable searches and seizures," meaning the government—including the intelligence agencies—can't rummage through a citizen's life without clear justification and subject to strict legal safeguards. If confirmed, I would support Director Gabbard in ensuring the IC respects this: no fishing expeditions, no warrantless overreach into Americans' lives. The IC will target foreign threats with precision, keeping privacy intact where the Constitution and the law demand it. I consider both security and liberty to be non-negotiable.

Whistleblowers

QUESTION 105: During her confirmation process, Director Gabbard wrote: “Whistleblowers are essential to ensuring accountability and oversight within the IC, and they must have clear, protected channels to report concerns, including the unauthorized transmittal of classified information to appropriate entities such as Members of Congress, Inspectors General (IGs), and other authorized recipients.” During her confirmation hearing, Director Gabbard was asked if she agreed “that IC whistleblowers must have a clear path to this committee and that that they don’t need permission from agencies to talk to [the committee],” to which Director Gabbard responded, “the answer is clearly yes.” Do you agree?

Yes, I do agree. All IC officers should have a well-defined path to speak to the intelligence oversight committees without fear of reprisal.

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Security Clearances

QUESTION 106: Private attorneys with security clearances play a critical role in intelligence oversight, representing providers who are issued FISA orders and directives and serving as FISA Court amicus curiae. They also protect Americans' liberties, including by representing criminal defendants in Classified Information Procedures Act (CIPA) cases. The Director of National Intelligence serves as the Security Executive Agency responsible for security clearances. Do you agree with this general principle and, as deputy to the Security Executive Agency responsible for security clearances, would you support a policy to protect it?

Yes.

QUESTION 107: Do you agree with the current DNI policy that past marijuana use should not be determinative in the adjudication of security clearances? Do you believe that ongoing marijuana use should likewise not be determinative and should be treated like alcohol use?

I agree with current ODNI policy that past marijuana use, in and of itself, should not be determinative in the adjudication of security clearances. While I am unaware of DNI policy regarding ongoing use, I am not convinced that relaxing drug-use restrictions for IC officers is in the best interest of national security.

Watchlisting

QUESTION 108: During her confirmation process, Director Gabbard wrote:

"Ensuring fairness and protecting civil liberties in watchlisting programs is critical to maintaining public trust while safeguarding national security. To prevent misuse, I would advocate for clear, evidence-based criteria for watchlisting American citizens, robust oversight mechanisms, and regular audits to ensure no one is listed based on First Amendment-protected activities like free speech or political affiliation. Additionally, I would work to enhance the redress process by improving the Traveler Redress Inquiry Program (TRIP) to ensure timely and transparent resolution of complaints and exploring independent review panels to provide impartial oversight and due process."

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Will you make the same commitments as Director Gabbard?

Yes, I agree fully with Director Gabbard on this issue and echo her commitments.

Classification and Declassification

QUESTION 109: Executive Order 13526 provides that: “In no case shall information be classified, continue to be maintained as classified, or fail to be declassified in order to: (1) conceal violations of law, inefficiency, or administrative error; (2) prevent embarrassment to a person, organization or agency; (3) restrain competition; or (4) prevent or delay the release of information that does not require protection in the interest of national security.” Do you commit to fulfilling both the letter and spirit of these prohibitions, as did Director Gabbard?

Yes, if confirmed, I would commit to fulfilling both the letter and spirit of these prohibitions.

QUESTION 110: What process do you believe should accompany the declassification of information? For example, do you believe there should be a written record of declassifications? When should the Committee be notified?

I believe the declassification of information must follow a structured, transparent, and accountable process to balance national security with public interest, consistent with laws like the Freedom of Information Act and Executive Order 13526, which governs classification as of March 30, 2025. If confirmed, I would assist DNI Gabbard in developing straightforward and uniform guidelines both for classifying and declassifying information, which could include rules for documenting declassifications and timelines for congressional notifications. To strengthen accountability, I would champion thorough oversight tools, such as routine reviews of classification habits, and tackle any recurring misuse with targeted fixes. Actively declassifying information that no longer needs protection would boost openness and confidence in the Intelligence Community. Furthermore, working with other agencies to align declassification methods would enhance uniformity and cooperation throughout the IC.

QUESTION 111: Please review the article “Here Are the Attack Plans That Trump’s Advisors Shared on Signal” (*The Atlantic*, March 26, 2025) and the “Houthi PC small group” Signal chat messages included in the article.

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- A. Do you believe that any of the messages were or should have been classified, based on your experience with classification and on the Security Classification Guides of the relevant agencies and departments? If yes, which messages?

Based on my experience, the information presented in the media related to the Atlantic article could reasonably have been deemed unclassified based on Security Classification Guides. I note a key factor in determining classification is harm from disclosure, with timing being a factor in any potential damage. Regardless of the classification question, I would support ODNI 1) issuing clear guidance on the use of commercial messaging applications for potentially sensitive discussions, and 2) directing officers to employ a two-person review rule when setting up group chats to mitigate against the inadvertent inclusion of outside parties.

- B. Do you believe that any of the messages included any national defense information, as codified pursuant to 18 U.S.C. §§ 793 - 798? If yes, which ones?

Based on my understanding of the circumstances and the law, it is not clear that any national defense information was transmitted in this instance. No specific sources, methods, or war plans were disclosed. Furthermore, much of the information contained in the Signal chat apparently had been shared with some international partners and most of it was reported by the press shortly thereafter.

- C. Regardless of classification, do you believe that the information included in the messages was appropriate for an unclassified channel, particularly given the timing?

This situation described in the Atlantic article was a mistake. That said, according to guidance I have received from IC technical experts over the years, Signal is a relatively secure encrypted chat application that can at times be appropriate for sensitive information. For example, it is routinely used by U.S. diplomats abroad to conduct sometimes sensitive communications with foreign officials that later is classified when put into a cable and disseminated in official channels. The issue in this case appears to have been human error, not any inherent vulnerability of the communications application.

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- D. Do you agree that unclassified phones used by national security officials are likely targets of foreign adversaries and that, as such, should not be used to convey classified information?

All communications by national security officials are potential targets for foreign adversaries, whether conducted on systems labeled as classified or unclassified. Both types of systems have faced compromises over the years and no system of electronic communications can ever be completely trusted. Regarding Signal specifically, its use continues to be permitted by the White House and it is used throughout the Administration. As various commentators have noted, it comes preloaded on devices at ODNI, CIA, and at other agencies.

Espionage Act and Journalists

QUESTION 112: During her confirmation process, Director Gabbard wrote:

“In my book, I expressed concerns about aspects of the Espionage Act that could be interpreted as overly broad or vague, potentially infringing on First Amendment rights and due process protections under the Constitution. These concerns primarily relate to its application in cases involving whistleblowers and journalists, where the Act may criminalize the dissemination of information in ways that could suppress legitimate public discourse or accountability. The Espionage Act also does not allow for due process and the right of an American to defend themselves against such charges in a court of law.”

Do you agree with Director Gabbard’s concerns?

I agree with Director Gabbard that these are legitimate concerns.

QUESTION 113: During her confirmation process, Director Gabbard wrote that she supports the October 2022 Department of Justice policy restricting use of compulsory process to obtain reporter information, calling the policy “essential to protecting press freedoms and maintaining the critical balance between national security and upholding the First Amendment.” Do you agree?

I agree with Director Gabbard’s position on this issue.

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Defending the U.S. Judicial Process

QUESTION 114: A declassified August 2019 FBI Intelligence Bulletin concluded that “Saudi Officials Almost Certainly Assist Saudi Citizens Flee the United States to Avoid Legal Issues, Undermining the US Judicial Process.”

- A. If confirmed, will you make any efforts to undermine the U.S. judicial process a collection and analytical priority?

Foreign efforts to undermine the U.S. judicial system are a legitimate priority for collection and analysis. If confirmed as PDDNI, I would support this prioritization of this type of intelligence.

- B. Would you prioritize the declassification of any reporting on this topic?

I would support declassification of any material of significant public interest that does not threaten sensitive collection sources or methods.

Interrogation, Detention and Rendition

QUESTION 115: Section 1045 of the National Defense Authorization Act for Fiscal Year 2016 prohibits the use of any interrogation technique or approach or any treatment related to interrogation that is not authorized by and listed in the Army Field Manual. Is this provision absolutely binding on the Intelligence Community and the President?

In my view, Section 1045 is binding and it is consistent with core American principles, such as upholding human rights and the rule of law. Upholding this standard is essential to preserving American ideals, ensuring operational success, and maintaining the trustworthiness of the Intelligence Community.

QUESTION 116: The statutory prohibition on interrogations not consistent with the Army Field Manual applies to any individual “in the custody or under the effective control of an officer, employee, or other agent of the United States Government; or detained within a facility owned, operated, or controlled by a department or agency of the United States, in any armed conflict.”

- A. Please describe the factors that would indicate whether a detainee is in the “effective control” of any officer, employee, or other agent of the United States Government.

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My understanding is that “effective control” hinges on the degree of authority and influence a U.S. officer, employee, or agent exercises over a detainee’s circumstances. Factors determining this would include: physical custody or restraint, decision-making authority, and operational oversight.

- B. Please describe how you would define whether a detainee is “detained within a facility owned, operated, or controlled by a department or agency of the United States.

Each situation would have unique facts that determine when the threshold for detention is met. It would be critical consult with legal counsel in each instance.

QUESTION 117: Section 1045 states that: “The head of any department or agency of the United States Government shall provide the International Committee of the Red Cross with notification of, and prompt access to, any individual detained in any armed conflict in the custody or under the effective control of an officer, employee, contractor, subcontractor, or other agent of the United States Government or detained within a facility owned, operated, or effectively controlled by a department, agency, contractor, or subcontractor of the United States Government, consistent with Department of Defense regulations and policies. Is this provision of law absolutely binding on the Intelligence Community and the President?

Yes

QUESTION 118: Executive Order 13491 prohibits the CIA from operating any detention facility except to hold people “on a short-term, transitory basis.” Do you support this provision? How would you define “short-term” and “transitory”?

In my view, the CIA is an intelligence organization and should not be in the business of holding prisoners. I would defer to legal experts as to the definition of “short-term” and “transitory.”

QUESTION 119: Do you agree that Intelligence Community officers should not participate in interrogations of detainees in liaison custody when those officers witness, know of, or otherwise suspect the torture or mistreatment of detainees?

Yes, I agree with this statement.

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QUESTION 120: The United States recognizes its obligations under the Convention Against Torture, not to “expel, return (‘refouler’) or extradite a person to another state where there are substantial grounds for believing that he [or she] would be in danger of being subjected to torture.”

A. To what extent should written “diplomatic assurances” be required for extraditions and renditions?

If confirmed as PDDNI, in the case of a potential rendition, I would support the DNI’s decision making through consultation with ODNI’s OGC, with the Department of State, and with other relevant agencies to determine whether diplomatic assurances could be reasonably relied upon.

B. Should such assurances be accepted from countries with established records of committing torture?

While the rule of thumb answer to that question is “no,” each case would involve a unique set of circumstances and so would require expert consultation to assess the likelihood of a particular government abiding by its assurances.

C. What responsibility does the Intelligence Community have not to provide support to operations conducted by other elements of the United States Government that violate this obligation?

The IC should follow the law and the U.S. Constitution when providing support to any U.S. Government operation. If an element of the USG requests intelligence support to conduct an illegal operation, the IC has a duty to report this activity to the relevant leadership, to the Department of Justice, and to the appropriate oversight committee.

Lethal Operations

QUESTION 121: Please describe your view of the legal and policy implications of targeting or otherwise knowingly killing a U.S. person in a U.S. Government lethal operation. What additional public transparency do you believe would be warranted in that situation?

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In those rare circumstances where a U.S. person takes up arms against the United States, the already extremely serious decision to use force is exceptionally heightened. If confirmed, I will partner with the ODNI General Counsel, the Department of Defense, and lawyers from across the U.S. government to ensure any such action is justified and lawful. I will also advocate for maximizing public transparency regarding the use of lethal force in relation to U.S. Persons.

Competitive Advantage

QUESTION 122: The October 7, 2022, Executive Order 14086 on Enhancing Safeguards for United States Signals Intelligence Activities states: “It is not a legitimate objective to collect foreign private commercial information or trade secrets to afford a competitive advantage to United States companies and United States business sectors commercially. The collection of such information is authorized only to protect the national security of the United States.”

A. Do you agree with these limitations and should they apply to non-SIGINT activities?

I view safeguarding the IC's capabilities from being exploited for the benefit of specific companies as a fundamental responsibility. The IC's mission is to protect national security, not to tilt the playing field to advantage any particular company or sector. Doing so would risk undermining the IC's credibility, break public trust, and violate legal mandates. This principle is not dependent on how the information is collected.

B. Since this is public policy, will you commit to informing the public of any modifications to the policy?

Yes; in accordance with direction from the President.

QUESTION 123: How would you guard against the use of the Intelligence Community's collection or analytical capabilities to afford a competitive advantage to particular companies or business sectors?

If confirmed as PDDNI, I would take steps to guard against the misuse of intelligence for commercial advantage. First, I would reinforce a culture of integrity through clear policy and training, ensuring every IC employee understands that our collection is for countering threats and understanding the world, not to advantage

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private businesses. The National Security Act of 1947 and Executive Order 12333 set boundaries and I would make compliance non-negotiable. Second, I would advocate for a policy that any questionable tasking be escalated to legal counsel for assessment of intent and legality, ensuring no tasking crosses into domestic economic favoritism without a clear national security justification tied to a foreign threat. Finally, I would leverage oversight. The IC IG would have my full backing to audit taskings and flag misuse. I'd also keep the congressional intelligence committees in the loop, reporting any questionable requests as required by law.

QUESTION 124: What would you do if the Intelligence Community received an explicit or implicit request from a member or political ally of the administration to direct IC capabilities against commercial competitors? Will you inform the Committee of any such request?

If the Intelligence Community (IC) encountered a direct or subtle suggestion from an administration official or political supporter to shift IC resources toward targeting commercial rivals, my approach would emphasize upholding the IC's mission integrity and following the law. The IC's purpose is to safeguard national security, not to advance personal or partisan agendas. Deploying its capabilities—such as monitoring, assessments, or clandestine operations—against businesses for competitive gain would constitute a blatant abuse of power and breach statutes like the National Security Act of 1947, which outlines the IC's role, and Executive Order 12333, which forbids domestic intelligence activities without a clear foreign connection. Were I the PDDNI in such a situation, I would advise the DNI, the Office of General Counsel, and congressional oversight committees.

QUESTION 125: How will you ensure that authorized economic intelligence activities (e.g. to identify trade or sanctions violations or government influence or direction) are not undertaken in such a way as to advantage certain companies over others?

The collection and dissemination of economic intelligence should tie directly to threats defined by the National Intelligence Priorities Framework (e.g., countering adversarial economic coercion). If the task drifts toward benefiting one U.S. company over another—like handing Company A insights to outbid Company B—the reporting should be turned off or restricted in its dissemination. As part of this process, analysts need clear directives to focus on the foreign actor, not domestic winners. Collection and analysis must stay agnostic about U.S. corporate outcomes and should, as always, afford them the appropriate U.S. person protections .

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Personnel Matters

QUESTION 126: Do you agree that a diverse workforce is necessary if the IC is going to effectively spy on, translate, understand, engage with, and analyze a diverse world? If yes, what institutional changes would you make to ensure that diverse workforce?

I am committed to a merit-based hiring process that attracts high-integrity individuals with the talents, skills, backgrounds, languages, and other qualities the IC requires to succeed. To accomplish this, IC agencies need robust recruiting programs that get the word out nationwide about opportunities for intelligence careers. If confirmed, I would advocate for a review of recruiting practices to make sure the IC does not limit itself by geography, schools, or industries that historically have yielded more applicants.

National Intelligence Priorities Framework

QUESTION 127: Do you commit to providing the Committee the National Intelligence Priorities Framework?

Yes.

Congress

QUESTION 128: In December 2024, the Department of Justice Office of the Inspector General released “A Review of the Department of Justice’s Issuance of Compulsory Process to Obtain Records of Members of Congress, Congressional staffers, and Members of the News Media.” During her confirmation process, Director Gabbard wrote the following with regard to the OIG review:

“The collection of communications records of congressional Members and staff, particularly when based solely on their constitutionally authorized oversight duties, is a significant breach of the constitution and separation of powers. Such actions risk chilling legitimate oversight and creating the appearance of executive branch interference in legislative activities.

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Safeguards must ensure that intelligence and investigative activities respect the independence of co-equal branches of government.

I support the policy changes outlined in the OIG Review that aim to address these concerns and ensure appropriate checks are in place. Further policy adjustments, such as heightened internal review and oversight, may be necessary to strengthen protections for congressional communications.

Any effort to collect such records should undergo the most rigorous scrutiny, including notifying Congress when appropriate, balancing security and transparency concerns, and informing the issuing judge that the targets are congressional Members or staff so constitutional implications can be fully considered. If confirmed, I would work to uphold these principles while safeguarding national security and civil liberties.”

Do you agree with Director Gabbard’s concerns and would you likewise work to uphold these principles?

I fully align myself with Director Gabbard’s comments on this issue and would work to uphold these principles.

Public Interest Declassification Board (PIDB)

QUESTION 129: During her confirmation process, Director Gabbard wrote that she supported the work of the PIDB, would push for it to be fully resourced to fulfill its statutorily mandated mission, and would ensure that it would have a separate line item in the President’s budget request, as required by law. Do you agree?

While each declassification case is unique and should be considered as such, as a general matter I believe the U.S. Government tends to over classify information that has nothing to do with protecting sources, methods, or sensitive foreign relationships. Congress established the Public Interest Declassification Board to promote transparency by advising on ways to improve public access to a comprehensive, accurate, and reliable record of significant U.S. national security decisions and activities. I agree this is a worthy goal and would support Director Gabbard’s aims in this area.

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Canada

QUESTION 130: Do you believe that U.S. annexation of Canada is in the national security interests of the United States?

The U.S. approach to relations with Canada is a foreign policy question that it is inappropriate for intelligence officers to weigh in on. That said, if confirmed, my job as PDDNI would be to ensure the IC provides the most accurate and relevant intelligence to the policy makers charged with answering such questions.

NATO

QUESTION 131: Do you believe that the U.S. giving up NATO command is in the national security interests of the United States?

In my view, NATO is an important component of the U.S. national security strategy. I would leave the question of the optimal command structure to the Pentagon and to civilian policy makers. The role of the IC would be to support the decision process by providing current intelligence, helping predict possible reactions by allies and adversaries, and ensuring intelligence relationships continue undisturbed during any transition periods.

Cuba

QUESTION 132: In 2001, you authored an article entitled "It's Time, Finally, to End the Cuban Embargo." Does the view expressed in the title and the arguments included in the article reflect your current position?

The main point of that piece was to observe that one of the most common arguments for the Cuban embargo -- that it would hasten regime change and democratization -- did not appear factually correct given the embargo had been in place for more than 40 years. Nearly a quarter century later, Cuba remains a communist dictatorship despite the embargo, so I would argue this particular point proved correct. However, I recognize there are other defensible arguments in favor of continuing the embargo, such as using it to limit the influence of a historically adversarial regime that seeks to build ties with nations like Russia, China, Venezuela, and Iran.

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SELECT COMMITTEE ON
INTELLIGENCE

UNITED STATES SENATE



Post-Hearing Questions for the Record for

Aaron Lukas

Upon his nomination to be

Principal Deputy Director of National Intelligence

Questions from Senators Heinrich and Wyden

DNI Gabbard's Director's Initiatives Group (DIG)

On April 8, *The Washington Post* reported that the Director of National Intelligence (DNI) has created a task force, called the Director's Initiatives Group, or DIG, charged with "restoring transparency and accountability to the Intelligence Community." *The Washington Post* reports that the DIG is composed of up to ten people from outside the agency, vetted by the White House, and that its members have been working out of the Office of the Director of National Intelligence (ODNI) headquarters since late February. The DNI's press release on the stand-up of the DIG states that the DIG is "already identifying wasteful spending in real time, streamlining outdated processes, reviewing documents for declassification, and leading ongoing efforts to root out abuses of power and politicization." In your current capacity as an advisor to Director Gabbard, please answer the following questions:

QUESTION 1: Who are the members of the Director's Initiatives Group? What experience or expertise do they bring to their roles as DIG members? What is their specific mandate? What authorities have they been given? Have they been assigned to particular IC entities?

Answer: The personnel in the Director's Initiatives Group (DIG) are drawn from multiple agencies within the Intelligence Community (IC). All have decades of intelligence and law enforcement experience.

The DIG operates pursuant to various authorities, including the National Security Act and the transparency and accountability missions found in directions in the Executive Orders President Trump entered in records from 20 January 2025. This includes other initiatives and such tasks as are specifically directed by the Director of National Intelligence (DNI).

QUESTION 2: What level of clearances do they hold, to what extent are they read into IC compartments, and what specific IC databases and other systems do they have direct access to?

Answer: All DIG members have a TS/SCI clearance and current polygraph or receive one within 90 days of reporting to the DIG, this is standard across the IC.

In the interest of transparency and accountability, DIG personnel may obtain access to any IC system, database, or document repositories essential for assigned task completion. These are USG systems owned by the Federal Government, and the data is statutorily owned by the ODNI. Fact holders are responsible for sharing such data with the ODNI, and under orders from the DNI to make available to the DIG systems, databases, or records. In instances where the DIG has needed sub-compartmented access, it has worked via the DNI CAPCO office to obtain the accesses subject to long-established security procedures.

QUESTION 3: Which IC entities and which areas of inquiry is the DIG prioritizing?

Answer: The DIG is already hard at work executing President Trump's Executive Orders aimed at rebuilding trust in the IC - starting with investigating weaponization, rooting out deep-seeded politicization, exposing unauthorized disclosures of classified intelligence, and declassifying information that serves a public interest. The DIG is also leading assessments of IC structure, resourcing, and personnel to improve efficiency and eliminate wasteful spending. The DIG will work across all IC entities to ensure transparency and accountability is restored in the IC.

QUESTION 4: Not including claims regarding programs related to diversity, equity and inclusion or climate change, what “wasteful spending” has the DIG identified, and how was such spending determined to be wasteful?

Answer: The DIG is identifying and recommending potential improvements, consolidations, reductions, or elimination that do not impact needed IC capacity. Reviews currently apply only to ODNI. For example, the DIG highlighted excessive empty desks at an ODNI location that would save the IC \$40M per year; duplicative senior staff across Directorates, Centers, and Offices to be measured at \$500k-\$1M per year in savings per office; and duplicative commercial data purchases valued at approximately \$25M.

QUESTION 5: Not including claims regarding processes related to diversity, equity and inclusion or climate change, what “outdated processes” has the DIG identified, and how were such processes determined to be outdated?

Answer: It is not uncommon to see government programs that have outlived their usefulness. Although the DIG has not yet conducted a comprehensive review, to the best of my knowledge, I expect future reviews will uncover candidates for possible elimination. So far, the DIG has identified several outdated processes/practices, including unnecessary delays in the security clearance pipeline for outside entities, top-heavy supervisory staff to employee ratios, and instances where overlapping processes can be consolidated. Currently, I understand the DIG is reviewing projects, department budgets, staffing levels, and organizational structures, with the goal of making recommendations to the DNI and the IC.

QUESTION 6: What specific evidence has the DIG found of “abuses of power and politicization”? How, exactly, is it being “root[ed] out”? Have any IC personnel been fired or otherwise disciplined for “abuses of power and politicization”? If yes, please provide details.

Answer: To the best of my knowledge, the DIG has not yet presented any specific instances of abuses of power or clear politicization. I believe the DIG plans to conduct fair, fact-based reviews of information via processes that are repeatable and transparent. There will be no pre-determined outcomes. Based on my conversation with officers working with the DIG, I understand they believe they have found evidence of political bias injected into various IC assessments, but I have not seen details. I believe no one has been recommended for disciplinary action for abuse of power that inquires and investigations have not been long underway. The DNI has stated the objective is not disciplinary action, but transparency, truth, and accountability. I note the DIG has no power to undertake any personnel actions and can only present facts and make recommendations to the DNI and PDDNI.

QUESTION 7: How is the DIG approaching “reviewing documents for declassification”? What specific topics is the DIG and the Director seeking to have declassified?

Answer: The DIG does not proactively seek to declassify documents but follows actions directed by the DNI and the President that are aimed at promoting national security while still leaning into transparency and public accountability. All declassification projects are subject to DNI/PDDNI oversight, OGC review,

laws, regulations, and Executive Orders. The declassification procedures that exist in the ODNI Information Management Office and throughout the IC remain in effect. Any information selected for potential declassification is subject to the same process that has always existed to ensure the DNI and President are fully informed on potential impacts.

QUESTION 8: During her confirmation process, the DNI indicated that she supported the work of the Public Interest Declassification Board (PIDB). Has the DIG consulted with the PIDB about declassification priorities? If not, does it intend to?

Answer: The DNI directed DIG representatives to meet with the PIDB, which recently occurred. My understanding is this meeting was productive and that the DIG plans continued consultations about what materials should be nominated for declassification.

QUESTION 9: Members of Congress, whose representation of the American people extends to classified work on their behalf, have identified areas for declassification in the public interest. As a current advisor to the DNI, will you help ensure that the DIG engages with the Committee to identify areas for declassification?

Answer: Yes. As I stated in both my written statement and during the SSCI hearing, I believe strongly in the importance of meaningful congressional oversight of intelligence, which is a necessary component of building and maintaining public trust. If confirmed, I would look forward to working with the Committee on areas for declassification.

QUESTION 10: During her confirmation process, the DNI stated that she would “prioritize reforms to modernize classification policies, practices, and technologies to reflect the realities of the digital age.” She then enumerated a long list of reforms necessary to modernize, streamline and otherwise improve the declassification system. Besides record-by-record, or topic-by-topic declassification reviews, is the DIG engaged in these urgent and long-overdue reform efforts?

Answer: While current large declassification projects have been driven by Executive Orders, the DIG will help develop recommendations to modernize the process. This will include adapting lessons the DIG learns during the large

declassification projects – on process, technology, and so on – to improve classification/declassification practices and policies.

QUESTION 11: The Committee was not notified in advance of the DIG's creation or the DNI's press release announcing the DIG's stand-up. Will you ensure, as a current advisor to the DNI, that the Committee is kept fully and currently informed of all aspects of the DIG's work?

Answer: Yes.

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SELECT COMMITTEE ON INTELLIGENCE

UNITED STATES SENATE



QUESTIONNAIRE FOR COMPLETION BY
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**SELECT COMMITTEE ON INTELLIGENCE
UNITED STATES SENATE**

**QUESTIONNAIRE FOR COMPLETION BY
PRESIDENTIAL NOMINEES**

PART A- BIOGRAPHICAL INFORMATION

- I. FULL NAME: Joseph Clay Kent
OTHER NAMES USED: Joe
2. DATE AND PLACE OF BIRTH: April 11, 1980; Sweet Home Oregon
CITIZENSHIP: American
3. MARITAL STATUS: Married
4. SPOUSE'S NAME: Heather Kent
5. SPOUSE'S MAIDEN NAME IF APPLICABLE: Kaiser
6. NAMES AND AGES OF CHILDREN:

INFORMATION REDACTED

7. EDUCATION SINCE HIGH SCHOOL:

INSTITUTION	DATES ATTENDED	DEGREE RECEIVED	DATE OF DEGREE
Norwich University	Aug 2015-Jun 2017	BS Strategic Defense Analysis	17 June 2017

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8. EMPLOYMENT RECORD (LIST ALL POSITIONS HELD SINCE COLLEGE, INCLUDING MILITARY SERVICE. INDICATE NAME OF EMPLOYER, POSITION, TITLE OR DESCRIPTION, LOCATION, AND DATES OF EMPLOYMENT).

EMPLOYER	POSITION/TITLE	LOCATION	DATES
U.S. Army	Trainee, Solider	Ft. Benning, GA	Jun 1998-Nov 1998
U.S. Army	Rifleman, Team leader	Ft. Lewis, WA	Nov 1998-Dec 2001
U.S.Army	Special Forces, Candidate	Ft. Bragg, NC	Jan 2002-Jun 2003
U.S.Army	Special Forces, Weapons SGT	Ft. Campbell, KY	Jun 2003-May 2006
U.S.Army	Special Forces, Intelligence SGT	Ft. Campbell, KY	May 2006-Jan 2009
U.S.Army	Special Forces, Warrant Officer	Ft. Campbell, KY	Jan 2009-May 2013
U.S.Army	Special Forces, Warrant Officer	Ft. Belvoir, VA	May 2013-May 2018
Central Intelligence Agency	Paramilitary Operations Officer	Langley, VA	May 2018-May 2019
Advanced Enterprise Solutions	Project Manager	Yacolt, WA	Aug 2019- Feb 2023
Congressional Candidate	Candidate	Yacolt, WA	Feb 2021-Nov 2024

9. GOVERNMENT EXPERIENCE (INDICATE EXPERIENCE IN OR ASSOCIATION WITH FEDERAL, STATE, OR LOCAL GOVERNMENTS, INCLUDING ADVISORY, CONSULTATNE, HONORARY, OR OTHER PART-TIME SERVICE OR POSITION. DO NOT REPEAT INFORMATION ALREADY PROVIDED IN QUESTION 8).

In addition to my 20 years of active military service within the Department of Defense, since January 2025 I have worked as an advisor within the front office of the Office of the Director of National Intelligence (ODNI). As of February 2025, I am serving as DNI Gabbard's Chief of Staff.

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10. INDICATE ANY SPECIALIZED INTELLIGENCE OR NATIONAL SECURITY EXPERTISE YOU HAVE ACQUIRED HAVING SERVED IN THE POSITIONS DESCRIBED IN QUESTIONS 8 AND/OR 9.

During my 21-year national security career, I have served at the intersection of operations and intelligence. As a Special Forces and Special Missions Unit operator and as a Central Intelligence Agency (CIA) Paramilitary Officer, I was trained and deployed to combat as a certified human intelligence collector and an all-source analyst. In addition, I led cross-functional teams of human and signals intelligence collectors and cyber specialists on compartmentalized and sensitive operations. I understand first-hand the value of ground level intelligence and how to bring together a community of practitioners and policy makers, focusing them on a single goal of protecting our nation from terrorism. Being the NCTC Director involves the need to reach across the community to unify stakeholders to move in the same direction to secure our nation.

I began my career as an enlisted infantryman in the 75th Ranger Regiment and was later selected for Special Forces where I served as my Special Forces A team's intelligence analyst and human intelligence (HUMINT) collector. I completed these assignments in addition to my duties training and leading indigenous forces on combat operations. At the 11-year mark of my Army career I was selected to become a Special Forces Warrant Officer and was responsible for managing my A team's intelligence collection and assessments, including ensuring our collection was disseminated, actioned, and understood by the intelligence community (IC) and the IC's customers. My experience serving in 5th Special Forces Group for 10 years and eight combat deployments taught me that the most important factor in counter terrorism is knowing the ground truth and being able to inform and synchronize the community towards a common objective.

Following this time period, I was selected for a U.S. Army Special Missions unit that conducts sensitive intelligence operations within the IC. In this capacity I attended the Central Intelligence Agency's (CIA) operations certification course and deployed with the CIA and as a member of a Special Operations Task Force prosecuting sensitive targets in and outside of combat zones. After retiring from the Army, I was immediately selected to serve as a Paramilitary Operations Officer in the CIA's Special Activities Center.

11. HONORS AND AWARDS (PROVIDE INFORMATION ON SCHOLARSHIPS, FELLOWSHIPS, HONORARY DEGREES, MILITARY DECORATIONS, CIVILIAN SERVICE CITATIONS, OR ANY OTHER SPECIAL RECOGNITION FOR OUTSTANDING PERFORMANCE OR ACHIEVEMENT).

I have earned six Bronze Stars for combat operations, as well as a Combat Infantryman's Badge and Meritorious Service Medal. My citations and DD214 are available upon request.

12. ORGANIZATIONAL AFFILIATIONS (LIST MEMBERSHIPS IN AND OFFICES HELD WITHIN THE LAST TEN YEARS IN ANY PROFESSIONAL, CIVIC, FRATERNAL, BUSINESS, SCHOLARLY, CULTURAL, CHARITABLE, OR OTHER SIMILAR ORGANIZATIONS).

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<u>ORGANIZATION</u>	<u>OFFICE HELD</u>	<u>DATES</u>
The Global War on Terror Memorial Foundation	Board Member	May 2019-May 2021

13. PUBLISHED WRITINGS AND SPEECHES (LIST THE TITLES, PUBLISHERS, BLOGS AND PUBLICATION DATES OF ANY BOOKS, ARTICLES, REPORTS, OR OTHER PUBLISHED MATERIALS YOU HAVE AUTHORED. ALSO LIST ANY PUBLIC SPEECHES OR REMARKS YOU HAVE MADE WITHIN THE LAST TEN YEARS FOR WHICH THERE IS A TEXT, TRANSCRIPT, OR VIDEO). IF ASKED, WILL YOU PROVIDE A COPY OF EACH REQUESTED PUBLICATION, TEXT, TRANSCRIPT, OR VIDEO?

Published Writings

Books

- *Send Me: The True Story of a Mother at War*: Memoir about Shannon Kent's life and death, co-authored with Marty Skovlund Jr., published by HarperCollins (Broadside Books imprint) (May 7, 2024).

Articles

- "Biden's Quagmire in the Middle East": Opinion piece on U.S. Middle East policy, published by Newsweek (January 30, 2024).
- "On Syria withdrawal, Trump is right": Opinion piece arguing Trump's Syria pullout had merit but needed better execution, published by CNN (October 24, 2019).

Speeches and Public Remarks (With Text, Transcript, or Video)

Television

- *Real America*: Campaign recap remarks (November 12, 2024).
- *KGW*: Debate vs. Perez (October 17, 2024).
- *KATU*: Debate vs. Perez (October 7, 2024).
- *One America News*: Trump tie-in remarks (July 29, 2024).
- *KGW*: 2024 run announcement remarks (January 11–12, 2023).

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- *One America News*: Campaign remarks (e.g., *Real America with Dan Ball*) (November 2022).
- *KATU*: Debate vs. Marie Gluesenkamp Perez (October 7, 2022).
- *KOIN News*: Campaign remarks on Morton event (October 5, 2022).
- *John Bachman Now*: Campaign remarks (August 2022).
- *One America News*: Campaign remarks (e.g., *Real America with Dan Ball*) (August 2022).
- *KOIN TV*: Campaign kickoff remarks (January 23–29, 2022).
- *Tucker Carlson Tonight*: Vaccine mandate critique (December 2, 2021).
- *Tucker Carlson Tonight*: Campaign remarks (September 8, 2021).
- *The Situation Room* or *Erin Burnett OutFront*: Remarks on Syria withdrawal (October 2019).
- *The Ingraham Angle* or *Hammy*: Remarks on Syria policy (February or March 2019).
- *New Day* or *CNN Newsroom*: Remarks on Shannon Kent's sacrifice (January 2019).
- *Fox & Friends* or *America's Newsroom*: Remarks on Shannon Kent's death (January 2019).

Podcasts

- *Human Events Daily: Send Me* and future remarks (December 18, 2024).
- *The Patriot Pulse*: Campaign and Trump remarks (December 15, 2024).
- *War Room*: Campaign remarks (Bannon) (November 9, 2024).
- *The Eric Metaxas Show: Send Me* remarks (October 15, 2024).
- *The Kelsi Sheren Perspective: Send Me* remarks (Ep #234) (September 3, 2024).
- *The Patriot Pulse*: Campaign and Trump remarks (August 10, 2024).
- *Shawn Ryan Show: Send Me* remarks (Ep #126) (August 19, 2024).
- *SOFREP Radio: Send Me* remarks (July 19, 2024).
- *War Room: Battleground*: Campaign/book remarks (June 2024).
- *Together We Go: Send Me* remarks (Ep #5) (May 13, 2024).
- *Coffee or Die: Send Me* remarks (May 2024).
- *The Veteran's Voice: Send Me* remarks (May 8, 2024).
- *Jocko Podcast: Send Me* remarks (Ep #437) (May 8, 2024).

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- *Drinkin' Bros Podcast: Send Me* remarks (Ep #1329) (May 6, 2024).
- *Black Rifle Coffee Podcast: Campaign and military* remarks (Ep #309) (March 20, 2024).
- *The Heidi St. John Podcast: Campaign* remarks on uniting Republicans (Ep #1085) (February 26, 2024).
- *Tucker Carlson Show: Remarks on war with Iran* (Ep #69) (January 29, 2024).
- *Tucker Carlson Show: Campaign* remarks (2023).
- *War Room: 2024 run announcement* remarks (Bannon) (January 11, 2023).
- *War Room: Campaign* remarks (Bannon) (November 2022).
- *War Room: Campaign* remarks (Bannon) (August 2022).
- *The Stew Peters Show: Campaign* remarks (August 2022).
- *Human Events Daily: Campaign* remarks (July 22, 2022).
- *The Failure Podcast: Campaign* remarks (Ep #8) (April 22, 2022).
- *The Charlie Kirk Show: Campaign* remarks (January 23–29, 2022).
- *The American Journal: Campaign* remarks (Infowars) (January 24, 2022).
- *Drinkin' Bros Podcast: Campaign* remarks (Ep #957) (January 3, 2022).
- *Black Rifle Coffee Podcast: Campaign and military* remarks (Ep #186) (December 20, 2021).
- *The American Journal: Campaign* remarks (Infowars) (November 4, 2021).
- *War Room: Campaign* remarks (Infowars) (October 29, 2021).
- *The American Journal: Campaign* remarks (Infowars) (October 7, 2021).
- *Black Rifle Coffee Podcast: Political and military* remarks (Ep #140) (June 27, 2021).
- *The American Journal: Campaign* remarks (Infowars) (June 18, 2021).
- *War Room: Co-hosted campaign* remarks (Bannon) (May 30, 2021).
- *War Room: Campaign* remarks (Infowars) (May 28, 2021).
- *War Room: Fundraising* remarks (Infowars) (April 29, 2021).
- *Drinkin' Bros Podcast: Military and personal* remarks (Ep #618) (June 13, 2020).

Radio

- *Veterans Radio: Send Me* remarks (December 10, 2024).
- *The Hugh Hewitt Show: Trump tie-in* remarks (December 5, 2024).
- *The David Webb Show: Send Me* remarks (SiriusXM) (December 3, 2024).

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- *The Brian Kilmeade Show: Send Me* remarks (Fox News Radio) (June 18, 2024).
- *Lars Larson Show: Send Me* remarks (May 10, 2024).
- *KTEP Book Club: Send Me* remarks (May 5, 2024).
- *Sebastian Gorka Show*: Campaign remarks (January 23–29, 2022).
- *Lars Larson Show*: Campaign remarks (January 23–29, 2022).

YouTube/Streaming

- *Task & Purpose: Send Me* remarks (May 7, 2024).
- *American Populist Union*: Campaign remarks disavowing Fuentes (July 2022).
- Greyson Arnold Interview: Campaign remarks (June 2022).

Public Events

- Trump Telephone Town Hall: Campaign remarks with Trump (October 29, 2024).
- Tenino Town Hall: Campaign remarks (June 3, 2024).
- Clark County Republican Party Event: Campaign remarks (July 31, 2022).

PART B-QUALIFICATIONS

14. QUALIFICATIONS (DESCRIBE WHY YOU BELIEVE YOU ARE QUALIFIED TO SERVE AS THE DIRECTOR OF THE NATIONAL COUNTERTERRORISM CENTER).

I have spent the vast majority of my adult life in the counterterrorism fight. From leading assaults against terrorists in Iraq, to recruiting human sources across remote corners of the world throughout our nation's longest war, to analyzing all source intelligence to locate the next terrorist target, counterterrorism has been my life's work. During my initial deployment to Iraq as a Green Beret, I gravitated towards intelligence work and became qualified to conduct HUMINT. After several deployments, I was selected to become a Special Forces intelligence Sergeant, which meant I was responsible for collecting intelligence and leveraging the full scope of the U.S. Intelligence Community to then analyze my Special Forces team's intelligence collection, generate target packages, and conduct area assessments. I was later selected for a Secret U.S. Army Special Missions unit that specializes in sensitive intelligence collection and special reconnaissance. In this capacity, I attended the CIA's Operations course and later became a Paramilitary Operations Officer at the CIA.

I view the fight against terrorism as my, and my generation's, legacy. It is our solemn duty to our children to ensure that we do not let terrorists destroy any more American lives and that future generations are not consumed by this fight like ours has been. I understand how to ensure that the ground truth that the brave men and women of the IC risk their lives to collect actually makes it to policy makers. I understand this because of my background. Our intelligence officers live and serve every day in the world's most hostile and austere environments. I shared this reality for over two decades, and am thus equipped with the understanding, experience, and expertise to lead our counterterror professionals to accomplish the task of defeating our nation's enemies and

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keeping our nation safe.

PART C - POLITICAL AND FOREIGN AFFILIATIONS

15. POLITICAL ACTIVITIES (LIST ANY MEMBERSHIPS OR OFFICES HELD IN OR FINANCIAL CONTRIBUTIONS OR SERVICES RENDERED TO, ANY POLITICAL PARTY, ELECTION COMMITTEE, POLITICAL ACTION COMMITTEE, OR INDIVIDUAL CANDIDATE DURING THE LAST TEN YEARS).

I was a member of Veterans for Trump and Military Families for Trump 2020.

16. CANDIDACY FOR PUBLIC OFFICE (FURNISH DETAILS OF ANY CANDIDACY FOR ELECTIVE PUBLIC OFFICE).

Candidate, U.S. Congress, Washington's 3rd Congressional District, 2024 Election
Candidate, U.S. Congress, Washington's 3rd Congressional District, 2022 Election

17. FOREIGN AFFILIATIONS

(NOTE: QUESTIONS 17A AND B ARE NOT LIMITED TO RELATIONSHIPS REQUIRING REGISTRATION UNDER THE FOREIGN AGENTS REGISTRATION ACT. QUESTIONS 17A, B, AND C DO NOT CALL FOR A POSITIVE RESPONSE IF THE REPRESENTATION OR TRANSACTION WAS AUTHORIZED BY THE UNITED STATES GOVERNMENT IN CONNECTION WITH YOUR OR YOUR SPOUSE'S EMPLOYMENT IN GOVERNMENT SERVICE.)

A. HAVE YOU OR YOUR SPOUSE EVER REPRESENTED IN ANY CAPACITY (E.G. EMPLOYEE, ATTORNEY, OR POLITICAL/BUSINESS CONSULTANT), WITH OR WITHOUT COMPENSATION, A FOREIGN GOVERNMENT OR AN ENTITY CONTROLLED BY A FOREIGN GOVERNMENT? IF SO, PLEASE FULLY DESCRIBE SUCH RELATIONSHIP.

No.

B. HAVE ANY OF YOUR OR YOUR SPOUSE'S ASSOCIATES REPRESENTED, IN ANY CAPACITY, WITH OR WITHOUT COMPENSATION, A FOREIGN GOVERNMENT OR AN ENTITY CONTROLLED BY A FOREIGN GOVERNMENT? IF SO, PLEASE FULLY DESCRIBE SUCH RELATIONSHIP.

No.

C. DURING THE PAST TEN YEARS, HAVE YOU OR YOUR SPOUSE RECEIVED ANY COMPENSATION FROM, OR BEEN INVOLVED IN ANY FINANCIAL OR BUSINESS TRANSACTIONS WITH, A FOREIGN GOVERNMENT OR ANY ENTITY CONTROLLED BY A FOREIGN GOVERNMENT? IF SO, PLEASE PROVIDE DETAILS.

No.

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D. HAVE YOU OR YOUR SPOUSE EVER REGISTERED UNDER THE FOREIGN AGENTS REGISTRATION ACT? IF SO, PLEASE PROVIDE DETAILS.

No.

18. DESCRIBE ANY LOBBYING ACTIVITY DURING THE PAST TEN YEARS, OTHER THAN IN AN OFFICIAL U.S. GOVERNMENT CAPACITY, IN WHICH YOU OR YOUR SPOUSE HAVE ENGAGED FOR THE PURPOSE OF DIRECTLY OR INDIRECTLY INFLUENCING THE PASSAGE, DEFEAT, OR MODIFICATION OF FEDERAL LEGISLATION, OR FOR THE PURPOSE OF AFFECTING THE ADMINISTRATION AND EXECUTION OF FEDERAL LAW OR PUBLIC POLICY.

N/A

PART D - FINANCIAL DISCLOSURE AND CONFLICT OF INTEREST

19. DESCRIBE ANY EMPLOYMENT, BUSINESS RELATIONSHIP, FINANCIAL TRANSACTION, INVESTMENT, ASSOCIATION, OR ACTIVITY (INCLUDING, BUT NOT LIMITED TO, DEALINGS WITH THE FEDERAL GOVERNMENT ON YOUR OWN BEHALF OR ON BEHALF OF A CLIENT), WHICH COULD CREATE, OR APPEAR TO CREATE, A CONFLICT OF INTEREST IN THE POSITION TO WHICH YOU HAVE BEEN NOMINATED.

None

20. DO YOU INTEND TO SEVER ALL BUSINESS CONNECTIONS WITH YOUR PRESENT EMPLOYERS, FIRMS, BUSINESS ASSOCIATES AND/OR PARTNERSHIPS, OR OTHER ORGANIZATIONS IN THE EVENT THAT YOU ARE CONFIRMED BY THE SENATE? IF NOT, PLEASE EXPLAIN.

N/A.

21. DESCRIBE THE FINANCIAL ARRANGEMENTS YOU HAVE MADE OR PLAN TO MAKE, IF YOU ARE CONFIRMED, IN CONNECTION WITH SEVERANCE FROM YOUR CURRENT POSITION. PLEASE INCLUDE SEVERANCE PAY, PENSION RIGHTS, STOCK OPTIONS, DEFERRED INCOME ARRANGEMENTS, AND ANY AND ALL COMPENSATION THAT WILL OR MIGHT BE RECEIVED IN THE FUTURE AS A RESULT OF YOUR CURRENT BUSINESS OR PROFESSIONAL RELATIONSHIPS.

N/A.

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- 22. DO YOU HAVE ANY PLANS, COMMITMENTS, OR AGREEMENTS TO PURSUE OUTSIDE EMPLOYMENT, WITH OR WITHOUT COMPENSATION, DURING YOUR SERVICE WITH THE GOVERNMENT? IF SO, PLEASE PROVIDE DETAILS.

No.

- 23. AS FAR AS CAN BE FORESEEN, STATE YOUR PLANS AFTER COMPLETING GOVERNMENT SERVICE. PLEASE SPECIFICALLY DESCRIBE ANY AGREEMENTS OR UNDERSTANDINGS, WRITTEN OR UNWRITTEN, CONCERNING EMPLOYMENT AFTER LEAVING GOVERNMENT SERVICE. IN PARTICULAR, DESCRIBE ANY AGREEMENTS, UNDERSTANDINGS, OR OPTIONS TO RETURN TO YOUR CURRENT POSITION.

I have no plans after my government service.

- 24. IF YOU ARE PRESENTLY IN GOVERNMENT SERVICE, DURING THE PAST FIVE YEARS OF SUCH SERVICE, HAVE YOU RECEIVED FROM A PERSON OUTSIDE OF GOVERNMENT AN OFFER OR EXPRESSION OF INTEREST TO EMPLOY YOUR SERVICES AFTER YOU LEAVE GOVERNMENT SERVICE? IF YES, PLEASE PROVIDE DETAILS.

No.

- 25. IS YOUR SPOUSE EMPLOYED? IF YES AND THE NATURE OF THIS EMPLOYMENT IS RELATED IN ANY WAY TO THE POSITION FOR WHICH YOU ARE SEEKING CONFIRMATION, PLEASE INDICATE YOUR SPOUSE'S EMPLOYER, THE POSITION, AND THE LENGTH OF TIME THE POSITION HAS BEEN HELD. IF YOUR SPOUSE'S EMPLOYMENT IS NOT RELATED TO THE POSITION TO WHICH YOU HAVE BEEN NOMINATED, PLEASE SO STATE.

My spouse's position is not related to the position to which I have been nominated.

- 26. LIST BELOW ALL CORPORATIONS, PARTNERSHIPS, FOUNDATIONS, TRUSTS, OR OTHER ENTITIES TOWARD WHICH YOU OR YOUR SPOUSE HAVE FIDUCIARY OBLIGATIONS OR IN WHICH YOU OR YOUR SPOUSE HAVE HELD DIRECTORSHIPS OR OTHER POSITIONS OF TRUST DURING THE PAST FIVE YEARS.

<u>NAME OF ENTITY</u>	<u>POSITION</u>	<u>DATES HELD</u>	<u>SELF OR SPOUSE</u>
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None.

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27. LIST ALL GIFTS EXCEEDING \$100 IN VALUE RECEIVED DURING THE PAST FIVE YEARS BY YOU, YOUR SPOUSE, OR YOUR DEPENDENTS. (NOTE: GIFTS RECEIVED FROM RELATIVES AND GIFTS GIVEN TO YOUR SPOUSE OR DEPENDENT NEED NOT BE INCLUDED UNLESS THE GIFT WAS GIVEN WITH YOUR KNOWLEDGE AND ACQUIESCENCE AND YOU HAD REASON TO BELIEVE THE GIFT WAS GIVEN BECAUSE OF YOUR OFFICIAL POSITION.)

None.

28. LIST ALL SECURITIES, REAL PROPERTY, PARTNERSHIP INTERESTS, OR OTHER INVESTMENTS OR RECEIVABLES WITH A CURRENT MARKET VALUE (OR, IF MARKET VALUE IS NOT ASCERTAINABLE, ESTIMATED CURRENT FAIR VALUE) IN EXCESS OF \$1,000. (NOTE: THE INFORMATION PROVIDED IN RESPONSE TO SCHEDULE A OF THE DISCLOSURE FORMS OF THE OFFICE OF GOVERNMENT ETHICS MAY BE INCORPORATED BY REFERENCE, PROVIDED THAT CURRENT VALUATIONS ARE USED.)

<u>DESCRIPTION OF PROPERTY</u>	<u>VALUE</u>	<u>METHOD OF VALUATION</u>
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See Schedule A of OGE Form 278

29. LIST ALL LOANS OR OTHER INDEBTEDNESS (INCLUDING ANY CONTINGENT LIABILITIES) IN EXCESS OF \$10,000. EXCLUDE A MORTGAGE ON YOUR PERSONAL RESIDENCE UNLESS IT IS RENTED OUT, AND LOANS SECURED BY AUTOMOBILES, HOUSEHOLD FURNITURE, OR APPLIANCES. (NOTE: THE INFORMATION PROVIDED IN RESPONSE TO SCHEDULE C OF THE DISCLOSURE FORM OF THE OFFICE OF GOVERNMENT ETHICS MAY BE INCORPORATED BY REFERENCE, PROVIDED THAT CONTINGENT LIABILITIES ARE ALSO INCLUDED.)

<u>NATURE OF OBLIGATION</u>	<u>NAME OF OBLIGEE</u>	<u>AMOUNT</u>
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None.

30. ARE YOU OR YOUR SPOUSE NOW IN DEFAULT ON ANY LOAN, DEBT, OR OTHER FINANCIAL OBLIGATION? HAVE YOU OR YOUR SPOUSE BEEN IN DEFAULT ON ANY LOAN, DEBT, OR OTHER FINANCIAL OBLIGATION IN THE PAST TEN YEARS? HAVE YOU OR YOUR SPOUSE EVER BEEN REFUSED CREDIT OR HAD A LOAN APPLICATION DENIED? IF THE ANSWER TO ANY OF THESE QUESTIONS IS YES, PLEASE PROVIDE DETAILS.

No.

31. LIST THE SPECIFIC SOURCES AND AMOUNTS OF ALL INCOME RECEIVED DURING THE LAST FIVE YEARS, INCLUDING ALL SALARIES, FEES,

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DIVIDENDS, INTEREST, GIFTS, RENTS, ROYALTIES, PATENTS, HONORARIA, AND OTHER ITEMS EXCEEDING \$200. (COPIES OF U.S. INCOME TAX RETURNS FOR THESE YEARS MAY BE SUBSTITUTED HERE, BUT THEIR SUBMISSION IS NOT REQUIRED.)

INFORMATION REDACTED

32. IF ASKED, WILL YOU PROVIDE THE COMMITTEE WITH COPIES OF YOUR AND YOUR SPOUSE'S FEDERAL INCOME TAX RETURNS FOR THE PAST THREE YEARS?

Yes.

33. LIST ALL WRISDICTIONS IN WHICH YOU AND YOUR SPOUSE FILE ANNUAL INCOME TAX RETURNS.

Washington State and Virginia.

34. HAVE YOUR FEDERAL OR STATE TAX RETURNS BEEN THE SUBJECT OF AN AUDIT, INVESTIGATION, OR INQUIRY AT ANY TIME? IF SO, PLEASE PROVIDE DETAILS, INCLUDING THE RESULT OF ANY SUCH PROCEEDING.

No.

35. IF YOU ARE AN ATTORNEY, ACCOUNTANT, OR OTHER PROFESSIONAL, PLEASE LIST ALL CLIENTS AND CUSTOMERS WHOM YOU BILLED MORE THAN \$200 WORTH OF SERVICES DURING THE PAST FIVE YEARS. ALSO, LIST ALL JURISDICTIONS IN WHICH YOU ARE LICENSED TO PRACTICE.

Not applicable.

36. DO YOU INTEND TO PLACE YOUR FINANCIAL HOLDINGS AND THOSE OF YOUR SPOUSE AND DEPENDENT MEMBERS OF YOUR IMMEDIATE HOUSEHOLD IN A BLIND TRUST? IF YES, PLEASE FURNISH DETAILS. IF NO, DESCRIBE OTHER ARRANGEMENTS FOR AVOIDING ANY POTENTIAL CONFLICTS OF INTEREST.

I will abide by any agreement reached with the Office of Government Ethics to ensure there are no real or perceived conflicts of interest.

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37. IF APPLICABLE, LIST THE LAST THREE YEARS OF ANNUAL FINANCIAL DISCLOSURE REPORTS YOU HAVE BEEN REQUIRED TO FILE WITH YOUR AGENCY, DEPARTMENT, OR BRANCH OF GOVERNMENT. IF ASKED, WILL YOU PROVIDE A COPY OF THESE REPORTS?

Please see attached document.

PART E-ETHICAL MATTERS

38. HAVE YOU EVER BEEN THE SUBJECT OF A DISCIPLINARY PROCEEDING OR CITED FOR A BREACH OF ETHICS OR UNPROFESSIONAL CONDUCT BY, OR BEEN THE SUBJECT OF A COMPLAINT TO, ANY COURT, ADMINISTRATIVE AGENCY, PROFESSIONAL ASSOCIATION, DISCIPLINARY COMMITTEE, OR OTHER PROFESSIONAL GROUP? IF SO, PLEASE PROVIDE DETAILS.

No.

39. HAVE YOU EVER BEEN INVESTIGATED, HELD, ARRESTED, **OR** CHARGED BY ANY FEDERAL, STATE, OR OTHER LAW ENFORCEMENT AUTHORITY FOR VIOLATION OF ANY FEDERAL STATE, COUNTY, OR MUNICIPAL LAW, REGULATION, OR ORDINANCE, OTHER THAN A MINOR TRAFFIC OFFENSE, OR NAMED AS A DEFENDANT OR OTHERWISE IN ANY INDICTMENT OR INFORMATION RELATING TO SUCH VIOLATION? IF SO, PLEASE PROVIDE DETAILS.

No.

40. HAVE YOU EVER BEEN CONVICTED OF OR ENTERED A PLEA OF GUILTY OR NOLO CONTENDERE TO ANY CRIMINAL VIOLATION OTHER THAN A MINOR TRAFFIC OFFENSE? IF SO, PLEASE PROVIDE DETAILS.

No.

41. ARE YOU PRESENTLY OR HAVE YOU EVER BEEN A PARTY IN INTEREST IN ANY ADMINISTRATIVE AGENCY PROCEEDING OR CIVIL LITIGATION? IF SO, PLEASE PROVIDE DETAILS.

No.

42. HAVE YOU BEEN INTERVIEWED OR ASKED TO SUPPLY ANY INFORMATION AS A WITNESS **OR** OTHERWISE IN CONNECTION WITH ANY CONGRESSIONAL INVESTIGATION, FEDERAL, OR STATE AGENCY PROCEEDING, GRAND JURY INVESTIGATION, OR CRIMINAL OR CIVIL LITIGATION IN THE PAST TEN YEARS? IF SO, PLEASE PROVIDE DETAILS.

No.

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43. HAS ANY BUSINESS OF WHICH YOU ARE OR WERE AN OFFICER, DIRECTOR, OR PARTNER BEEN A PARTY TO ANY ADMINISTRATIVE AGENCY PROCEEDING OR CRIMINAL OR CIVIL LITIGATION RELEVANT TO THE POSITION TO WHICH YOU HAVE BEEN NOMINATED? IF SO, PLEASE PROVIDE DETAILS. (**WITH** RESPECT TO A BUSINESS OF WHICH YOU ARE OR WERE AN OFFICER, YOU NEED ONLY CONSIDER PROCEEDINGS AND LITIGATION THAT OCCURRED WHILE YOU WERE AN OFFICER OF THAT BUSINESS.)

No.

44. HAVE YOU EVER BEEN THE SUBJECT OF ANY INSPECTOR GENERAL INVESTIGATION? IF SO, PLEASE PROVIDE DETAILS.

No.

PART F-SECURITY INFORMATION

45. HAVE YOU EVER BEEN DENIED ANY SECURITY CLEARANCE OR ACCESS TO CLASSIFIED INFORMATION FOR ANY REASON? IF YES, PLEASE EXPLAIN IN DETAIL.

No.

46. HAVE YOU BEEN REQUIRED TO TAKE A POLYGRAPH EXAMINATION FOR ANY SECURITY CLEARANCE OR ACCESS TO CLASSIFIED INFORMATION? IF YES, PLEASE EXPLAIN.

Yes, I have taken a TS//SCI Counterintelligence (CI) polygraph through the Department of Defense and a Full-Scope polygraph through the Central Intelligence Agency.

47. HAVE YOU EVER REFUSED TO SUBMIT TO A POLYGRAPH EXAMINATION? IF YES, PLEASE EXPLAIN.

No.

PART G-ADDITIONAL INFORMATION

48. DESCRIBE IN YOUR OWN WORDS THE CONCEPT OF CONGRESSIONAL OVERSIGHT OF U.S. INTELLIGENCE ACTIVITIES. IN PARTICULAR, CHARACTERIZE WHAT YOU BELIEVE TO BE THE OBLIGATIONS OF YOUR POSITION AND THE INTELLIGENCE COMMITTEES OF THE CONGRESS, RESPECTIVELY, IN THE OVERSIGHT PROCESS.

Congress's role is ensuring that the Intelligence Community is following the law, being good stewards of the American people's hard earned tax dollars and protecting our nation. If confirmed, as the NCTC Director I will ensure that the congressional oversight committees are

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always kept informed of all actions we take, and I will appear before this committee and others to discuss matters of counterterrorism as requested.

49. EXPLAIN YOUR UNDERSTANDING OF THE RESPONSIBILITIES OF THE POSITION TO WHICH YOU HAVE BEEN NOMINATED.

The NCTC Director serves as the Director of National Intelligence's President's primary advisor for counterterrorism (CT) matters and reports to the President on counterterrorism operations planning. The NCTC Director leads the organization responsible for integrating, analyzing, and sharing information to drive whole-of-government action and achieve the President's national CT objectives. NCTC also increasingly plays a role in ensuring that federal, state, and local partners can access the information they need to keep their communities safe. Additionally, the NCTC Director is responsible for ensuring that the database of known or suspected international terrorists is updated and available to support the CT community, including terrorist watch listing and screening and vetting by federal partners. In short, we ensure that every available bit of CT information is ingested, analyzed, and appropriately shared with those who need it.

NCTC's unique role in the IC was established by the Intelligence Reform and Terrorism Prevention Act of 2004 (IRTPA), directing that NCTC:

Analyze the Threat. NCTC serves as the primary U.S. Government organization analyzing and integrating all intelligence possessed or acquired by the U.S. Government pertaining to terrorism and CT, excepting exclusively domestic terrorists and domestic CT.

Plan and integrate. NCTC conducts strategic operational planning for CT activities, integrating diplomatic, financial, military, intelligence, homeland security, and law enforcement activities within and among agencies.

Share. NCTC ensures that federal departments and agencies have what they need to execute their CT plans.

Maintain the Terrorist Watchlist. NCTC serves as the central and shared knowledge bank on known or suspected terrorists (KSTs), as well as their goals, strategies, capabilities, and networks of contacts and support.

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AFFIRMATION

I, Joseph Kent, DO SWEAR THAT THE ANSWERS I HAVE PROVIDED TO THIS QUESTIONNAIRE ARE ACCURATE AND COMPLETE.

28 Feb 2025
(Date)

JOSEPH KENT SIGNATURE REDACTED

NOTARY SIGNATURE REDACTED

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TO THE CHAIRMAN, SELECT COMMITTEE ON INTELLIGENCE:

In connection with my nomination, I hereby express my willingness to respond to requests to appear and testify before any duly constituted committee of the Senate.

JOSEPH KENT SIGNATURE REDACTED

Date: 28 FEB 2025

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SELECT COMMITTEE ON
INTELLIGENCE

UNITED STATES SENATE



**Prehearing Questions
for
Joseph Kent
upon his nomination to be the Director of the
National Counterterrorism Center**

Responsibilities of the Director of the National Counterterrorism Center

The Intelligence Reform and Terrorism Prevention Act of 2004 (IRTPA) created the National Counterterrorism Center (NCTC) and the position of Director of the NCTC.

QUESTION 1: What is your understanding of the role of the NCTC within the Intelligence Community (IC)?

ANSWER: My understanding of NCTC's unique and critical role in U.S. national security stems from its statutory creation in the Intelligence Reform and Terrorism Prevention Act of 2004 (IRTPA). IRTPA laid out NCTC's mission and role within the Intelligence Community in order to prevent another large-scale terrorist attack on the nation like we saw on September 11, 2001.

- NCTC serves as the primary U.S. Government organization for analyzing and integrating all intelligence possessed or acquired by the U.S. Government pertaining to terrorism and counterterrorism, excepting intelligence pertaining exclusively to domestic terrorists and domestic counterterrorism.
- NCTC is unique within the U.S. Government in that it is charged with analyzing and integrating all terrorism-related holdings of the U.S. Government. This includes maintaining the authoritative knowledge bank on all known and suspected terrorists, and their networks of contacts and support, and analyzing and integrating information regarding the plans and intentions of terrorist groups. NCTC maintains the definitive classified database, the Terrorist Identities Datamart Environment (TIDE), which supports the U.S. Government's efforts to secure our country via watchlisting.
- NCTC shares its analysis to ensure that federal departments and agencies have what they need to execute their counterterrorism plans.
- NCTC conducts strategic operational planning for U.S. Government counterterrorism activities across agency boundaries in support of the President through the National Security Council Staff.

QUESTION 2: What is your understanding of the specific statutory responsibilities of the Director of the NCTC?

ANSWER: The NCTC Director is the Director of National Intelligence's primary advisor on counterterrorism matters and reports to the President on counterterrorism planning. The NCTC Director ensures that NCTC integrates, analyzes, and shares information to drive whole-of-government action and achieve the President's national counterterrorism objectives. NCTC also plays a role in ensuring that federal, state, local, and tribal partners can access the information they need to keep their communities safe.

Additionally, the NCTC Director is responsible for ensuring the integrity of the TIDE database and that it is available to support the counterterrorism community, including terrorist watchlisting and screening and vetting by federal partners. In short, if confirmed, my job would be to ensure that NCTC is ingesting, analyzing, and appropriately sharing terrorism information to keep our nation safe and in support of the President's national security priorities.

QUESTION 3: Have you discussed with Director Gabbard her specific expectations of you, if confirmed as Director of the NCTC, and her expectations of the NCTC as a whole? If so, please describe these expectations.

ANSWER: Yes, if confirmed as the Director of NCTC, DNI Gabbard expects me to further synchronize our nation's counterterrorism intelligence dissemination to ensure the Intelligence Community is working together to keep our nation safe from terror attacks. DNI Gabbard also expects me to develop a strategy to keep constant collection on Islamic terrorists such as ISIS, al-Qaeda, and the Iranian threat network as well as taking the tactics, techniques, and procedures we developed over the past twenty-four years against Islamic terrorists and turn our collection on the international drug cartels and transnational gangs that have recently been designated as foreign terrorist organizations.

NCTC Mission

QUESTION 4: What are NCTC's unique contributions to IC counterterrorism (CT) analysis as compared to CT analysis produced by other IC components such as the Central Intelligence Agency (CIA)?

ANSWER: NCTC's role is to work closely with other Intelligence Community elements such as the Central Intelligence Agency (CIA), but NCTC is solely responsible for integrating and analyzing all international terrorism information.

NCTC does not engage in clandestine collection of foreign intelligence or have an operational role. Therefore, it can focus on analyzing information independently from those other equities. NCTC's mandate also includes sharing this information with appropriate customers across the counterterrorism community and with key U.S. Government partners.

NCTC's role is collaborative in nature—it coordinates its intelligence assessments with partners across the community to ensure NCTC's products and analysis represent the authoritative voice on counterterrorism issues in support of the President's national security priorities. NCTC's unique analytic value stems from its authority to serve as the primary organization for analyzing and integrating all intelligence pertaining to counterterrorism. This allows NCTC to paint a comprehensive picture of the foreign terrorist threat, leveraging a broad range of datasets from the Federal Bureau of Investigation (FBI), Department of Homeland Security (DHS), CIA, Department of State, Department of Defense, Department of the Treasury, and others, enabling comprehensive searches of all relevant U.S. Government counterterrorism holdings, a capability that sets NCTC apart from other agencies. NCTC used these unique authorities and capabilities last summer to provide unparalleled analysis and helped it lead Intelligence Community analysis on a significant ISIS-linked threat to the Homeland.

Furthermore, NCTC's data scientists have developed innovative techniques to identify potential threats at the border, generating actionable leads for its operational partners. Similarly, it played a crucial role in responding to the Iranian threat against former U.S. officials, effectively bridging the gap between domestic investigations and foreign intelligence gathering. By integrating these diverse streams of information, NCTC provides a holistic understanding of the terrorist threat landscape, informing decision-making and supporting the safety and security of the American people. The role that NCTC plays in strategic operational planning for the U.S. counterterrorism community in support of the President is unique to its authorities.

QUESTION 5: Do you believe NCTC is fulfilling its mission as outlined in IIRTPA to serve as the primary organization in the U.S. Government for integrating and analyzing all intelligence pertaining to terrorism and CT?

ANSWER: Over the past 20 years, NCTC has matured as an organization and has been fulfilling the vision laid out in the IIRTPA to address the intelligence failures

on 9/11. However, as the threat evolves, NCTC must not become complacent. If confirmed, I would work to ensure that NCTC is best postured to adapt to a rapidly changing terrorist threat environment, including threats at our borders.

In order to effectively tackle this more complex threat, it is imperative that NCTC's data management and analysis be cutting edge. NCTC's watchlisting, screening and vetting support, and all-source analytic efforts rely on modern, cutting-edge tools and clear, consistent data management policies to keep pace with the evolving terrorist threats of today.

If confirmed, I will ensure that NCTC is appropriately organized and that its partnerships remain robust in order to support the changing counterterrorism environment and keep the nation safe.

QUESTION 6: What is your assessment of the NCTC's current strengths and weaknesses? How do you plan to address those weaknesses, if confirmed?

ANSWER: NCTC's great strengths are its unique access to terrorism-related data and its strong relationships across the U.S. Government. As noted above, NCTC's role is inherently collaborative in nature, coordinating its intelligence assessments across the community to ensure that NCTC represents the authoritative voice on counterterrorism issues. Because NCTC does not direct operations as many of its counterterrorism community counterparts do, it is able to provide this neutral perspective.

NCTC's greatest weakness, like many government agencies, is striving to adapt to a changing threat environment and a rapidly evolving technology and data landscape. NCTC needs to ensure it has the right tools to analyze the large troves of data it has access to in order to maintain the necessary competitive edge over America's adversaries.

QUESTION 7: What do you believe are the greatest challenges facing the NCTC? How do you plan to conquer those challenges, if confirmed?

ANSWER: As mentioned above, NCTC's greatest challenge is in its ability to adapt to technological changes, as well as to changes in the threat environment. Terrorism is a no-fail mission, and NCTC must ensure it is on the cutting edge. If confirmed, I look forward to working closely with DNI Gabbard and with NCTC senior staff to

see to it that NCTC officers have the ability to fulfill their mission of protecting the American public from terrorist threats.

QUESTION 8: Please explain your vision for the NCTC, including your views on its current and future priorities and what the organization should look like five years from now.

ANSWER: My vision is simple, no attacks on our watch and stop the fentanyl from cartels that is killing our citizens.

If confirmed, I will focus counterterrorism collection, analysis and dissemination on our top priority, preventing terror attacks on our homeland. Within five years, I want NCTC to understand how Islamic terrorism is evolving and cover that threat effectively while staying agile enough to quickly adapt to new terror threats. It is my goal to have no attacks against our homeland, cover terrorism judiciously so we are vigilant but no longer consumed by it as we were in the decades following 9/11. I am also determined to provide the intelligence framework for taking down the cartels engaged in terrorism and stopping the scourge of the fentanyl that is killing our loved ones and neighbors.

QUESTION 9: What specific benchmarks should be used to assess the NCTC's performance?

ANSWER: Success in counterterrorism is measured in terrorist attacks thwarted and loss of life prevented. If confirmed, I will ensure that NCTC officers work every day toward this goal. Additionally, I commit to regularly assessing and refining NCTC's progress against high priority counterterrorism targets and ensuring that intelligence gaps are filled.

NCTC must remain the trusted, authoritative voice in the counterterrorism community and work in collaboration with a wide array of partners. One measurable benchmark is how much these partners are using and acting upon NCTC provided resources and analysis.

State and Local Governments

QUESTION 10: What is the role of the NCTC in producing and disseminating intelligence for state, local, and tribal partners?

ANSWER: The IIRTPA established NCTC to ensure that agencies receive all-source intelligence support needed to execute their counterterrorism plans and charged NCTC with supporting appropriate agencies to fulfill their responsibilities to disseminate terrorism information to state, local, tribal and territorial, and private sector partners.

One significant way through which NCTC executes this supporting function is the Joint Counterterrorism Assessment Team (JCAT), which is located at NCTC and staffed by NCTC, DHS, and FBI personnel as well as state, local, tribal, and territorial government public safety officers on one-year assignments. JCAT's mission is to enhance collaboration and improve public safety by bringing first responders and public safety officers into the Intelligence Community to work on behalf of the public safety community across the country to create unclassified products tailored to those communities.

QUESTION 11: How is that role different than that of the Federal Bureau of Investigation (FBI) and the Department of Homeland Security (DHS)?

ANSWER: NCTC's mission is to focus on the threat of international terrorism to U.S. persons and interests. DHS and the FBI have a broad counterterrorism mission, including by serving as the U.S. Government agencies for domestic terrorism. JCAT is unique because it both represents a longstanding partnership between NCTC, FBI, and DHS, and also allows those agencies and the state and local public safety officers access to the breadth and depth of terrorism information available to only NCTC. As a result, JCAT is able to produce value-added products by providing the "so what" and practical considerations for how to prepare for and counter evolving threats.

QUESTION 12: What is your understanding of the amount and nature of cooperation among NCTC, FBI, and DHS?

ANSWER: NCTC was designed to support the counterterrorism missions of other agencies such as DHS and FBI, and works with them on a daily basis to provide a comprehensive view of the threat to the U.S. Homeland, including by collaborating on strategic analytic products across from all three agencies that go to a wide range of customers.

NCTC, through its Regional Representatives program, complements and enhances

the missions of FBI and DHS, each of which has differing authorities, accesses, and information. The NCTC Regional Representatives help ensure that the resources of FBI and DHS are directed at the most critical international terrorism threats to the Homeland. The NCTC Representatives share relevant counterterrorism intelligence, as well as investigative case support from NCTC to the FBI, where its unique access to counterterrorism data informs actionable leads to field partners.

Also, DHS and FBI have senior representatives located at NCTC, ensuring close and regular coordination.

Strategic Operational Planning

QUESTION 13: Please describe your assessment of the challenge presented by strategic operational planning and what should be done to improve NCTC's performance.

ANSWER: Strategic operational planning requires agile and adaptive approaches to rapidly bridge the gap between a President's policy priorities and the resources, requirements, and actions of operating departments and agencies. NCTC's execution of these duties require a skilled, dedicated workforce capable of working across core strategic planning functions including: convening mission partners to drive interagency action; facilitating transparent planning discussions; planning and advocating for resources and capabilities; assessing progress against objectives and offering mitigation options, and supporting policymaker deliberations. A strong partnership with the National Security Council and Homeland Security Council staff, and interagency partners, is key to ensure the counterterrorism enterprise continues to meet its strategic objectives.

QUESTION 14: What is the role of the Director of the NCTC in developing the National Intelligence Priorities Framework (NIPF) regarding CT?

ANSWER: The National Intelligence Priorities Framework (NIPF) ensures that U.S. Government counterterrorism activities are aligned with our highest priority national security objectives. NCTC provides critical intelligence context to the NIPF development process. If confirmed as the NCTC Director, I will ensure NCTC works across the Intelligence Community to accomplish a unified and coordinated approach to this process.

QUESTION 15: If confirmed, will you ensure that the Committee is kept fully and currently informed of the activities, reports, and other actions taken by the Directorate of Strategic Operational Planning (DSOP)?

ANSWER: Yes. If confirmed, I look forward to ensuring the Committee is kept fully and currently informed of the activities, reports, and other actions taken by the Directorate of Strategic Operational Planning (DSOP).

QUESTION 16: Do you believe DSOP is fulfilling its mission as outlined under IRTPA?

ANSWER: Yes. DSOP fulfills its mission to provide strategic operational plans for counterterrorism operations through its leadership of U.S. Government counterterrorism planning efforts, authoring of interagency implementation plans, and convening of intelligence and operational mission partners to facilitate transparency and operational deconfliction. DSOP monitors the implementation of strategic operational plans through its independent assessment processes and products, which collect progress information from counterterrorism elements across the U.S. Government. DSOP also fulfills NCTC's requirement to advise the DNI on the extent to which budget proposals conform to the priorities established by the President through its analysis of whole-of-U.S. Government counterterrorism-aligned resources, convening of quarterly Counterterrorism Resource Boards, and support to interagency resource planning processes. Lastly, DSOP assists the DNI in establishing requirements for the Intelligence Community for the collection of terrorism information by drafting a Unifying Intelligence Strategy for the counterterrorism mission, issuing collection emphasis memoranda, and planning for future collection needs.

National Intelligence Manager

QUESTION 17: What is your vision of the Director of the NCTC in the role of National Intelligence Manager for Counterterrorism?

ANSWER: As the National Intelligence Manager for counterterrorism, it will be my duty to have a deep understanding of terrorist organizations, their ideology, their strategy, their threats to U.S. persons and interests across relevant regions and countries, and the best ways to support the counterterrorism community's efforts to combat them.

QUESTION 18: What is the role of the Director of the NCTC in providing guidance regarding the allocation of CT resources among, and within elements of the IC? Please also describe how the Director of the NCTC should identify unnecessary or less critical programs and seek to reallocate funding, within resource constraints.

ANSWER: The NCTC Director supports the DNI through all phases of the intelligence planning, programming, budgeting, and evaluation process, including assisting with the review of Intelligence Community counterterrorism-aligned resources during annual budget builds and highlighting counterterrorism resource needs for inclusion in appropriate investment prioritization processes. NCTC informs the DNI and other principals of the degree to which counterterrorism-aligned resources across the U.S. Government are aligned to the President's priorities. This analysis also forms the basis for various forums convened to facilitate resource planning transparency, identify critical capability gaps, and advocate for funding.

QUESTION 19: What are the most important CT gaps or shortfalls across the IC?

ANSWER: If confirmed, I would work across the counterterrorism enterprise to fill any gaps or shortfalls that may arise. My initial focus would be on capabilities related to screening and vetting and counterterrorism warning.

- **Screening and Vetting Capabilities:** DHS, the Department of State, and Intelligence Community Vetting Support Agencies require adequate screening and vetting resources to address the most pressing threats to the homeland. NCTC is committed to countering the cartels and transnational gangs designated as foreign terrorist organization pursuant to the President's Executive Order, and applying the requisite counterterrorism capabilities, including screening and vetting, accordingly.
- **Capability to Warn:** In this energized and evolving threat environment, it is critical that NCTC and the Intelligence Community continue to focus on indications and warning of threats from terrorist groups overseas. The U.S. Government's response to most potential threats involves focused intelligence collection and information sharing with domestic and foreign partners. That effort involves persistently exploiting the wide range of incoming leads and examining new data points to identify connections, and evaluating those

details against the body of available information on terrorists' intent and capabilities.

QUESTION 20: The U.S. Government and the IC are refocusing on geopolitical threats like China and Russia. If confirmed, you would be the CT Mission Manager. As resources shift, what steps do you believe should be taken to minimize unnecessary analytic redundancy in the IC CT space?

ANSWER: As the United States shifts its focus to address broader strategic threats, NCTC is well-positioned to support its partner agencies by leveraging broad access to the U.S. Government's critical counterterrorism data holdings. NCTC provides comprehensive and insightful analysis, thereby enabling partners across the interagency and the globe to redirect resources to the most high-profile threats. This approach aligns with the IRTPA mandate, which assigns NCTC primary responsibility for analyzing terrorism and terrorist organizations from all sources of intelligence. Through close coordination with core Intelligence Community agencies, NCTC develops analysis that reflects a unified community perspective, including diverse opinions and viewpoints, ultimately providing customers with a more complete understanding of the terrorist threat.

Congressional Oversight

QUESTION 21: What do you understand to be the obligation of the Director of the NCTC, in support of the Director of National Intelligence, to keep the congressional intelligence committees fully and currently informed about matters relating to compliance with the Constitution and laws? If confirmed, will you fulfill that obligation?

ANSWER: If confirmed, I will support DNI Gabbard in keeping the congressional intelligence committees fully and currently informed of all NCTC intelligence activities, furnishing the congressional intelligence committees with any NCTC information or material concerning intelligence activities requested by the committees to carry out their responsibilities, and reporting significant anticipated NCTC intelligence activities or significant intelligence failures in accordance with Section 502 of the National Security Act of 1947. Yes, if confirmed, I will fulfill that obligation.

Professional Experience

QUESTION 22: Please describe specifically how your experiences will enable you to serve as the Director of the NCTC.

ANSWER: I have spent the vast majority of my adult life in the counterterrorism fight. From leading assaults against terrorists in Iraq, to recruiting human sources across remote corners of the world throughout our nation's longest war, to analyzing all source intelligence to locate the next terrorist target, counterterrorism has been my life's work. During my initial deployment to Iraq as a Green Beret, I gravitated towards intelligence work and became qualified to conduct HUMINT. After several deployments, I was selected to become a Special Forces intelligence Sergeant, which meant I was responsible for collecting intelligence and leveraging the full scope of the U.S. Intelligence Community to then analyze my Special Forces team's intelligence collection, generate target packages, and conduct area assessments. I was later selected for a Secret U.S. Army Special Missions unit that specializes in sensitive intelligence collection and special reconnaissance. In this capacity, I attended the CIA's Operations course and later became a Paramilitary Operations Officer at the CIA.

I view the fight against terrorism as my, and my generation's, legacy. It is our solemn duty to our children to ensure that we do not let terrorists destroy any more American lives and that future generations are not consumed by this fight like ours has been. I understand how to ensure that the ground truth that the brave men and women of the Intelligence Community risk their lives to collect actually makes it to policy makers. I understand this because of my background. Our intelligence officers live and serve every day in the world's most hostile and austere environments. I shared this reality for over two decades, and am thus equipped with the understanding, experience, and expertise to lead our counterterror professionals to accomplish the task of defeating our nation's enemies and keeping our nation safe.

Staffing

QUESTION 23: NCTC operates a joint manning model with detailees from across the IC. Do you believe this model is still the best way to staff the Center, and what do you see as the advantages and challenges associated with this model?

ANSWER: I firmly believe that NCTC's joint manning model is essential to the

success of the counterterrorism mission. It allows NCTC to leverage a wide variety of skills and expertise while optimally fusing the varied perspectives of detailees from across the Intelligence Community with the continuity provided by NCTC's Office of the Director of National Intelligence (ODNI) cadre. I understand that other critical national security issues, however, have challenged Intelligence Community partner agencies' ability to support external rotations to NCTC. If confirmed, I commit to re-evaluating NCTC's manning model and working with interagency partners to ensure NCTC is adequately postured to execute the counterterrorism mission in balance with other national security priorities.

QUESTION 24: Do you believe that NCTC is appropriately organized and staffed to counter the current and emerging terrorist threats? If not, what do you think needs to be changed to better address the threats?

ANSWER: I believe that NCTC is appropriately staffed and organized at this time. However, as NCTC's efforts against the foreign terrorist organization cartels and transnational gangs ramp up, it is possible that NCTC will require more personnel and resources to cover the cartels while maintaining coverage on Islamic terrorists.

Terrorist Identities Datamart Environment (TIDE)

IRTPA includes among NCTC's primary missions, "[t]o serve as the central and shared knowledge bank on known and suspected terrorists and international terror groups, as well as their goals, strategies, capabilities, and networks of contacts and support."

QUESTION 25: As CT data becomes more voluminous, what new policies and technological approaches may be necessary to manage TIDE? What new privacy policies may be necessary to keep up with the expansion of TIDE?

ANSWER: The protection of privacy and civil liberties interests of Americans is of utmost importance to me. The policy regime for TIDE and for the watchlisting community must take such concerns into account and should not be dependent on the volume of data involved. Appropriate resources and improved technology will likely be necessary to support TIDE. If confirmed, I will review these issues and am committed to ensuring that NCTC maintains TIDE and effectively performs its counterterrorism mission.

QUESTION 26: Should U.S. persons or persons in the United States who are not known or suspected terrorists be included in TIDE? If so, what standards and guidelines should apply?

ANSWER: I understand the IRTPA provides NCTC with the primary mission of serving as the central and shared knowledge bank on known and suspected terrorists and international terror groups, including their goals, strategies, capabilities, and networks of contacts and support. Consistent with appropriate guidelines, policies, and procedures, TIDE should include U.S. persons who have a nexus to international terrorism, including those within international terrorists' networks of contacts and support. If confirmed, I commit to reviewing these efforts and ensuring such guidelines, policies, and procedures are followed.

Foreign Intelligence Surveillance Act

Section 702 of the Foreign Intelligence Surveillance Act (FISA) permits the government to conduct targeted surveillance of non-U.S. person agents of a foreign power (including terrorists) who are located outside the United States. Unless Congress acts, Title VII of FISA, including Section 702, will expire on April 20, 2026.

QUESTION 27: Please describe your understanding of the value of Section 702 as it relates to NCTC's mission.

ANSWER: FISA Section 702 has been invaluable in the fight against terrorism. From the perspective of the counterterrorism community, it is a vital intelligence collection tool, providing critical insight on foreign terrorists and their networks overseas. For NCTC specifically, Section 702 information enables NCTC to review known or suspected terrorist communications, conduct international terrorist network development, and garner insight into terrorist operations. This intelligence, which is collected on targets who are all foreign and located abroad, supports NCTC's counterterrorism mission and its ability to identify international terrorist threats to the Homeland and U.S. interests. Through its Section 702 program, NCTC is able to provide its federal partners with intelligence leads to advance their counterterrorism efforts, drive foreign intelligence collection, and inform strategic analysis for policymakers.

QUESTION 28: Do you support the reauthorization of Title VII of FISA (including Section 702)?

ANSWER: Yes, I support reauthorization of these important FISA intelligence tools and, if confirmed, would work with DNI Gabbard, the Administration, and Congress on that process.

QUESTION 29: What amendments, if any, to Section 702 or other provisions of FISA do you believe are necessary?

ANSWER: I understand FISA and Section 702 were amended last year through the Reforming Intelligence and Securing America Act (RISAA). The RISAA ensured that Section 702 as well as other provisions of Title VII can be maintained while implementing needed reforms to improve FISA compliance and, most important, protect the privacy and civil liberties interests of Americans. In my view, ensuring the successful implementation of the RISAA requirements is a priority, and I do not have proposed further changes for Congress's consideration.

QUESTION 30: Last year, Congress amended FISA to enhance the collection of foreign intelligence concerning the "international production, distribution, or financing of illicit synthetic drugs, opioids, cocaine, or other drugs driving overdose deaths, or precursors of any aforementioned." Do you support this amendment? What are your views on how this amendment will impact NCTC's mission?

ANSWER: I commend Congress for enhancing foreign intelligence collection authorities against international trafficking in illicit drugs, such as fentanyl, which are without a doubt a scourge facing our nation and killing Americans. Improving intelligence insights on these international activities are critical for the U.S. Government's counternarcotics and counterterrorism communities, including NCTC's efforts to combat the cartels and transnational gangs designated as foreign terrorist organizations pursuant to President Trump's Executive Order.

QUESTION 31: The FBI's use of U.S. Person queries was the subject of debate during the previous reauthorization. As a result, Congress enacted many reforms on query procedures and requirements. What is your position on whether warrants should be required before an agency undertakes a U.S. Person query?

ANSWER: The privacy and civil liberties of our fellow Americans is of utmost

importance to me. The Government and the FBI in particular can and will do better under its new leadership to protect Americans' constitutional rights. As mentioned, I support the reforms Congress made through the RISAA and will work to ensure a culture of compliance with U.S. person protections and querying standards, particularly around FISA. While I understand calls to require a warrant before the Government searches a FISA database looking for information about an American, I do not see that as the only way to ensure that Americans' privacy and civil liberties interests are protected. In my experience with counterterrorism, speed is essential to identify and prevent an international terrorist attack. In my view, in light of the recent reforms, a warrant requirement is ultimately unnecessary and could undermine agencies' work in quickly identifying and sharing critically important foreign intelligence, including on foreign terrorists who may seek to include U.S. persons in their terrorist plots.

Workforce Protection

QUESTION 32: Will you commit that, if confirmed, you will seek to recruit, attract, and retain a workforce based on principles of fairness and merit, and without consideration of personal political preferences?

ANSWER: Yes.

QUESTION 33: Do you commit to consider professional qualifications in personnel decisions exclusively, without consideration of partisan or political factors?

ANSWER: Yes.

QUESTION 34: Would you ever consider an individual's personal political preferences (to include "loyalty" to the President) in making personnel decisions, such as to hire, fire, or promote an individual?

ANSWER: No.

QUESTION 35: If confirmed, what assurances will you provide to the NCTC workforce that personnel decisions will be based exclusively on professional qualifications, performance, and agency needs, and not on personal political preferences?

ANSWER: The intelligence professionals of NCTC have my word that the only thing I care about is their ability to keep our nation safe. In this fight only professional competence and a sense of duty to our nation matter.

QUESTION 36: Will you impose a political litmus test for NCTC employees? Is a political litmus test ever appropriate in determining who can or should work in the IC?

ANSWER: No.

FBI Background Investigations

QUESTION 37: Should the FBI conduct background investigations of all Presidential nominees for positions within the executive branch of the federal government to ensure that those under consideration for positions of significant authority and responsibility will not misuse the power of their offices and do not have vulnerabilities that make them susceptible to coercion by our adversaries?

ANSWER: Yes.

QUESTION 38: Have you undergone, or will you undergo, an FBI background investigation as part of the process associated with your nomination?

ANSWER: Yes.

QUESTION 39: Do you agree to provide the results of your FBI background investigation to the Chairman and Vice Chairman of this Committee for review?

ANSWER: Yes.

Foreign Terrorist Organization Designations

QUESTION 40: What is your understanding of how President Trump's designation of cartels and other organizations as foreign terrorist organizations and specially designated global terrorists will alter the mission of the NCTC?

ANSWER: NCTC is uniquely positioned to apply proven counterterrorism capabilities and authorities in partnership with our mission partners to disrupt and

defeat foreign terrorist organization-designated cartels and transnational gangs. NCTC's 20 years of experience bridging the foreign-domestic intelligence divide allows NCTC to collaborate with and support U.S. Government partners using counterterrorism authorities and tools. NCTC leads the counterterrorism community to analyze the terrorism threat using all available data, share terrorism information with partners across the counterterrorism enterprise, maintain the single authoritative database of known or suspected terrorists, and unify the national counterterrorism mission through effective planning and strategy development.

Questions from Senator Warner

Domestic Terrorism

QUESTION 41: The National Security Act, in describing the primary missions of NCTC, excludes "intelligence pertaining exclusively to domestic terrorists and domestic counterterrorism." The Act goes on to provide that NCTC may "receive intelligence pertaining exclusively to domestic counterterrorism from any Federal, State, or local government or other source necessary to fulfill its responsibilities and retain and disseminate such intelligence." How should NCTC interpret these provisions? What indicia of a transnational nexus should be sufficient for NCTC to deem a terrorist threat as part of its primary mission?

ANSWER: NCTC was established in the wake of the 9/11 attacks on the Homeland, and its mandate as envisioned by the IRTPA is rightly focused on the threat from foreign terrorists, such as al-Qaeda and ISIS, who remain intent on attacking our country. Of course, the terrorism threat is a dynamic one and cannot always be broken down along clear foreign and domestic lines, or understood during the immediate aftermath of an attack of unknown origin. I understand those statutory provisions to ensure that NCTC would have the accesses and authorities needed to fulfill its responsibilities and conduct its primary missions, which Congress clearly signaled are focused on terrorist threats with a foreign or transnational nexus. Other parts of the U.S. Government, namely the FBI and DHS, have law enforcement missions and are postured to focus on wholly domestic terrorist threats.

As for what type of a transnational or foreign nexus is sufficient, foreign terrorists who are directing or plotting with individuals inside the United States should be sufficient for such a nexus. When foreign terrorists are indirectly reaching into the United States to inspire attackers and incite violent extremist attacks here in the

Homeland, I also understand the intelligence value in gaining insight into those foreign terrorist activities and intentions. However, it is important to ensure all of this work is prioritized to the threat and conducted consistent with the First Amendment and other constitutional rights of Americans. I appreciate these issues are important to the Committee and they are to me as well. If confirmed, I will review how these distinctions are made and ensure NCTC's work is appropriately focused on its core mission.

QUESTION 42: In the absence of intelligence indicating a transnational nexus, what role should NCTC play in supporting law enforcement investigations into domestic terrorist threats?

ANSWER: I understand that NCTC does not, and I agree it should not, identify in the first instance whether an individual poses a domestic terrorist threat or is labeled as a domestic terrorist or domestic violent extremist. That law enforcement work should be performed by the FBI or DHS. As a part of its international counterterrorism mission, I understand that NCTC provides case support to the FBI or DHS to identify any international terrorism connections, including, upon request, in connection with domestic terrorism investigations that may present a foreign or transnational nexus. In my view, so long as it is appropriately scoped and guardrails are in place, NCTC should support federal law enforcement, as needed, to identify such a foreign or transnational nexus. If no such nexus is identified, domestic terrorist threats are outside NCTC's purview.

QUESTION 43: What is your understanding of the differences, if any, between the terms "domestic terrorism," "domestic violent extremism," and "homegrown violent extremism"?

ANSWER: I do not understand there to be a distinction between domestic terrorism and domestic violent extremism. I understand domestic terrorism to be as it is defined under Title 18, Section 2331—i.e., activities that (A) involve acts dangerous to human life that are a violation of the criminal laws of the United States or of any State; (B) appear to be intended (i) to intimidate or coerce a civilian population; (ii) to influence the policy of a government by intimidation or coercion; or (iii) to affect the conduct of a government by mass destruction, assassination, or kidnapping; and (C) occur primarily within the territorial jurisdiction of the United States.

I understand the term homegrown violent extremist to refer to a person of any

citizenship who has lived and or operated primarily in the United States or its territories and who advocates, is engaged in, or is preparing to engage in ideologically motivated terrorist activities (including providing support to terrorism) in furtherance of political or social objectives promoted by a foreign terrorist organization, but is acting independently of direction by a foreign terrorist organization.

QUESTION 44: For purposes of U.S. counterterrorism efforts, should the U.S. government make a distinction between a person acting primarily in the U.S. who is inspired to engage in unlawful acts of violence to intimidate civilian populations by Nazi ideology and a person in the U.S. inspired to do the same by al-Qaeda ideology?

ANSWER: For purposes of counterterrorism efforts from a law enforcement perspective, I would defer to the Department of Justice and law enforcement agencies regarding distinctions among such persons and the importance of identifying their intentions and sources of inspiration. From a foreign intelligence perspective, the latter is likely to present a foreign nexus. The latter is also more likely to present a direct threat to the United States and U.S. interests. If there is a foreign nexus and a prioritized threat, there is intelligence value in understanding when and how foreign terrorists reach into the United States to inspire persons to conduct terrorist attacks here in the Homeland.

QUESTION 45: What agency or agencies of the federal government should be engaged in countering the threat posed by domestic terrorists?

ANSWER: DHS and the FBI are and should be the federal agencies engaged in countering domestic terrorism threats.

Racially or Ethnically Motivated Violent Extremism (RMVE)

QUESTION 46: What is your view of the international and transnational threat posed by Racially or Ethnically Motivated Violent Extremism (RMVE)?

ANSWER: The ideology is disgusting but transnational RMVE is not a significant direct threat to our nation based on all the intelligence that I have seen.

QUESTION 47: What is your view of the appropriate level of NCTC resource allocation toward the international and transnational RMVE threat?

ANSWER: Resource allocation must be based on the threat, and the transnational RMVE threat lacks the reporting to justify its prioritization in my view. If this changes due to new and credible intelligence reporting, I would support NCTC allocating more resources toward RMVE.

QUESTION 48: The IC's 2024 Annual Threat Assessment stated: "The transnational racially or ethnically motivated violent extremists (RMVE) movement, in particular motivated by white supremacy, will continue to foment violence across Europe, South America, Australia, Canada, and New Zealand inspiring the lone actor or small-cell attacks that pose a significant threat to U.S. persons." How should the IC engage in bilateral and multilateral counterterrorism cooperation against the RMVE threat?

ANSWER: I believe the Intelligence Community should continue to monitor and exchange intelligence with allies but only allocate significant resources if the threat increases.

Impoundment

QUESTION 49: If confirmed, will you commit to expend the funds authorized and appropriated by Congress for the NCTC and to formally notify Congress and obtain approval for any recessions or deferrals, in accordance with the law?

ANSWER: Yes; I am committed to following the law.

QUESTION 50: What is your understanding of the effect President Trump's funding freeze has had on anti-terrorism assistance programs, including those intended to counter al-Shabab, contain the spread of al-Qaeda across West Africa, and secure Islamic State prisoners in the Middle East?

ANSWER: I understand NCTC has not observed impacts to anti-terrorism assistance programs.

Department of Government Efficiency

QUESTION 51: The Director of the NCTC does not report to the Department of Government Efficiency (DOGE). If confirmed, will you commit not to accept

direction from DOGE on any personnel or other matters relating to NCTC?

ANSWER: I will follow the legal orders given to me by DNI Gabbard and President Trump.

QUESTION 52: If confirmed, will you commit to prevent DOGE from accessing NCTC systems?

ANSWER: I will ensure that NCTC and its systems are only accessed by individuals with the proper clearances.

Protecting Classified Information

QUESTION 53: Should any employee of the Intelligence Community be granted access to classified information if they have not been determined to be eligible for access under Executive Order 12968 based upon a favorable adjudication of an appropriate investigation of the employee's background?

ANSWER: Generally, no. Executive Order 12968 does not permit access to classified information prior to a completed background investigation and adjudication. However, the President has broad authority to grant individuals access to classified information, and under the Executive Order certain policy exceptions exist to account for exigent circumstances.

QUESTION 54: Do you agree that all personnel granted access to classified information have a lifetime obligation to protect that information after they leave government service?

ANSWER: Yes.

Ethics

QUESTION 55: Federal ethics laws, to include 10 U.S.C. §208, prohibit government employees from participating in matters where they, or certain family members or organizations with which they have certain relationships, have a financial interest. Do you agree, without qualification, if confirmed, to disclose any potential conflicts of interest, including investments, business ties, family relationships, or other connections that could be perceived as influencing your

decision making?

ANSWER: Yes.

QUESTION 56: Do you agree, without qualification, if confirmed, that if a conflict of interest arises, you will recuse yourself from participating in any relevant decisions regarding that specific matter?

ANSWER: Yes.

QUESTION 57: Do you commit, without qualification, if confirmed, to decision-making on the merits and exclusively in the public interest, without regard to private gain or personal benefit?

ANSWER: Yes.

Legal Compliance

QUESTION 58: If confirmed, will you commit to ensure that all personnel actions taken by the NCTC are carried out in strict accordance with the law.

ANSWER: Yes.

QUESTION 59: If confirmed, will you commit to comply with all duly issued court orders or other rulings, even if you disagree with the court's decision?

ANSWER: Yes.

Questions from Senator Wyden

Strategic Counterterrorism

In October 2018, President Trump issued the National Strategy for Counterterrorism. It read:

“SUPPORT COUNTERTERRORISM CAPABILITIES OF KEY FOREIGN PARTNERS: We will continue to augment the capabilities of key foreign partners to conduct critical counterterrorism activities. We will help to

professionalize the military, law enforcement, judicial, intelligence, and security services, as well as financial authorities, of key partners so that they are able to conduct counterterrorism operations effectively and justly. We will also work to ensure that partners meet their responsibilities in holding their citizens accountable for any acts of terrorism committed abroad. In addition, we will enhance the capabilities of key foreign partners to investigate and prosecute terrorism across borders through law enforcement cooperation, mutual legal assistance, and extradition.”

QUESTION 60: Do you agree that a national counterterrorism strategy requires supporting the capabilities of key partners? If yes, which countries do you see as the most important?

ANSWER: Working with partners who have demonstrated presence, access, and capabilities allows the U.S. counterterrorism enterprise to augment its own reach into areas where terrorist groups operate, recruit, and plot external operations. Working with partners enables the U.S. Government to exert maximum pressure on terrorist networks globally, helping to defeat these groups and to defend the Homeland and U.S. interests abroad from attacks.

QUESTION 61: Which of these areas of U.S. assistance (military, law enforcement, judicial, intelligence, security services, and financial authorities) do you believe should be part of a national counterterrorism strategy? Please indicate for each which U.S. departments and agencies should participate in that assistance.

ANSWER: All areas of U.S. counterterrorism assistance can support the execution of an effective national counterterrorism strategy. Applying counterterrorism assistance based on the context and local conditions allows for a tailored approach to address terrorism drivers. The type of counterterrorism assistance will determine the U.S. departments and agencies that participate in that assistance. NCTC is positioned to support its federal partners in all of their counterterrorism assistance efforts, and it regularly convenes them to drive actions to meet the President’s counterterrorism priorities.

QUESTION 62: What role should the FBI play in working with U.S. allies’ and partners’ law enforcement agencies to combat foreign and transnational terrorism? What FBI programs and capabilities do you believe should be prioritized?

ANSWER: The FBI is a critical partner in the counterterrorism mission space. The Bureau's investigative insights, including those gleaned from FBI's collaboration with foreign partner law enforcement services, are an essential component of NCTC's ability to "connect the dots" through the integration and analysis of all available terrorism information. If confirmed, I look forward to working with all my interagency counterparts, including FBI Director Patel, to align counterterrorism enterprise resources efficiently and commensurate with the threat to U.S. interests.

The October 2018 National Strategy for Counterterrorism read:

"We will work with local stakeholders and civil society to mitigate the grievances that terrorists exploit. Internationally, where United States interests are at stake, we will seek and encourage locally driven solutions that target specific causes of terrorist radicalization and mobilization to violence. We will work with partners to encourage positive narratives that promote tolerance and security."

QUESTION 63: Do you agree with this component of a national counterterrorism strategy? If yes, please describe the kinds of U.S. programs that you believe advance these goals and which U.S. departments and agencies you believe should carry them out.

ANSWER: Working with local stakeholders informs the counterterrorism community's understanding of the threat and helps identify tailored options to counter the threat. The relevant U.S. departments and agencies executing programs will vary depending on the national security objectives, foreign partnerships, and our adversaries' capabilities.

QUESTION 64: USAID conducts both counterterrorism programs and development programs that address the causes of radicalization, undermine terrorist recruitment and promote the U.S. Government in regions prone to radicalization. Do you agree that USAID plays a role in strategic counterterrorism?

ANSWER: In my 21 years in counterterrorism and eleven combat deployments in the Middle East, I have no personal knowledge of a USAID program that effectively played a role in counterterrorism.

NATO and alliances

QUESTION 65: Immediately after the terrorist attacks of September 11, 2001, the North Atlantic Council invoked Article 5 of the North Atlantic Treaty in defense of the United States. This action remains the only invocation of Article 5 in NATO's history. NATO assets were subsequently deployed to the United States as well as overseas in support of the Global War on Terror. In your view, how important is NATO in defending the United States and U.S. interests overseas from the threat of terrorism?

ANSWER: Our NATO alliances are important in the counterterror fight.

QUESTION 66: What are the most important alliances as well as bilateral and multilateral partnerships in protecting the United States and U.S. interests overseas from the threat of terrorism? How should they be strengthened?

ANSWER: The United States' most important multilateral partnership in the CT mission space is the Five Eyes (FVEYs) intelligence alliance, composed of Australia, Canada, the United Kingdom, and New Zealand. The United States maintains a strong and reliable partnership with the FVEY allies, and we regularly share vital terrorism-related intelligence. The United States also can strengthen its bilateral partnerships with nations in the Western Hemisphere, including Colombia, El Salvador, and Mexico, to better combat the cartels and transnational gangs recently designated as foreign terrorist organizations.

Watchlisting

During her confirmation process, DNI Gabbard said:

“Ensuring fairness and protecting civil liberties in watchlisting programs is critical to maintaining public trust while safeguarding national security. To prevent misuse, I would advocate for clear, evidence-based criteria for watchlisting American citizens, robust oversight mechanisms, and regular audits to ensure no one is listed based on First Amendment-protected activities like free speech or political affiliation. Additionally, I would work to enhance the redress process by 98 improving the Traveler Redress Inquiry Program (TRIP) to ensure timely and transparent resolution of complaints and exploring independent review panels to provide impartial oversight and

due process.”

QUESTION 67: Do you agree with Director Gabbard’s views? If yes, please describe how you would promote oversight and audits of watchlisting programs, as well as how you would improve the redress process.

ANSWER: I agree with DNI Gabbard. If confirmed, I will work with the DNI, NCTC, and the counterterrorism watchlisting community to ensure clear criteria for placing American citizens on the watchlist with robust oversight from the ODNI Civil Liberties, Privacy, and Transparency Office and related offices. I also support frequent audits of the list to ensure the standards are met to protect Americans’ First Amendment rights. I also support DNI Gabbard’s efforts to enhance prompt, effective redress, including through the DHS Traveler Redress Inquiry Program.

Counternarcotics

QUESTION 68: Do you believe Terrorist Identities Data Environment (TIDE) should be expanded in light of the designation of cartels as Foreign Terrorist Organizations? (FTOs) If yes, do you believe all members of the designated cartels should be included in TIDE and, if so, how would you establish membership? Do you believe people suspected of one-time cooperation or people coerced into cooperation should be included?

ANSWER: The designated cartels constitute a national security threat and members of these cartels, as members of designated foreign terrorist organizations, must be included in TIDE to combat this threat. Federal partners with information about members or associates of these groups have a duty to share this information with NCTC for inclusion in TIDE, as appropriate. Nominators must include an objective factual basis for each nomination, including the consideration of any substantive mitigating information, such as coercion, so NCTC may evaluate the totality of information consistent with the applicable interagency standards and TIDE policies.

QUESTION 69: Do you believe people who are neither members of nor have an operational connection to the cartels, but are associates of those people should be included in TIDE? Should that include U.S. persons?

ANSWER: As noted above, TIDE serves as the central and shared knowledge bank on known and suspected terrorists and international terror groups, as well as their

goals, capabilities, and networks of contacts and support. Individuals who make up these designated foreign terrorist organization networks should be included in TIDE, as appropriate, to disrupt terrorist support structures as well as to combat the groups themselves.

QUESTION 70: What level of membership, operational connection, or indirect association with a cartel do you believe warrants watchlisting, secondary screening, or no-fly status?

ANSWER: With respect to TIDE, which NCTC maintains, membership, operational connections, or associations for individuals connected with the designated foreign terrorist organization cartels should be the same as those for individuals connected to other foreign terrorist organizations. The counterterrorism watchlisting community and those agencies responsible for the watchlist, secondary screening, and the No Fly List will need to review and consider any appropriate adjustments to those criteria in light of the recent designations and the ways in which individuals connect with cartels.

QUESTION 71: Do you believe NCTC needs more resources in response to the designation of cartels as FTOs? If not, what terrorist threats would you deprioritize as you shift resources to this new mission?

ANSWER: I support DNI Gabbard's decision to integrate the ODNI's counternarcotics executive into NCTC, which allows NCTC to gain valuable expertise and manning while not having to hire outside ODNI. If confirmed I will monitor our ability to cover Islamic terrorism and the cartels and report to the DNI and Congress if we require more resources to effectively cover all of the threats.

Whistleblowers

During her confirmation process, DNI Gabbard said:

"Whistleblowers are essential to ensuring accountability and oversight within the IC, and they must have clear, protected channels to report concerns, including the unauthorized transmittal of classified information, to appropriate entities such as Members of Congress, Inspectors General (IGs), and other authorized recipients."

QUESTION 72: Do you agree?

ANSWER: I agree with DNI Gabbard.

QUESTION 73: Do you agree that Intelligence Community whistleblowers, particularly those whose complaints involve classified matters, should have access to attorneys with security clearances?

ANSWER: Yes.

FBI

QUESTION 74: On September 15, 2022, you posted on Twitter/X: “Let’s save the tax payers some money, defund the FBI, fund constitutional sheriffs who are accountable to the people & see how fast things change.” Is this still your position? If so, how would you go about defunding the FBI and funding “constitutional sheriffs”? If not, please explain why your position changed.

ANSWER: I believe that the FBI should be focused on protecting Americans from terrorists and criminals, I have the utmost confidence that FBI Director Patel is making that happen as you read this. Unfortunately, under the previous administration, when I posted this, the FBI was focused on surveilling parents at school board meetings, Catholics at traditional masses and prosecuting Biden’s political rivals all while criminals and terrorists streamed into our nation. Under the circumstances of the previous administration, I stand by my comments.

January 6

QUESTION 75: Do you believe any elements of the U.S. Government orchestrated, encouraged or participated in the January 6, 2021, attack on the U.S. Capitol?

ANSWER: According to the DOJ Inspector General report, the FBI had over 26 Confidential Human Sources (CHSs) on the ground at the U.S. Capitol on January 6th. It is very possible that these CHSs enhanced the criminal acuity of many of the rioters that day. The American people deserve to see the unredacted reporting from the FBI that explains what their CHSs were tasked to do and what the CHSs reported to their FBI handlers.

QUESTION 76: During an October 14, 2024, debate, you were asked about the pardoning of people convicted of crimes associated with the January 6, 2021, attack on the U.S. Capitol. You stated “If somebody did anything violent against a police officer, I don’t support that.” Is that still your position? If not, why did your position change?

ANSWER: I do not support or condone violence against police officers.

Domestic Terrorism

In a 2021 podcast, you stated:

“We need to treat antifa and BLM like terrorist organizations. We need to use the tools of the federal government, the FBI, the US Marshals—go after them like organized criminals and terrorists... So, when we start arresting these guys and charging them with federal terrorism charges, that’s going to take away a lot of the incentive to go out and riot.”

QUESTION 77: Is this still your position? If not, what part of this statement do you now disagree with?

ANSWER: Yes, the FBI and federal law enforcement should have targeted and dismantled antifa and BLM networks that were rioting, assaulting, and murdering people, burning and looting multiple American cities in the summer of 2020.

QUESTION 78: Do you agree that there is no basis in law for designating domestic terrorist organizations?

ANSWER: Yes.

QUESTION 79: On August 9, 2022, you stated that “We are at war” with “the left,” adding “So what we have to do when we take back power ... we have to play smash-mouth... We have to go after these people.” What does this language indicate about how you would treat U.S. persons should you be confirmed as NCTC Director?

ANSWER: The weaponization of our intelligence and federal law enforcement agencies is well documented. The American people recognized this and overwhelmingly elected President Trump. If confirmed, I will serve just like I did in

the military and CIA. I will follow the law and hold those who break the law accountable.

Gaza

QUESTION 80: You said at an October 14, 2024, debate regarding the conflict in the Middle East and deployment to Israel: “Potentially, we could get sucked into this conflict if an American is killed manning those systems, if a ballistic missile from Iran hits them, and no one has voted on this expansion of the war. So we have to have a limitation and not have U.S. boots on the ground unless that is voted on in Congress as dictated by the Constitution.” Do you believe Congressional approval is required before U.S. military personnel deploy to Gaza as part of President Trump’s plan to “take over” and “own” Gaza?

ANSWER: Yes. The Constitution vests power in the Congress to declare war, and the President with the Commander-in-Chief power. If confirmed as Director of NCTC, I commit to ensuring that NCTC delivers counterterrorism-related intelligence that is collected, analyzed, and reported without bias, prejudice, or political influence to support U.S. national security and our warfighters regardless of how policymakers adjudicate the right balance between the above authorities.

QUESTION 81: Do you believe that U.S. control of Gaza would increase or decrease the terrorist threat to the United States?

ANSWER: I am not aware of any plans to deploy American troops to Gaza.

SELECT COMMITTEE ON
INTELLIGENCE

UNITED STATES SENATE



Post-Hearing Questions for the Record for

Joseph Kent

Upon his nomination to be

Director of National Counterterrorism Center

Questions from Vice Chairman Warner

QUESTION 1: At your confirmation hearing you cited “ongoing litigation” as the basis for your inability to answer questions regarding your participation in the in the group chat that is the subject of The Atlantic article published by Jeffrey Goldberg on March 24, 2025.

- A. Please provide the case name, court, docket number, and other information sufficient to identify the specific litigation you were referencing.

Answer: American Oversight v. Hegseth, et al., No. 1:25-cv-00883 (D.D.C.)

- B. Are you subject to a court-imposed gag order or similar legal prohibition that prevents you from answering the Committee’s questions regarding your participation in the group chat? If not, please specify how the existence of such litigation prohibits you from answering the Committee’s questions.

Answer: I am not subject to a court-imposed legal prohibition. Nonetheless, I have been advised that it is appropriate to limit public comment related to pending litigation matters to which ODNI is a party.

- C. If the existence of such litigation prohibits you from answering questions regarding your participation in the group chat, why are you able to state, as you did at your confirmation hearing, that the group chat contained “no classified information”?

Answer: Leaders throughout the Executive Branch have confirmed that the chat you reference did not contain classified information. It was appropriate, and consistent with my reasonable caution in otherwise addressing pending litigation, to confirm that which so many others have said publicly.

- D. Has an officer with original classification authority reviewed all the messages in the group chat that is the subject of The Atlantic article and determined whether any of the messages were properly classified at any time before or after the messages were sent? If so, please provide the identity of the officer, as well as the date and outcome of their review. If no such review has occurred, what is the basis for your statement that the group chat contained “no classified information”?

Answer: The Secretary of Defense, the Director of National Intelligence, and the Director of the Central Intelligence Agency are all original classification authorities that have confirmed that the messages you reference were not classified.

QUESTION 2: Unless you can identify a gag order or similar legal prohibition that bars you from answering the Committee's questions, please answer the following questions regarding your participation in the group chat that is the subject of The Atlantic article:

A. Did you use a personal or government device to participate in the group chat?

Answer: I have been advised that it is appropriate to limit public comment related to pending litigation matters to which ODNI is a party.

B. Has any agency or office conducted a forensic examination of the device you used to participate in the Signal group chat? If so, when was the examination conducted and what were its results.

Answer: I have been advised that it is appropriate to limit public comment related to pending litigation matters to which ODNI is a party.

C. Have you participated in any other Signal group chats to conduct official government business?

Answer: Signal is a secure messaging platform and a valuable tool for the Administration to efficiently communicate in real time where access to agency systems is otherwise impracticable. I have appropriately used Signal as one among many valuable tools to help meet the mission of the ODNI.

QUESTION 3: In the group chat you wrote:

There is nothing time sensitive driving the time line. We'll have the exact same options in a month.

The Israelis will likely take strikes & therefore ask us for more support to replenish whatever they use against the Houthis. But that's a minor factor.

I will send you the unclass data we pulled on BAM shipping.

Has an officer with original classification authority reviewed this information and determined whether it was properly classified at any time before or after the message was sent? If so, please provide the identity of the officer, as well as the date and outcome of their review. In addition, please describe the source of the information concerning the Israelis referenced in this message.

Answer: The Secretary of Defense, the Director of National Intelligence, and the Director of the Central Intelligence Agency are all original classification authorities that have confirmed that the messages you reference were not classified.

QUESTION 4: At your confirmation hearing you espoused a conspiracy theory that the FBI and the Intelligence Community were involved in planning and directing the violence that occurred at the U.S. Capitol on January 6, 2021, and stated that “we ... in the Intelligence Community” are “looking into” that involvement. On December 12, 2024, the Department of Justice (DOJ) Inspector General (IG) Michael E. Horowitz, issued a report, which determined that “none of [the] FBI CHSs [who were in Washington, D.C., on January 6, 2021] was authorized by the FBI to enter the Capitol or a restricted area or to otherwise break the law on January 6, nor was any CHS directed by the FBI to encourage others to commit illegal acts on January 6.”

A. Why do you disagree with the DOJ IG’s conclusions?

Answer: The DOJ cannot impartially investigate itself; this is why the ODNI is looking into this matter. The DOJ IG investigation identified 26 CHS present on January 6th. As an outside organization, we must investigate their actions and identities to determine whether their actions aligned with law and intelligence policy. I also note that there has been no review on the role of other IC elements in the January 6th incident.

To restore the trust in our intelligence community it is essential that we provide the American people with transparency about the IC’s role in January 6th. This is why the ODNI is investigating this matter.

B. In responses to pre-hearing questions, you wrote: “The American people deserve to see the unredacted reporting from the FBI that explains what their CHSs were tasked to do and what the CHSs reported to their FBI handler.”

Based on your access to classified information as the DNI's chief of staff, have you identified any information in FBI case files to contradict the IG's conclusions? If yes, please provide that information to the Committee.

Answer: We are in the process of requesting and obtaining these files.

- C. Please identify which elements and offices within the Intelligence Community are participating in the "investigation" you cited in your testimony, and the nature of that participation. How many people from each element and office are working full or part-time on the investigation?

Answer: The DNI's Director's Initiative Group (DIG) is leading this effort in conjunction with all relevant elements of the IC.

- D. What is the FBI's role, if any, in the IC's "investigation"?

Answer: The FBI is represented in the DIG.

- E. Please describe the terms of reference of this "investigation," including scope, goals, methodology, and process.

Answer: See attached DIG memorandum and press release.

- F. How long is the "investigation" expected to last? What does the IC intend to do with the results of its investigation in terms of congressional reporting and/or public release?

Answer: The investigation will last up to one year and a report will be publicly released.

- G. The DoJ IG interviewed more than 200 witnesses, including relevant FBI leadership, and reviewed more than 500,000 documents, including "CHS reporting, thousands of tips provided to the FBI, investigative and intelligence records from the FBI case management system, emails, instant messages, and phone records, contemporaneous notes of meetings and telephone calls, chronologies concerning the lead-up of events to January 6..." To what extent is the IC "investigation" replicating the OIG's interviews, document review and other methodological approaches?

Answer: The ODNI investigation will examine the roles of all IC elements in January 6th to ensure alignment with law and policy. It will also determine whether FBI tasked these CHS pursuant to their intelligence authorities and, if so, will look at the actions, taskings and reporting pertaining to the CHSs to ensure compliance with law and intelligence policy.

QUESTION 5: At your confirmation hearing you referred to “the Russia Hoax” and suggested that determinations of Russian intervention in the 2016 election were “widely debunked.” On a unanimous basis, after a years-long investigation, this Committee concluded that “Russian President Vladimir Putin ordered the Russian effort to hack computer networks and accounts affiliated with the Democratic Party and leak information damaging to Hillary Clinton and her campaign for president. Moscow’s intent was to harm the Clinton Campaign, tarnish an expected Clinton presidential administration, help the Trump Campaign after Trump became the presumptive Republican nominee, and undermine the U.S. democratic process.”

A. Do you challenge the credibility of the Committee’s 2020 report and these conclusions?

Answer: The Durham Report refutes the idea that President Trump or his campaign team colluded with the Russian government and makes it abundantly clear that this narrative was seeded by the DNC and the Clinton campaign.

B. Which specific sources do you rely on to support your claim that Russian intervention in the 2016 election have been “widely debunked”?

Answer: The Durham Report from May 12th 2023:

“REPORT ON MATTERS RELATED TO INTELLIGENCE ACTIVITIES AND INVESTIGATIONS ARISING OUT OF THE 2016 PRESIDENTIAL CAMPAIGNS.”

Questions from Senators Heinrich and Wyden

DNI Gabbard’s Director’s Initiatives Group (DIG)

On April 8, *The Washington Post* reported that the Director of National Intelligence (DNI) has created a task force, called the Director's Initiatives Group, or DIG, charged with "restoring transparency and accountability to the Intelligence Community." *The Washington Post* reports that the DIG is composed of up to ten people from outside the agency, vetted by the White House, and that its members have been working out of the Office of the Director of National Intelligence (ODNI) headquarters since late February. The DNI's press release on the stand-up of the DIG states that the DIG is "already identifying wasteful spending in real time, streamlining outdated processes, reviewing documents for declassification, and leading ongoing efforts to root out abuses of power and politicization." In your current capacity as an advisor to Director Gabbard, please answer the following questions:

QUESTION 1: Who are the members of the Director's Initiatives Group? What experience or expertise do they bring to their roles as DIG members? What is their specific mandate? What authorities have they been given? Have they been assigned to particular IC entities?

Answer: The personnel in the Director's Initiatives Group (DIG) are drawn from multiple agencies within the IC, with decades of intelligence and law enforcement experience.

The DIG operates pursuant to various authorities, including the National Security Act and the transparency and accountability missions found in directions in the Executive Orders President Trump entered in records from January 20, 2025. This includes other initiatives and such tasks as are specifically directed by the Director of National Intelligence (DNI).

QUESTION 2: What level of clearances do they hold, to what extent are they read into IC compartments, and what specific IC databases and other systems do they have direct access to?

Answer: All DIG members have a TS/SCI clearance and current polygraph or receive one within 90 days of reporting to the DIG, this is standard across the IC. In the interest of transparency and accountability, DIG personnel are afforded access to any IC system, database, or document repositories essential for task completion. These are National Security Systems operated by elements of the intelligence community, their contractors, or other entities on behalf of IC

elements. The owners of these systems, databases, or document repositories are responsible for sharing such data with the ODNI when directed to do so by the DNI. In instances where the DIG has needed sub-compartmented access, it has been able to work with the DNI CAPCO office and obtain one-time accesses.

QUESTION 3: Which IC entities and which areas of inquiry is the DIG prioritizing?

Answer: DIG is already hard at work executing President Trump's Executive Orders aimed at rebuilding trust in the IC - starting with investigating weaponization, rooting out deep-seeded politicization, exposing unauthorized disclosures of classified intelligence, and declassifying information that serves a public interest. The DIG is also leading assessments of IC structure, resourcing, and personnel to improve efficiency and eliminate wasteful spending. The DIG will work across all IC entities to ensure transparency and accountability is restored in the IC.

QUESTION 4: Not including claims regarding programs related to diversity, equity and inclusion or climate change, what “wasteful spending” has the DIG identified, and how was such spending determined to be wasteful?

Answer: The DIG is identifying and reporting systems for improvements, consolidations, reductions, or elimination and has identified many wasteful or duplicative spending measures within the ODNI. Such findings include excessive empty desks at an ODNI off-site that would save the IC \$40M per year, duplicative senior staff across Directorates, Centers, and Offices to be measured at \$500k-\$1M per year in savings per office, and duplicative commercial data purchases valued at approximately \$25M.

QUESTION 5: Not including claims regarding processes related to diversity, equity and inclusion or climate change, what “outdated processes” has the DIG identified, and how were such processes determined to be outdated?

Answer: There are many IC programs that have outlived their useful life spans. The DIG has identified multiple outdated processes, such as prohibitive methods within the security screening pipeline for outside entities, process consolidation, and levels of supervisory senior staff to employee ratios. The DIG has reviewed such projects as budget, personnel, and work structures, etc., to determine what should be recommended to IC leadership for implementation.

QUESTION 6: What specific evidence has the DIG found of “abuses of power and politicization”? How, exactly, is it being “root[ed] out”? Have any IC personnel been fired or otherwise disciplined for “abuses of power and politicization”? If yes, please provide details.

Answer: The DIG will seek to conduct fair, fact-based reviews of information via processes that are repeatable and transparent and focused on facts, not outcomes. The DIG uncovered evidence of political bias injected into IC assessments around numerous topics. I understand that no one has been recommended for disciplinary action for abuse of power at this point but our inquiries and investigations are still relatively new. The objective is not disciplinary action, but truth and accountability. Any personnel actions will be recommendations made based on the documented and verified facts acquired.

QUESTION 7: How is the DIG approaching “reviewing documents for declassification”? What specific topics is the DIG and the Director seeking to have declassified?

Answer: Through the DNI’s declassification authority and in response to the President’s Executive Orders, the DIG has begun declassifying the MLK, JFK, and RFK files. All classified topics are subject to oversight, and review, per the laws, DNI policies, and Presidential Executive Orders. The DIG works closely with the ODNI Information Management Office to ensure the declassification processes that exists within ODNI and throughout the IC are still intact. Any information selected for potential declassification is subject to the appropriate processes to ensure the DNI and President are fully informed on potential impacts.

QUESTION 8: During her confirmation process, the DNI indicated that she supported the work of the Public Interest Declassification Board (PIDB). Has the DIG consulted with the PIDB about declassification priorities? If not, does it intend to?

Answer: The DIG recently met with the PIDB and appreciates their input.

QUESTION 9: Members of Congress, whose representation of the American people extends to classified work on their behalf, have identified areas for declassification in the public interest. As a current advisor to the DNI, will you help

ensure that the DIG engages with the Committee to identify areas for declassification?

Answer: Yes.

QUESTION 10: During her confirmation process, the DNI stated that she would “prioritize reforms to modernize classification policies, practices, and technologies to reflect the realities of the digital age.” She then enumerated a long list of reforms necessary to modernize, streamline and otherwise improve the declassification system. Besides record-by-record, or topic-by-topic declassification reviews, is the DIG engaged in these urgent and long-overdue reform efforts?

Answer: The DIG operates with a solutions-oriented mindset to enhance public trust through proactive and timely reforms to include modernizing classification reforms to reflect the progress of advanced technologies. The DNI is using the DIG efficiency data and findings to help inform and drive modernization, technology investment and other systemic improvements for the IC.

QUESTION 11: The Committee was not notified in advance of the DIG’s creation or the DNI’s press release announcing the DIG’s stand-up. Will you ensure, as a current advisor to the DNI, that the Committee is kept fully and currently informed of all aspects of the DIG’s work?

Answer: Yes.

Questions from Senator Kelly

QUESTION 1: Following up on my question at your hearing, if the Signal App were available in May 2011, would it have been appropriate for Obama Administration officials to use it to communicate information that U.S. Navy SEALs were taking off in helicopters bound for Pakistan to conduct a raid against Usama Bin Laden’s residence in Abbottabad several hours before the raid was to take place? Would there be any issue with them discussing details like the specific timing of the operation or weapons to be employed on Signal?

Answer: I cannot speculate on hypotheticals.

QUESTION 2: The 2011 UBL raid was a counterterrorism mission. In your judgment as the nominee to be the NCTC Director, would such information have

been classified or unclassified?

Answer: I cannot speculate on hypotheticals.

QUESTION 3: Please provide evidence to substantiate your claims that a number of immigrants with ties to ISIS entered our nation despite NCTC identifying them and that NCTC identified over a thousand Afghan refugees with ties to terrorists that were let into our nation.

Answer: A response to this question will be provided in classified channels.



Office of the
Director of National Intelligence



PRESS RELEASE

FOR IMMEDIATE RELEASE
ODNI News Release No. 05-25
April 8, 2025

**DNI Gabbard Establishes Task Force to Restore Trust in the Intelligence Community and End
Weaponization of Government Against Americans**

WASHINGTON, D.C. - Director of National Intelligence (DNI) Tulsi Gabbard announced the establishment of a new task force charged with restoring transparency and accountability to the Intelligence Community (IC).

Her newly-established Director's Initiatives Group (DIG) is already hard at work executing President Trump's Executive Orders aimed at rebuilding trust in the IC — starting with investigating weaponization, rooting out deep-seeded politicization, exposing unauthorized disclosures of classified intelligence, and declassifying information that serves a public interest. The DIG is also leading assessments of IC structure, resourcing, and personnel to improve efficiency and eliminate wasteful spending.

"In order to rebuild trust in the Intelligence Community and execute the tasks required by President Trump's intelligence-related Executive Orders, I established the Director's Initiatives Group to bring about transparency and accountability across the IC. We are already identifying wasteful spending in real time, streamlining outdated processes, reviewing documents for declassification, and leading ongoing efforts to root out abuses of power and politicization.

"President Trump promised the American people maximum transparency and accountability. We are committed to executing the President's vision and focusing the Intelligence Community on its core mission: ensuring our security by providing the President and policymakers with timely, apolitical, objective, relevant intelligence to inform their decision-making to ensure the safety, security and freedom of the American people," said DNI Gabbard.

Under the direction of DNI Gabbard, the work of the DIG is well underway and has thus far implemented the following actions:

- Reviewing documents for potential declassification — including information related to COVID-19 origins, Crossfire Hurricane, Anomalous Health Incidents, the Biden Administration's domestic surveillance and censorship actions against Americans, and more.
- Identifying wasteful spending, inefficiencies, and bloated bureaucracy.
- Declassification and release of the JFK [\[1\]](#), RFK, and MLK assassination files.

Per POTUS's directive, DNI Gabbard has taken steps to restore trust in the Intelligence Community by revoking security clearances [\[2\]](#) for individuals who no longer have an active role in national security — including former President Biden, Liz Cheney, and Hillary Clinton.

Further, the Director held employees who participated in sexually-explicit NSA chatrooms accountable, and has begun pursuing unauthorized leaks of classified information within the IC.

See the full list of the related EOs and Presidential actions driving the DIG's efforts below:

- EO 14147 on Ending the Weaponization of the Federal Government
- EO 14149 on Restoring Freedom of Speech and Ending Federal Censorship
- EO 14151 on Ending Radical and Wasteful Government DEI Programs and Preferencing
- EO 14152 on Holding Former Government Officials Accountable for Election Interference and Improper Disclosure of Sensitive Governmental Information
- EO 14158 on Establishing and Implementing the President's "Department of Government Efficiency"
- EO 14176 on the Declassification of Records Concerning the Assassinations of President John F. Kennedy, Senator Robert F. Kennedy, and the Reverend Dr. Martin Luther King, Jr.
- EO 14210 on Implementing the President's "Department of Government Efficiency" Workforce Optimization Initiative
- EO 14217 on Commencing the Reduction of the Federal Bureaucracy
- EO 14219 on Ensuring Lawful Governance and Implementing the President's "Department of Government Efficiency" Deregulatory Initiative
- EO 14248 on Preserving and Protecting the Integrity of American Elections
- EO 14249 on Protecting America's Bank Account Against Fraud, Waste, and Abuse
- Presidential Memorandum on the Immediate Declassification of Materials Related to the Federal Bureau of Investigation's Crossfire Hurricane Investigation

Read more about the DIG in a Fox News exclusive [🔗](#).

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SELECT COMMITTEE ON
INTELLIGENCE

UNITED STATES SENATE



QUESTIONNAIRE FOR COMPLETION BY
PRESIDENTIAL NOMINEES

**SELECT COMMITTEE ON INTELLIGENCE
UNITED STATES SENATE**

**QUESTIONNAIRE FOR COMPLETION BY
PRESIDENTIAL NOMINEES**

PART A - BIOGRAPHICAL INFORMATION

1. FULL NAME:

John Andrew Eisenberg

OTHER NAMES USED:

None.

2. DATE AND PLACE OF BIRTH:

February, 1967; Boston, MA.

CITIZENSHIP:

I am a citizen of the United States.

3. MARITAL STATUS:

I am married.

4. SPOUSE'S NAME:

Kathryn Erica Olson

5. SPOUSE'S MAIDEN NAME IF APPLICABLE:

Not applicable.

6. NAMES AND AGES OF CHILDREN:

INFORMATION REDACTED

7. EDUCATION SINCE HIGH SCHOOL:

Yale Law School, 1999 – 2001
J.D. – June 2001

University of Chicago Law School, 1998 – 1999
No degree received

University of California, Berkeley, 1993 (est.) – 1998
PhD Program in Mathematics
No degree received

Stanford University, 1991 (est.) – 1993 (est.)
No degree received

Stanford University, 1987 – 1991
Bachelor's Degree, Mathematics – June 1991

Occidental College, 1984 – 1987
No degree received

8. EMPLOYMENT RECORD (LIST ALL POSITIONS HELD SINCE COLLEGE, INCLUDING MILITARY SERVICE. INDICATE NAME OF EMPLOYER, POSITION, TITLE OR DESCRIPTION, LOCATION, AND DATES OF EMPLOYMENT).

2025 – present
United States Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530
Senior Counselor, Office of the Attorney General

2017 – 2021
The White House
1600 Pennsylvania Avenue, NW
Washington, DC 20500
Assistant to the President, Deputy Counsel to the President for National Security Affairs, and Legal Advisor to the National Security Council (2019 – 2021)
Deputy Assistant to the President, Deputy Counsel to the President for National Security Affairs, and Legal Advisor to the National Security Council (2017 – 2019)

2009 – 2017
Kirkland & Ellis LLP
1301 Pennsylvania Avenue, NW
Suite 1301
Washington, DC 20004
Partner

2004 – 2009

United States Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

Associate Deputy Attorney General, Office of the Deputy Attorney General (2008 – 2009)
Deputy Assistant Attorney General, Office of Legal Counsel (2006 – 2008)
Counsel to the Assistant Attorney General, Office of Legal Counsel (2005 – 2006)
Special Assistant for Counterterrorism, Office of Legal Counsel (2004 – 2005)

2003 – 2004

Supreme Court of the United States
1 First Street, NE
Washington, DC 20543
Law Clerk to the Honorable Clarence Thomas

2002 – 2003

United States Department of Justice
Office of Legal Counsel
950 Pennsylvania Avenue, NW
Washington, DC 20530
Special Assistant

2001 – June 2002

United States Court of Appeals for the Fourth Circuit
401 Courthouse Square
Alexandria, VA 22314
Law Clerk to the Honorable J. Michael Luttig

Fall 2000/Winter 2001 (est.)

Yale Law School
127 Wall Street
New Haven, CT 06511
Research Assistant to Professor Robert Ellickson

Summer 2000

Munger Tolles & Olson LLP
350 South Grand Avenue, 50th Floor
Los Angeles, CA 90071
Summer Associate

Summer 1999

Skadden, Arps, Slate, Meagher & Flom LLP
2000 Avenue of the Stars, Suite 200N
Los Angeles, CA 90067
Summer Associate

1994 (est.) – 1998 (est.)
 University of California, Berkeley
 Department of Mathematics
 970 Evans Hall
 Berkeley, CA 94720
 Graduate Student Instructor

1996 (est.) – 1998 (est.)
 University of California, Berkeley
 Haas School of Business
 2220 Piedmont Avenue
 Berkeley, CA 94720
 Research Assistant to Professor Thomas Marschak

1991 (est.) – 1993 (est.)
 Stanford University
 Department of Chemistry
 333 Campus Drive
 Stanford, CA 94305
 Research Assistant to Professor Edward Solomon

9. GOVERNMENT EXPERIENCE (INDICATE EXPERIENCE IN OR ASSOCIATION WITH FEDERAL, STATE, OR LOCAL GOVERNMENTS, INCLUDING ADVISORY, CONSULTATIVE, HONORARY, OR OTHER PART-TIME SERVICE OR POSITION. DO NOT REPEAT INFORMATION ALREADY PROVIDED IN QUESTION 8).

2021 – 2023
 National Archives and Records Administration
 700 Pennsylvania Avenue, NW
 Washington, DC 20408
 Representative

10. INDICATE ANY SPECIALIZED INTELLIGENCE OR NATIONAL SECURITY EXPERTISE YOU HAVE ACQUIRED HAVING SERVED IN THE POSITIONS DESCRIBED IN QUESTIONS 8 AND/OR 9.

I joined the United States Department of Justice, where I served from 2002 to 2003 and 2004 to 2009 in various capacities. My responsibilities centered on national security, including intelligence and counterterrorism issues. Both as a Deputy Assistant Attorney General in the Office of Legal Counsel and as an Associate Deputy Attorney General, I advised the Attorney General, the Deputy Attorney General, the Counsel to the President, the Legal Advisor to the National Security Council, the General Counsel of the Department of Defense, and various general counsels in the Intelligence Community on complicated national security matters. As an Associate Deputy Attorney General, I helped to oversee the national security functions of the Department of Justice, including litigation of various issues throughout the Nation and in the Foreign Intelligence Surveillance Court and the Foreign Intelligence Surveillance Court of

Review; the Department's role with respect to the Committee on Foreign Investment in the United States; and designations under the International Emergency Economic Powers Act and similar authorities. In that role, I also oversaw the then-new National Security Division. Through my work in these positions, I became intimately familiar with a broad range of national security issues.

From 2009 to 2017, I was a partner at Kirkland & Ellis LLP. My practice initially focused on white collar criminal defense and internal investigations. Towards the end of my time at Kirkland & Ellis, my practice shifted; I focused increasingly on cybersecurity and other data security issues as well as some national security work.

From 2017 to 2021, I served as the Legal Advisor to the National Security Council. In that capacity, I advised the President of the United States, senior members of the White House, and members of the National Security Council on national-security and foreign-relations law. In that role, I also mediated legal disputes between various components of the United States government involved in national security.

11. HONORS AND AWARDS (PROVIDE INFORMATION ON SCHOLARSHIPS, FELLOWSHIPS, HONORARY DEGREES, MILITARY DECORATIONS, CIVILIAN SERVICE CITATIONS, OR ANY OTHER SPECIAL RECOGNITION FOR OUTSTANDING PERFORMANCE OR ACHIEVEMENT).

National Intelligence Superior Service Medal (2021).

Department of Defense Medal for Distinguished Public Service (2020).

Assistant Attorney General Award for Special Initiative, National Security Division (December 2008).

Attorney General's Award for Excellence in Furthering the Interests of U.S. National Security (2007).

Intelligence Community Legal Award for Team of the Year, 2007 and 2008.

Yale Law Journal, Articles Editor (2000 – 2001).

12. ORGANIZATIONAL AFFILIATIONS (LIST MEMBERSHIPS IN AND OFFICES HELD WITHIN THE LAST TEN YEARS IN ANY PROFESSIONAL, CIVIC, FRATERNAL, BUSINESS, SCHOLARLY, CULTURAL, CHARITABLE, OR OTHER SIMILAR ORGANIZATIONS).

Federalist Society for Law and Public Policy Studies

Member, 2021 (est.) – Present

Member International & National Security Practice Group Executive Committee, 2021 (est.) – Present

Student Member, 1998 (est.) – 2001 (est.)

Heritage Foundation National Security Law Working Group
Member, 2021 (est.) – Present

District of Columbia Bar
Member, 2010 – Present

California Bar
Member, 2005 – Present

Stanford Alumni Association
Member, 1991 (est.) – Present

Yale Alumni Association
Member, 2001 (est.) – Present

13. PUBLISHED WRITINGS AND SPEECHES (LIST THE TITLES, PUBLISHERS, BLOGS AND PUBLICATION DATES OF ANY BOOKS, ARTICLES, REPORTS, OR OTHER PUBLISHED MATERIALS YOU HAVE AUTHORED. ALSO LIST ANY PUBLIC SPEECHES OR REMARKS YOU HAVE MADE WITHIN THE LAST TEN YEARS FOR WHICH THERE IS A TEXT, TRANSCRIPT, OR VIDEO). IF ASKED, WILL YOU PROVIDE A COPY OF EACH REQUESTED PUBLICATION, TEXT, TRANSCRIPT, OR VIDEO?

Writings:

Executive Order on Cybersecurity Begins Standard-Setting Process, Kirkland & Ellis LLP, Feb. 15, 2013.

\$42 Million Blackwater Settlement Demonstrates ITAR Enforcement on the Rise, Kirkland & Ellis LLP, Sept. 23, 2010.

U.S. Sentencing Commission Proposes Changes Regarding Sentencing of Corporations, Kirkland & Ellis LLP, Feb. 16, 2010.

U.S. Department of Justice Arrests 22 in Unprecedented FCPA Sting Operation, Kirkland & Ellis LLP, Jan. 22, 2010.

United States Attorney General Pledges Unprecedented DOJ Focus on Financial Fraud, Kirkland & Ellis LLP, Jan. 12, 2010.

Serious Fraud Office Brings Overseas Corruption Charges Against British Executive, Kirkland & Ellis LLP, Dec. 11, 2009.

DOJ Vows to Scrutinize Pharmaceutical Companies under the FCPA, Kirkland & Ellis LLP, Nov. 16, 2009.

The Fraud Enforcement and Recovery Act of 2009, Kirkland & Ellis LLP, May 29, 2009.

Department of Justice Announces That Antitrust Division Will Begin More Aggressive Antitrust Enforcement Campaign, Kirkland & Ellis LLP, May 15, 2009.

Speeches:

Dec. 6, 2023: Panelist, *Reforming the Classification System: Challenges, Approaches, and Priorities*, Washington, DC. Recording available at: <https://fedsoc.org/events/reforming-the-classification-system-challenges-approaches-and-priorities>.

Sept. 5, 2023: Speaker, *2023 Annual Mike Lewis Memorial Teleforum: Big Data and the Law of War (Webinar)*, Washington, DC. Recording available at: <https://fedsoc.org/events/2023-annual-mike-lewis-memorial-teleforum-big-data-and-the-law-of-war>.

PART B - QUALIFICATIONS

14. QUALIFICATIONS (DESCRIBE WHY YOU BELIEVE YOU ARE QUALIFIED TO SERVE AS THE ASSISTANT ATTORNEY GENERAL FOR THE NATIONAL SECURITY DIVISION AT THE UNITED STATES DEPARTMENT OF JUSTICE).

In my past government positions, I have handled some of the most challenging and complicated national security legal issues. For example, at the Department of Justice, I helped to formulate novel approaches to applications under the Foreign Intelligence Surveillance Act thereby allowing the government to conduct vital intelligence activities to protect the Nation against further terrorist attacks. I also drafted proposed legislation to modernize the Foreign Intelligence Surveillance Act. I worked extensively on various legal aspects of offensive cyberoperations and of cybersecurity measures. I was a member of a team that helped to stand up the National Security Division, and I provided legal advice to the Division from the time of its inception. As the Legal Advisor to the National Security Council, I provided legal advice to the President and others on some of the most sensitive and important issues touching on the national security and foreign affairs of the United States.

I have also honed my skills as a leader through my past government positions and my time as a law firm partner. In both capacities, I have had to supervise people and ensure that they work effectively together. I have learned to resolve conflict as soon as it arises and to minimize the chances it does arise in the first place. And, I believe, I have developed a reputation as a fair leader who cares about and helps those who have worked for me.

Through serving as the Legal Advisor to the National Security Council, I became intimately familiar with the workings of the interagency process for national security decisionmaking and would be well-positioned to be an effective participant in that process. My time in that role also gave me a great deal of experience in helping to run a large organization, one focused on protecting the national security.

I look forward, if confirmed, to leading the National Security Division and helping the career professionals in the Division better protect our Nation from the range of national security threats that face it. I also look forward, if confirmed, to working with this Committee as it conducts oversight on behalf of the American people.

PART C - POLITICAL AND FOREIGN AFFILIATIONS

15. POLITICAL ACTIVITIES (LIST ANY MEMBERSHIPS OR OFFICES HELD IN OR FINANCIAL CONTRIBUTIONS OR SERVICES RENDERED TO, ANY POLITICAL PARTY, ELECTION COMMITTEE, POLITICAL ACTION COMMITTEE, OR INDIVIDUAL CANDIDATE DURING THE LAST TEN YEARS).

10-22-2024, \$516.53, Donald Trump (R)

08-31-2015, \$2,700, Jeb Bush (R)

I also reviewed and commented on a few short documents on cybersecurity.

10-22-2012, \$1,000, Mitt Romney (R)

16. CANDIDACY FOR PUBLIC OFFICE (FURNISH DETAILS OF ANY CANDIDACY FOR ELECTIVE PUBLIC OFFICE).

I have not sought public office.

17. FOREIGN AFFILIATIONS

(NOTE: QUESTIONS 17A AND B ARE NOT LIMITED TO RELATIONSHIPS REQUIRING REGISTRATION UNDER THE FOREIGN AGENTS REGISTRATION ACT. QUESTIONS 17A, B, AND C DO NOT CALL FOR A POSITIVE RESPONSE IF THE REPRESENTATION OR TRANSACTION WAS AUTHORIZED BY THE UNITED STATES GOVERNMENT IN CONNECTION WITH YOUR OR YOUR SPOUSE'S EMPLOYMENT IN GOVERNMENT SERVICE.)

- A. HAVE YOU OR YOUR SPOUSE EVER REPRESENTED IN ANY CAPACITY (E.G. EMPLOYEE, ATTORNEY, OR POLITICAL/BUSINESS CONSULTANT), WITH OR WITHOUT COMPENSATION, A FOREIGN GOVERNMENT OR AN ENTITY CONTROLLED BY A FOREIGN GOVERNMENT? IF SO, PLEASE FULLY DESCRIBE SUCH RELATIONSHIP.

To the best of my knowledge and recollection, no.

My wife assisted the Federated States of Micronesia in connection with real estate aspects of its acquisition of an office condominium for use as a new embassy.

- B. HAVE ANY OF YOUR OR YOUR SPOUSE'S ASSOCIATES REPRESENTED, IN ANY CAPACITY, WITH OR WITHOUT COMPENSATION, A FOREIGN

GOVERNMENT OR AN ENTITY CONTROLLED BY A FOREIGN GOVERNMENT? IF SO, PLEASE FULLY DESCRIBE SUCH RELATIONSHIP.

I was a partner at the international law firm of Kirkland & Ellis LLP from 2009 until 2017. It is likely that attorneys at the firm had such clients from time to time. I left the firm years ago and do not have access to such records.

My wife's firm, Arnold & Porter, is likewise a large international firm. As such, it is likely that attorneys at her firm have represented such entities in addition to the instance I identified in response to part A above.

C. DURING THE PAST TEN YEARS, HAVE YOU OR YOUR SPOUSE RECEIVED ANY COMPENSATION FROM, OR BEEN INVOLVED IN ANY FINANCIAL OR BUSINESS TRANSACTIONS WITH, A FOREIGN GOVERNMENT OR ANY ENTITY CONTROLLED BY A FOREIGN GOVERNMENT? IF SO, PLEASE PROVIDE DETAILS.

To our knowledge, neither my wife nor I have received compensation directly attributable to foreign governments or entities controlled by foreign governments. It is possible that my wife or I received compensation in some way traceable to the types of matters I described in part B above.

D. HAVE YOU OR YOUR SPOUSE EVER REGISTERED UNDER THE FOREIGN AGENTS REGISTRATION ACT? IF SO, PLEASE PROVIDE DETAILS.

No.

18. DESCRIBE ANY LOBBYING ACTIVITY DURING THE PAST TEN YEARS, OTHER THAN IN AN OFFICIAL U.S. GOVERNMENT CAPACITY, IN WHICH YOU OR YOUR SPOUSE HAVE ENGAGED FOR THE PURPOSE OF DIRECTLY OR INDIRECTLY INFLUENCING THE PASSAGE, DEFEAT, OR MODIFICATION OF FEDERAL LEGISLATION, OR FOR THE PURPOSE OF AFFECTING THE ADMINISTRATION AND EXECUTION OF FEDERAL LAW OR PUBLIC POLICY.

Although a significant amount of my work at Kirkland involved advising clients with respect to legal matters arising or potentially arising before federal agencies, I do not recall myself appearing before any federal agencies during the last ten years. I also have no reason to believe that any federal agencies would have been aware of any advice I might have given clients during this period. I do not, however, have access to Kirkland's records. My wife has not engaged in lobbying activity in the last ten years.

PART D - FINANCIAL DISCLOSURE AND CONFLICT OF INTEREST

19. DESCRIBE ANY EMPLOYMENT, BUSINESS RELATIONSHIP, FINANCIAL TRANSACTION, INVESTMENT, ASSOCIATION, OR ACTIVITY (INCLUDING, BUT NOT LIMITED TO, DEALINGS WITH THE FEDERAL GOVERNMENT ON YOUR OWN BEHALF OR ON BEHALF OF A CLIENT), WHICH COULD CREATE, OR APPEAR TO CREATE, A CONFLICT OF INTEREST IN THE POSITION TO WHICH YOU HAVE BEEN NOMINATED.

Please see my ethics agreement, which I understand has been provided to the Senate.

20. DO YOU INTEND TO SEVER ALL BUSINESS CONNECTIONS WITH YOUR PRESENT EMPLOYERS, FIRMS, BUSINESS ASSOCIATES AND/OR PARTNERSHIPS, OR OTHER ORGANIZATIONS IN THE EVENT THAT YOU ARE CONFIRMED BY THE SENATE? IF NOT, PLEASE EXPLAIN.

I have no such connections.

21. DESCRIBE THE FINANCIAL ARRANGEMENTS YOU HAVE MADE OR PLAN TO MAKE, IF YOU ARE CONFIRMED, IN CONNECTION WITH SEVERANCE FROM YOUR CURRENT POSITION. PLEASE INCLUDE SEVERANCE PAY, PENSION RIGHTS, STOCK OPTIONS, DEFERRED INCOME ARRANGEMENTS, AND ANY AND ALL COMPENSATION THAT WILL OR MIGHT BE RECEIVED IN THE FUTURE AS A RESULT OF YOUR CURRENT BUSINESS OR PROFESSIONAL RELATIONSHIPS.

None.

22. DO YOU HAVE ANY PLANS, COMMITMENTS, OR AGREEMENTS TO PURSUE OUTSIDE EMPLOYMENT, WITH OR WITHOUT COMPENSATION, DURING YOUR SERVICE WITH THE GOVERNMENT? IF SO, PLEASE PROVIDE DETAILS.

No.

23. AS FAR AS CAN BE FORESEEN, STATE YOUR PLANS AFTER COMPLETING GOVERNMENT SERVICE. PLEASE SPECIFICALLY DESCRIBE ANY AGREEMENTS OR UNDERSTANDINGS, WRITTEN OR UNWRITTEN, CONCERNING EMPLOYMENT AFTER LEAVING GOVERNMENT SERVICE. IN PARTICULAR, DESCRIBE ANY AGREEMENTS, UNDERSTANDINGS, OR OPTIONS TO RETURN TO YOUR CURRENT POSITION.

I have no such agreements or understandings. Following government service, I anticipate returning to the private sector.

24. IF YOU ARE PRESENTLY IN GOVERNMENT SERVICE, DURING THE PAST FIVE YEARS OF SUCH SERVICE, HAVE YOU RECEIVED FROM A PERSON OUTSIDE OF GOVERNMENT AN OFFER OR EXPRESSION OF INTEREST TO EMPLOY

YOUR SERVICES AFTER YOU LEAVE GOVERNMENT SERVICE? IF YES, PLEASE PROVIDE DETAILS.

I returned to government service approximately one month ago. During this time, I have not received any offers of employment or expressions of interest.

25. **IS YOUR SPOUSE EMPLOYED? IF YES AND THE NATURE OF THIS EMPLOYMENT IS RELATED IN ANY WAY TO THE POSITION FOR WHICH YOU ARE SEEKING CONFIRMATION, PLEASE INDICATE YOUR SPOUSE'S EMPLOYER, THE POSITION, AND THE LENGTH OF TIME THE POSITION HAS BEEN HELD. IF YOUR SPOUSE'S EMPLOYMENT IS NOT RELATED TO THE POSITION TO WHICH YOU HAVE BEEN NOMINATED, PLEASE SO STATE.**

My spouse is a counsel at the law firm of Arnold & Porter where she represents clients in a broad range of commercial real estate transactions. She has been affiliated with Arnold & Porter since 2000. I do not believe my wife's employment is meaningfully related to the position of Assistant Attorney General for National Security.

26. **LIST BELOW ALL CORPORATIONS, PARTNERSHIPS, FOUNDATIONS, TRUSTS, OR OTHER ENTITIES TOWARD WHICH YOU OR YOUR SPOUSE HAVE FIDUCIARY OBLIGATIONS OR IN WHICH YOU OR YOUR SPOUSE HAVE HELD DIRECTORSHIPS OR OTHER POSITIONS OF TRUST DURING THE PAST FIVE YEARS.**

INFORMATION REDACTED

27. **LIST ALL GIFTS EXCEEDING \$100 IN VALUE RECEIVED DURING THE PAST FIVE YEARS BY YOU, YOUR SPOUSE, OR YOUR DEPENDENTS. (NOTE: GIFTS RECEIVED FROM RELATIVES AND GIFTS GIVEN TO YOUR SPOUSE OR DEPENDENT NEED NOT BE INCLUDED UNLESS THE GIFT WAS GIVEN WITH YOUR KNOWLEDGE AND ACQUIESCENCE AND YOU HAD REASON TO BELIEVE THE GIFT WAS GIVEN BECAUSE OF YOUR OFFICIAL POSITION.)**

I received a small number of gifts during my time in the White House the value of which is

likely around \$100. After leaving the White House, I also received a large picture frame with photographs of me with the President. My wife has also received occasional gifts that may be worth a little over \$100 in the course of her work.

28. LIST ALL SECURITIES, REAL PROPERTY, PARTNERSHIP INTERESTS, OR OTHER INVESTMENTS OR RECEIVABLES WITH A CURRENT MARKET VALUE (OR, IF MARKET VALUE IS NOT ASCERTAINABLE, ESTIMATED CURRENT FAIR VALUE) IN EXCESS OF \$1,000. (NOTE: THE INFORMATION PROVIDED IN RESPONSE TO SCHEDULE A OF THE DISCLOSURE FORMS OF THE OFFICE OF GOVERNMENT ETHICS MAY BE INCORPORATED BY REFERENCE, PROVIDED THAT CURRENT VALUATIONS ARE USED.)

Please see my OGE-278, which I understand has been provided to the Senate.

29. LIST ALL LOANS OR OTHER INDEBTEDNESS (INCLUDING ANY CONTINGENT LIABILITIES) IN EXCESS OF \$10,000. EXCLUDE A MORTGAGE ON YOUR PERSONAL RESIDENCE UNLESS IT IS RENTED OUT, AND LOANS SECURED BY AUTOMOBILES, HOUSEHOLD FURNITURE, OR APPLIANCES. (NOTE: THE INFORMATION PROVIDED IN RESPONSE TO SCHEDULE C OF THE DISCLOSURE FORM OF THE OFFICE OF GOVERNMENT ETHICS MAY BE INCORPORATED BY REFERENCE, PROVIDED THAT CONTINGENT LIABILITIES ARE ALSO INCLUDED.)

Please see my OGE-278, which I understand has been provided to the Senate.

- A. ARE YOU OR YOUR SPOUSE NOW IN DEFAULT ON ANY LOAN, DEBT, OR OTHER FINANCIAL OBLIGATION? HAVE YOU OR YOUR SPOUSE BEEN IN DEFAULT ON ANY LOAN, DEBT, OR OTHER FINANCIAL OBLIGATION IN THE PAST TEN YEARS? HAVE YOU OR YOUR SPOUSE EVER BEEN REFUSED CREDIT OR HAD A LOAN APPLICATION DENIED? IF THE ANSWER TO ANY OF THESE QUESTIONS IS YES, PLEASE PROVIDE DETAILS.

No.

30. LIST THE SPECIFIC SOURCES AND AMOUNTS OF ALL INCOME RECEIVED DURING THE LAST FIVE YEARS, INCLUDING ALL SALARIES, FEES, DIVIDENDS, INTEREST, GIFTS, RENTS, ROYALTIES, PATENTS, HONORARIA, AND OTHER ITEMS EXCEEDING \$200. (COPIES OF U.S. INCOME TAX RETURNS FOR THESE YEARS MAY BE SUBSTITUTED HERE, BUT THEIR SUBMISSION IS NOT REQUIRED.)

Please see attachment.

31. IF ASKED, WILL YOU PROVIDE THE COMMITTEE WITH COPIES OF YOUR AND YOUR SPOUSE'S FEDERAL INCOME TAX RETURNS FOR THE PAST THREE

YEARS?

Yes, subject to the advice of counsel.

32. LIST ALL JURISDICTIONS IN WHICH YOU AND YOUR SPOUSE FILE ANNUAL INCOME TAX RETURNS.

In addition to filing federal income tax returns, we presently file in California and Virginia.

33. HAVE YOUR FEDERAL OR STATE TAX RETURNS BEEN THE SUBJECT OF AN AUDIT, INVESTIGATION, OR INQUIRY AT ANY TIME? IF SO, PLEASE PROVIDE DETAILS, INCLUDING THE RESULT OF ANY SUCH PROCEEDING.

In April 2012, the IRS notified my wife and me that it appeared we owed an additional \$31,369 in tax and penalties in connection with our 2010 returns. Our accountant immediately responded to the IRS on our behalf, explaining that the income in question was attributable to earnings from 2011 and 2012 and any taxes arising from those earnings would be paid in connection with those returns. To my knowledge, our accountant's response resolved the matter. The IRS took no further action.

34. IF YOU ARE AN ATTORNEY, ACCOUNTANT, OR OTHER PROFESSIONAL, PLEASE LIST ALL CLIENTS AND CUSTOMERS WHOM YOU BILLED MORE THAN \$200 WORTH OF SERVICES DURING THE PAST FIVE YEARS. ALSO, LIST ALL JURISDICTIONS IN WHICH YOU ARE LICENSED TO PRACTICE.

I have not billed any clients in the past five years. I am a member of the California and District of Columbia bars.

35. DO YOU INTEND TO PLACE YOUR FINANCIAL HOLDINGS AND THOSE OF YOUR SPOUSE AND DEPENDENT MEMBERS OF YOUR IMMEDIATE HOUSEHOLD IN A BLIND TRUST? IF YES, PLEASE FURNISH DETAILS. IF NO, DESCRIBE OTHER ARRANGEMENTS FOR AVOIDING ANY POTENTIAL CONFLICTS OF INTEREST.

I have no plans to create a blind trust but will abide by any agreements negotiated with the Office of Government Ethics.

36. IF APPLICABLE, LIST THE LAST THREE YEARS OF ANNUAL FINANCIAL DISCLOSURE REPORTS YOU HAVE BEEN REQUIRED TO FILE WITH YOUR AGENCY, DEPARTMENT, OR BRANCH OF GOVERNMENT. IF ASKED, WILL YOU PROVIDE A COPY OF THESE REPORTS?.

None.

PART E - ETHICAL MATTERS

37. HAVE YOU EVER BEEN THE SUBJECT OF A DISCIPLINARY PROCEEDING OR CITED FOR A BREACH OF ETHICS OR UNPROFESSIONAL CONDUCT BY, OR BEEN THE SUBJECT OF A COMPLAINT TO, ANY COURT, ADMINISTRATIVE AGENCY, PROFESSIONAL ASSOCIATION, DISCIPLINARY COMMITTEE, OR OTHER PROFESSIONAL GROUP? IF SO, PLEASE PROVIDE DETAILS.

Department of Defense (DoD) Office of the Inspector General (OIG), Whistleblower Reprisal Investigation: Lieutenant Colonel Yevgeny S. Vindman, National Security Council

This investigation took place in response to a DoD Hotline complaint on August 18, 2020, alleging that various Administration officials, including me in my capacity as Assistant to the President, Deputy White House Counsel, and National Security Council (NSC) Legal Advisor, took actions against Lieutenant Colonel Yevgeny Vindman while he was serving at the NSC. Such alleged actions allegedly constituted a reprisal for his protected communications and also for his association with his twin brother's protected communications to Members of Congress.

The DoD IG requested to interview me through my counsel, Bill Burck of Quinn Emanuel. Because of my former position as an Assistant to the President and the privileged nature of the information at issue, I needed to seek approval both from the current Biden Administration and from the then-former Trump Administration in order to sit for an interview. Although Mr. Burck promptly asked both Administrations for this approval, it was not given until after the Report had been made public.

With respect to me, the investigation concluded that it was more likely than not that I gave Lieutenant Colonel Vindman an unfavorable review in reprisal for his protected communications in violation of 10 U.S.C. § 1034. I wholeheartedly deny this allegation and note that the investigators were unable to speak with me and, to my knowledge, did not speak with any of the other Administration officials. The Report made no recommendations with respect to me or the other Administration officials.

The allegations led to bar complaints against me in California and the District of Columbia, both of which were investigated and dismissed.

38. HAVE YOU EVER BEEN INVESTIGATED, HELD, ARRESTED, OR CHARGED BY ANY FEDERAL, STATE, OR OTHER LAW ENFORCEMENT AUTHORITY FOR VIOLATION OF ANY FEDERAL STATE, COUNTY, OR MUNICIPAL LAW, REGULATION, OR ORDINANCE, OTHER THAN A MINOR TRAFFIC OFFENSE, OR NAMED AS A DEFENDANT OR OTHERWISE IN ANY INDICTMENT OR INFORMATION RELATING TO SUCH VIOLATION? IF SO, PLEASE PROVIDE DETAILS.

Other than the Department of Defense investigation described in response to question 37, no.

39. HAVE YOU EVER BEEN CONVICTED OF OR ENTERED A PLEA OF GUILTY OR

NOLO CONTENDERE TO ANY CRIMINAL VIOLATION OTHER THAN A MINOR TRAFFIC OFFENSE? IF SO, PLEASE PROVIDE DETAILS.

No.

40. ARE YOU PRESENTLY OR HAVE YOU EVER BEEN A PARTY IN INTEREST IN ANY ADMINISTRATIVE AGENCY PROCEEDING OR CIVIL LITIGATION? IF SO, PLEASE PROVIDE DETAILS.

To my knowledge, no.

41. HAVE YOU BEEN INTERVIEWED OR ASKED TO SUPPLY ANY INFORMATION AS A WITNESS OR OTHERWISE IN CONNECTION WITH ANY CONGRESSIONAL INVESTIGATION, FEDERAL, OR STATE AGENCY PROCEEDING, GRAND JURY INVESTIGATION, OR CRIMINAL OR CIVIL LITIGATION IN THE PAST TEN YEARS? IF SO, PLEASE PROVIDE DETAILS.

In addition to the matter discussed above in response to question 37, I was interviewed by members of the Department of Defense Office of the Inspector General in connection with its investigation of the selection of Michael Ellis to be general counsel of the National Security Agency. In addition, I was subpoenaed in the proceedings leading to the first impeachment of President Trump. I did not testify because the Office of Legal Counsel issued an opinion concluding that I had absolute immunity from compelled congressional testimony. Further, the Counsel to the President relayed to my attorney that the President directed me not to appear. I was also interviewed in another Department of Justice investigation as a witness I believe in 2022.

42. HAS ANY BUSINESS OF WHICH YOU ARE OR WERE AN OFFICER, DIRECTOR, OR PARTNER BEEN A PARTY TO ANY ADMINISTRATIVE AGENCY PROCEEDING OR CRIMINAL OR CIVIL LITIGATION RELEVANT TO THE POSITION TO WHICH YOU HAVE BEEN NOMINATED? IF SO, PLEASE PROVIDE DETAILS. (WITH RESPECT TO A BUSINESS OF WHICH YOU ARE OR WERE AN OFFICER, YOU NEED ONLY CONSIDER PROCEEDINGS AND LITIGATION THAT OCCURRED WHILE YOU WERE AN OFFICER OF THAT BUSINESS.)

To my knowledge, no.

43. HAVE YOU EVER BEEN THE SUBJECT OF ANY INSPECTOR GENERAL INVESTIGATION? IF SO, PLEASE PROVIDE DETAILS.

See response above to question 37.

PART F - SECURITY INFORMATION

44. HAVE YOU EVER BEEN DENIED ANY SECURITY CLEARANCE OR ACCESS TO CLASSIFIED INFORMATION FOR ANY REASON? IF YES, PLEASE

EXPLAIN IN DETAIL.

No.

45. HAVE YOU BEEN REQUIRED TO TAKE A POLYGRAPH EXAMINATION FOR ANY SECURITY CLEARANCE OR ACCESS TO CLASSIFIED INFORMATION? IF YES, PLEASE EXPLAIN.

No.

46. HAVE YOU EVER REFUSED TO SUBMIT TO A POLYGRAPH EXAMINATION? IF YES, PLEASE EXPLAIN.

No.

PART G - ADDITIONAL INFORMATION

47. DESCRIBE IN YOUR OWN WORDS THE CONCEPT OF CONGRESSIONAL OVERSIGHT OF U.S. INTELLIGENCE ACTIVITIES. IN PARTICULAR, CHARACTERIZE WHAT YOU BELIEVE TO BE THE OBLIGATIONS OF THE ASSISTANT ATTORNEY GENERAL FOR THE NATIONAL SECURITY DIVISION AT THE UNITED STATES DEPARTMENT OF JUSTICE AND THE INTELLIGENCE COMMITTEES OF THE CONGRESS, RESPECTIVELY, IN THE OVERSIGHT PROCESS.

In a democracy such as ours, it is critical that citizens know, to the extent possible, what actions its government takes in their name. At the same time, there is an obvious need to keep some information classified. The question becomes how to recognize this reality and yet remain true to the ideal that the people have a right to know. In my view, Congress' Intelligence Committees are the answer to that question. Where information must be classified, the Intelligence Committees stand in for the people. That means, as a matter of principle, that the Executive Branch has an obligation to keep the Intelligence Committees informed. This obligation is reinforced by the National Security Act of 1947, which makes explicit the Executive Branch's responsibility to keep the Intelligence Committees "fully and currently informed."

Congressional oversight of intelligence activities serves another vital function: It exposes intelligence activities to the perspectives of an array of people with a broad range of backgrounds and who can therefore look anew at the issues that arise in protecting the Nation. Moreover, the members of the Intelligence Committees often bring a degree of skepticism that can cause senior national security officials to rethink their approaches and at times arrive at better ones.

It is my understanding that the Attorney General has delegated her responsibility for oversight of the Intelligence Community to the Assistant Attorney General for National

Security. In particular, by regulation, the Assistant Attorney General for National Security helps to ensure that Executive Branch national security functions are conducted in conformity with law. Under the guidance and supervision of the Attorney General, I believe that the Assistant Attorney General for National Security should assist the Intelligence Committees in performance of their oversight functions.

The Department of Justice has powerful and indispensable tools at its disposal. The Assistant Attorney General for National Security is responsible for administering and overseeing many of these. It is critical that the Assistant Attorney General for National Security does his best to ensure that these tools, including the Foreign Intelligence Surveillance Act, are used appropriately and lawfully. He should also look for ways to enhance protections for the civil liberties of Americans. That is the right thing to do, and it is also the best way to maximize the chances that the Department continues to have these authorities.

48. EXPLAIN YOUR UNDERSTANDING OF THE RESPONSIBILITIES OF THE ASSISTANT ATTORNEY GENERAL FOR THE NATIONAL SECURITY DIVISION AT THE UNITED STATES DEPARTMENT OF JUSTICE.

The Assistant Attorney General for National Security has a number of roles and responsibilities as detailed in the Code of Federal Regulations. See 28 C.F.R. § 0.72. Broadly speaking, these duties arise from overseeing the national security components of the Department of Justice other than the Federal Bureau of Investigation. But, fundamentally, the job of the Assistant Attorney General for National Security is to use the authorities and personnel of the Department of Justice to protect the Nation against terrorism, espionage, and other national security threats, and to ensure that the Department's and, more broadly, the government's activities undertaken to protect the Nation are lawful.

The Assistant Attorney General for National Security is also responsible for coordinating much of the Department's national security functions while also representing the equities of the Intelligence Community inside the Department and before the Foreign Intelligence Surveillance Court. On a longer timescale, I believe the Assistant Attorney General for National Security should work with the Intelligence Committees and the rest of Congress to help ensure that national security professionals, including prosecutors and intelligence personnel, have the tools needed to protect the Nation from the range of national security threats it faces while protecting the civil liberties of Americans. The Assistant Attorney General for National Security should also assist the Intelligence Committees to ensure Congress can perform its constitutional oversight responsibilities.

AFFIRMATION

I, **JOHN ANDREW EISENBERG**, DO SWEAR THAT THE ANSWERS I HAVE PROVIDED TO THIS QUESTIONNAIRE ARE ACCURATE AND COMPLETE.

March 28, 2015
(Date)

JOHN EISENBERG SIGNATURE REDACTED

NOTARY SIGNATURE REDACTED

TO THE CHAIRMAN, SELECT COMMITTEE ON INTELLIGENCE:

In connection with my nomination to be the Assistant Attorney General for the National Security Division at the United States Department of Justice, I hereby express my willingness to respond to requests to appear and testify before any duly constituted committee of the Senate.

JOHN EISENBERG SIGNATURE REDACTED

Date: March 28, 2025

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**SELECT COMMITTEE ON
INTELLIGENCE
UNITED STATES SENATE**



**Additional Pre-Hearing Questions for
John Andrew Eisenberg upon his nomination to be Assistant Attorney General for
the National Security Division, Department of Justice**

Keeping the Intelligence Committee Fully and Currently Informed

QUESTION 1: Section 502 of the National Security Act of 1947 provides that the obligation to keep the congressional intelligence committees fully and currently informed of all intelligence activities applies not only to the Director of National Intelligence (DNI) but also to “the heads of all departments, agencies, and other entities of the United States Government involved in intelligence activities.” Section 503 establishes a similar requirement concerning covert actions. Sections 502(a)(2) and 503(b)(2) provide that these officials shall “furnish to the congressional intelligence committees any information or material” concerning intelligence activities or covert actions, including the legal basis for them, that is requested by either of the committees in order to carry out its authorized responsibilities. Finally, 28 C.F.R. § 0.72(a)(1) provides that the Assistant Attorney General for National Security (AAG/NS) shall conduct, handle, or supervise the “brief[ing] of Congress, as appropriate, on matters relating to the national security activities of the United States[.]”

- a. What is your understanding of the obligation of the Attorney General and the Director of the Federal Bureau of Investigation (FBI) to keep the congressional intelligence committees, including all their Members, fully and currently informed?

RESPONSE: I understand that Section 502 of the National Security Act of 1947 (50 U.S.C. § 3092) obligates the Director of National Intelligence and the heads of agencies involved in intelligence activities to “keep the congressional intelligence committees fully and currently informed of all intelligence activities, other than a covert action” and to “furnish the congressional intelligence committees any information or material concerning intelligence activities . . . other than covert actions[.]” These responsibilities are to be undertaken “[t]o the extent consistent with due regard for the protection from unauthorized disclosure of classified information relating to sensitive intelligence sources and methods or other exceptionally sensitive matters.” With respect to the Department of Justice (DOJ), these obligations apply to the intelligence activities of DEA and FBI components that are part of the Intelligence Community (IC). The Attorney General has a duty to ensure that these statutory obligations are fulfilled for DOJ’s IC components. Regulations governing the functions of the National Security Division (NSD) require the Assistant Attorney General for National Security to “[a]dvise the Attorney General [and others and to] brief Congress, as appropriate, on matters relating to the national security activities of the United States.” See 28 C.F.R. § 0.72(a)(1).

- b. To what activities of the Department of Justice (Department), including the FBI, does this obligation ordinarily apply?

RESPONSE: It is my understanding that these obligations ordinarily apply to the FBI's Intelligence Branch and the DEA's Office of National Security Intelligence, which are both elements of the IC, consistent with Section 3 of the National Security Act of 1947 (50 U.S.C. § 3003).

- c. What is your understanding of the Attorney General's obligation to provide to the congressional intelligence committees any information or material concerning the legal basis for intelligence activities or covert actions, which either committee requests in order to carry out its legislative or oversight responsibilities?

RESPONSE: The congressional intelligence committees serve an important and unique function in authorizing and overseeing the intelligence activities of the Executive Branch. I recognize the importance providing the committees timely information concerning the legal basis for intelligence activities or covert actions, as contemplated in Sections 502 and 503 of the National Security Act of 1947. That statute obligates IC members to provide the committees with information and material relevant to their intelligence activities, and the Attorney General has a duty to ensure that these statutory obligations are fulfilled for DOJ's IC components.

- d. The Committee utilizes detailed information on the overall national security threat environment and other intelligence matters to fulfill its intelligence authorization and oversight functions. Do you agree that the Department and the FBI should fully notify and brief the congressional intelligence committees on potential counterterrorism and counterintelligence threats to the United States, as well as FBI intelligence-related activities to thwart such threats?

RESPONSE: Yes. I agree that the Department of Justice, including the FBI, should fully notify and brief, consistent with the statutes discussed above, the congressional intelligence committees on potential counterterrorism and counterintelligence threats to the United States and FBI intelligence-related activities to thwart such threats.

- e. The Committee's legislative and oversight responsibilities include assessing the utility and effectiveness of counterterrorism and counterintelligence authorities, as well as the legality of those authorities as applied. Do you agree that the Department's and FBI's notifications and briefings should include detailed information on these authorities, as well as their use in ongoing and completed investigations?

RESPONSE: Yes. The Department's and FBI's briefings and notifications should keep the Committee fully informed of the utility and effectiveness of counterterrorism and counterintelligence authorities, consistent with due regard for law enforcement and

intelligence responsibilities. Such briefings help ensure effective congressional oversight of intelligence activities, which reinforces public confidence in the appropriate and effective use of these authorities.

Liaison to the Director of National Intelligence

QUESTION 2: Pursuant to 28 U.S.C. § 507A(b)(2), the AAG/NS “shall serve as primary liaison” to the DNI for the Department.

- a. What is your understanding of how past AAG/NS’s have performed this responsibility? Describe the principal ways in which the AAG/NS should carry out this responsibility and the principal matters that the AAG/NS should address in performing this responsibility.

RESPONSE: It is my understanding the Assistant Attorney General for National Security and NSD as a whole perform this liaison function by working closely with the Office of the Director of National Intelligence (ODNI) and the ODNI Office of General Counsel in order to help align law enforcement and intelligence efforts to protect against threats to the national security. In addition, the Assistant Attorney General for National Security represents and protects Intelligence Community interests within the Department, ensuring, for example, that the Department properly weighs risks to intelligence sources and methods. Conversely, the Assistant Attorney General for National Security helps to ensure that the Intelligence Community properly weighs law enforcement equities in its decisionmaking. It is my understanding that this work is primarily done through frequent consultations between NSD and ODNI and the ODNI Office of General Counsel.

- b. Have you discussed with the DNI, and with personnel in the Office of the Director of National Intelligence (ODNI), your understanding of that responsibility? If so, please describe.

RESPONSE: I have not had the opportunity to discuss my understanding of this responsibility with the Director of National Intelligence. If confirmed, I look forward to working with the Director of National Intelligence and the Office of National Intelligence to discharge this important duty.

Priorities of the National Security Division and the Attorney General

QUESTION 3: Have you discussed with the Attorney General her specific expectations of you, if confirmed as Assistant Attorney General, and her expectations of the National Security Division (NSD) as a whole? If so, please describe those expectations.

RESPONSE: If I am confirmed, the Attorney General expects me to protect the Nation from threats to our national security by pursuing justice through the law. If confirmed, I look forward to discussing these matters in detail with the Attorney General.

QUESTION 4: Based on your experience in, and current understanding of, NSD, please provide any observations or recommendations related to the strengths or weaknesses of NSD, including its organization, responsibilities, personnel, allocation of resources, and any other matters that you believe are relevant to strengthening NSD.

RESPONSE: If confirmed, I look forward to meeting with other members of the Department and discussing how NSD can most effectively protect the United States from threats to our national security by pursuing justice through the law.

Oversight of Intelligence Activities

QUESTION 5: Pursuant to 28 C.F.R. § 0.72(17), the AAG/NS shall “[p]rovide oversight of intelligence, counterintelligence, or national security matters by executive branch agencies to ensure conformity with applicable law, executive branch regulations, and Departmental objectives and report to the Attorney General on such activities.”

- a. What is your understanding of NSD’s oversight role, including the manner in which it has been exercised, concerning the FBI’s intelligence activities?

RESPONSE: NSD oversees intelligence, counterintelligence, and other national security activities conducted by the FBI and the broader Intelligence Community to ensure compliance with the law and applicable policies. I understand that NSD’s Office of Intelligence (OI) is responsible for much of this work, including oversight of the FBI’s and other agencies’ activities undertaken pursuant to the Foreign Intelligence Surveillance Act (FISA). I further understand that, as part of this work, OI conducts compliance audits and, as appropriate, reports the results to the FISC and Congress.

- b. What is your understanding of NSD’s oversight role undertaken in the offices of United States Attorneys, including the manner in which it has been exercised?

RESPONSE: Pursuant to 28 C.F.R. § 0.72(a)(2), one of NSD's functions is to "[d]evelop, enforce, and supervise the application of all federal criminal laws related to the national counterterrorism and counterespionage programs, except those specifically assigned to other Divisions." The Justice Manual, which is publicly available and sets forth internal DOJ policies and procedures, provides specific guidance regarding the relationship between NSD and United States Attorneys Offices, including applicable notification, consultation, and approval requirements, which help NSD ensure a coordinated approach to countering national security threats. I am also aware that NSD serves as the liaison for United States Attorneys' Offices and other Department litigating components in matters involving classified information or requiring engagement with the Intelligence Community.

- c. What is your understanding of NSD's oversight role, including the manner in which it has been exercised, concerning the IC's intelligence activities outside of the Department?

RESPONSE: NSD's oversight role with respect to the foreign intelligence, counterintelligence, and other national security activities of the Intelligence Community is set out in Department of Justice regulation 28 C.F.R. § 0.72. This work includes the administration of FISA, including oversight requirements, as well as the fulfillment of Congressional reporting requirements. The regulation also assigns NSD responsibility to provide legal assistance and advice, in coordination with the Office of Legal Counsel where appropriate, to other agencies on matters of national security law and policy, and to advise and assist the Attorney General in carrying out her responsibilities under Executive Order 12333 ("United States Intelligence Activities") and other statutes, executive orders, and authorities related to intelligence, counterintelligence, or national security matters. NSD works with the IC to develop Attorney General-approved guidelines for handling U.S. person information, as required by Executive Order 12333. Those guidelines generally require IC elements to consult with NSD regarding significant questions under the guidelines.

- d. Are there improvements, in terms of resources, methodology, and objectives in the conduct of this oversight that you believe should be considered?

RESPONSE: If confirmed, I look forward to meeting with other members of the Department to ensure NSD fulfills its oversight responsibilities and pursues improvements where appropriate.

Foreign Intelligence Surveillance Act

QUESTION 6: Pursuant to 28 C.F.R. § 0.72(6), the AAG/NS shall administer the Foreign Intelligence Surveillance Act (FISA).

- a. What responsibility does NSD have with regard to ensuring that representations made to the United States courts, both by other Department elements and by Intelligence Community (IC) elements, are accurate and complete with regard to intelligence activities and other classified matters? What responsibility does NSD have to correct any inaccurate or incomplete representations? Please describe how NSD fulfills this responsibility.

RESPONSE: It is my understanding that NSD is responsible for ensuring that the Department's representations made in court are accurate and complete, and that the same is true for representations by other Department elements and by Intelligence Community elements in matters handled by NSD. To that end, NSD attorneys, like attorneys in general, must conduct a rigorous review of information and legal arguments to ensure that they understand the underlying law and facts before any representations are made to the court. NSD must also promptly correct any inaccurate or incomplete representations made to the court.

- b. Based on your experience in and current understanding of NSD, what improvements, if any, would you make to the administration of FISA, in terms of policies, resources, technology, and relations with both the Foreign Intelligence Surveillance Court (FISC) and IC elements?

RESPONSE: If confirmed, I look forward to meeting with other members of the Department and discussing NSD's administration of FISA to identify and pursue, where appropriate, any improvements.

QUESTION 7: Title VII of FISA, which includes foreign-based collection authorities, expires on April 20, 2026. Do you support reauthorization of these provisions? If so, do you support reauthorization for a period of years or making these provisions permanent? Please provide the principal reasons for your support.

RESPONSE: Based on my previous experience as Legal Advisor to the National Security Council, I believe that section 702 is a vital national security tool. Section 702 provides critical authorities for collecting foreign intelligence information necessary to protect our national security. We must protect this critical authority while also enhancing protection of the civil liberties of Americans.

QUESTION 8: How has FISA Section 702 been valuable to national security investigations?

RESPONSE: Based on my prior government service and public reporting, I am aware that FISA Section 702 has been valuable to national security investigations by identifying

information critical to our efforts to counter terrorist organizations, spies, drug cartels, malicious cyber actors, and other adversaries. If confirmed, I look forward to receiving additional briefings on the ways in which Section 702 has benefitted national security investigations.

QUESTION 9: Congress passed the Reforming Intelligence and Securing America Act (RISAA) in April 2024, which extended Title VII of FISA until April 20, 2026, and enacted other reforms. What reforms do you view as most critical to our national security? Do you believe additional reforms are required? If so, what reforms do you recommend?

RESPONSE: I understand that RISAA incorporated a number of substantial reforms to the handling of information acquired pursuant to Section 702, including imposing additional restrictions and requirements related to FBI queries of such information. I anticipate working closely with NSD, FBI, and other agencies to gain a better understanding of how well these reforms are working and whether additional reforms may be in order.

QUESTION 10: An important provision in RISAA added international narcotics trafficking to the definition of “foreign intelligence information” under FISA, so that the IC can specifically target foreign narco-traffickers to stop the flow of deadly narcotics, including fentanyl, into the United States. How integral will this provision be to Section 702 collection for counternarcotics operations?

RESPONSE: RISAA expanded FISA’s definition of “foreign intelligence information” to include information that relates to international production, distribution, or financing of certain drugs, including fentanyl. Although it is difficult to predict, especially from outside NSD, I anticipate this change will improve our intelligence with respect to actors involved in international drug trafficking, thus strengthening our efforts to counter and disrupt their activity.

QUESTION 11: During RISAA’s floor action, there was much debate about whether to require a warrant for a query of U.S. person information within lawfully collected Section 702 data. What is your position on whether to include a warrant requirement for U.S. person queries of Section 702 data?

OR: While I do not believe a warrant is required as a matter of law, I am not aware of an Administration position as to whether such a requirement is desirable as a matter of policy. On the one hand, imposing a warrant requirement could significantly impair the government’s ability to identify national security threats in the early stages of an investigation. On the other hand, such a requirement would enhance the protection of the privacy of Americans. If I am confirmed, I look forward to reviewing available information

and to helping the Administration formulate its views on this question and on other ways to increase privacy protections for Americans.

QUESTION 12: In addition to the FISC, the legislative and executive branches have oversight of FISA's Title VII authorities. Please describe your understanding of NSD's and the IC's oversight to ensure FISA's authorities – and specifically, Section 702 – are constitutional and ensure U.S. persons' legal rights are protected. Are there adequate oversight protocols in place? If not, what additional protocols would you recommend, if confirmed?

RESPONSE: Section 702 includes a number of critical safeguards for Americans. For example, it prohibits targeting anyone inside the United States and also all U.S. persons anywhere in the world; the FISA court reviews Section 702 procedures annually to ensure that they comply with the Fourth Amendment and the statute; and NSD reviews all targeting decisions. If confirmed, I look forward to engaging in further consideration of whether any additional safeguards are advisable.

Protection of Classified Information

QUESTION 13: Describe your understanding of the personnel resources that NSD should devote to the prosecution of unauthorized disclosures of classified information, and how NSD should divide responsibility on these matters with the Criminal Division. Please describe any recommendations related to prosecutions connected to unauthorized disclosures of classified information with regard to Department policies and resources.

RESPONSE: The prosecution of unauthorized disclosures of classified information is a critical matter for national security and is necessary to any system of protecting classified information. Responsibility for coordinating and supervising prosecutions of unauthorized disclosures of classified information is assigned by regulation and Department policy to NSD. If confirmed, I would examine the allocation of resources within NSD to ensure that NSD devotes appropriate resources to the prosecution of unauthorized disclosures of classified information.

QUESTION 14: Describe your understanding of the personnel resources within NSD that should be devoted to the prosecution of media leak cases, and how NSD should divide responsibility on these matters with the Criminal Division.

RESPONSE: It is my understanding that responsibility for coordinating and supervising prosecutions of unauthorized disclosures of classified information (including media leak cases) is assigned by regulation and Department policy to NSD. Leaking classified information to the

media can cause real harm to our national security. If confirmed, I look forward to examining the allocation of resources to such cases to ensure that appropriate resources are devoted to that threat.

QUESTION 15: Describe your understanding of the role that NSD has played since its inception in media leak prosecutions in United States district courts and on appeal to the United States courts of appeals.

RESPONSE: I am aware that, since its inception, NSD has been responsible for overseeing prosecutions involving unauthorized disclosures of classified information, including matters involving members of the media. I have not been involved in such matters but look forward to working on these matters to ensure that they are handled appropriately, consistent with NSD's mission to coordinate and oversee national security investigations and strengthen the effectiveness of the federal government's national security efforts.

QUESTION 16: Are there any additional steps that the U.S. government as a whole should take to prevent the unauthorized disclosures of classified information from occurring? If so, please describe.

RESPONSE: As I have not worked on investigations and prosecutions involving unauthorized disclosures of classified information, I have not had occasion to study this issue in detail. I welcome the opportunity to meet with other members of the Department and examine this issue if I am confirmed.

QUESTION 17: Are there any additional steps that the U.S. government as a whole should take to prevent the unauthorized removal and retention of classified information from occurring? If so, please describe.

RESPONSE: I just recently returned to the government, I and therefore am not familiar with everything the Department and government are doing in this regard. If confirmed, I look forward to meeting with other members of the Department to discuss this issue.

QUESTION 18: Please describe your understanding of NSD's prepublication review responsibilities and the administrative and judicial review, which is available to an officer or employee, or former officer or employee, with respect to the Department's exercise of prepublication authorities, including those applicable to the FBI. In answering this question, please provide your evaluation of the extent to which present and former officers and employees of the Department adhere to their prepublication obligations.

RESPONSE: It is my understanding that NSD is responsible, in some circumstances, for prepublication review of material produced by current and former Department officials, but I am not familiar with the specific nature of that process or the types of review that are available.

I also do not have a basis to evaluate the extent to which present and former officers and employees of the Department adhere to their prepublication obligations.

Counterterrorism Prosecutions

QUESTION 19: Describe your understanding of the personnel resources that NSD should devote to the prosecution of terrorism cases.

RESPONSE: The prosecution of terrorism cases is one of Department's highest priorities. If confirmed, I would ensure that NSD allocates appropriate resources to this mission.

QUESTION 20: Describe your understanding of the role that NSD has played since its inception in terrorism prosecutions in United States district courts and on appeal to the United States courts of appeals.

RESPONSE: Since its inception, NSD has played a central role in terrorism prosecutions in federal court. NSD, for example, retains the authority to approve the use of certain statutes in terrorism prosecutions and has an appellate group that advises on appeals involving these authorities. NSD is thus able to ensure a coordinated approach to terrorism prosecutions. Its expertise in national security law, its coordination with other law enforcement and intelligence agencies, and its role in handling sensitive classified information make it essential in the fight against terrorism.

Counterespionage Prosecutions

QUESTION 21: Describe your understanding of the personnel resources that NSD should devote to the prosecution of espionage cases.

RESPONSE: The prosecution of espionage cases is among the Department's highest priorities. If confirmed, I will ensure that appropriate resources are devoted to the prosecution of these cases.

QUESTION 22: Describe your understanding of the role that NSD has played since its inception in espionage prosecutions in United States district courts and on appeal to the U.S. courts of appeals.

RESPONSE: It is my understanding that, since its inception, NSD has played a central role in espionage prosecutions in federal court. NSD, for example, retains the authority to approve the use of certain statutes in espionage prosecutions and has an appellate group that advises on appeals involving these authorities. NSD is thus able to ensure a coordinated approach to espionage prosecutions. NSD is also able to help the Intelligence Community vindicate its equities, thus making the Intelligent Community more likely to agree with bringing particular prosecutions.

Foreign Investment Review Section/CFIUS

QUESTION 23: What is your vision for the Foreign Investment Review Section?

RESPONSE: NSD's Foreign Investment Review Section (FIRS) is responsible for a range of national security efforts relating to foreign investment, sensitive personal data, telecommunications networks, and supply-chain security. FIRS assists in executing NSD's role as the Department's representative to the Committee on Foreign Investments in the United States and to the Committee for the Assessment of Foreign Participation in the United States Telecommunications Services Sector. If confirmed, I look forward to examining the relevant threats and appropriately directing FIRS's efforts to counter them.

QUESTION 24: What foreign investment, if any, requires extra scrutiny in order to protect national security interests? From which countries and in what sectors?

RESPONSE: If confirmed, I intend to review relevant intelligence regarding the threats posed by foreign investments and consult with Department and other government experts to determine where and how to allocate NSD resources for the review of foreign investment. As a general matter, efforts will be guided by the President's February 21, 2025 National Security Presidential Memorandum (NSPM) aimed at promoting foreign investment while protecting our national security, particularly from threats posed by China and other foreign adversaries. As identified in the NSPM, strategic U.S. sectors like technology, critical infrastructure, healthcare, agriculture, energy, and raw materials would be prioritized.

QUESTION 25: As the Attorney General's representative on the Committee on Foreign Investment in the United States, if confirmed, what would be your approach to CFIUS reviews?

RESPONSE: If confirmed, my approach to CFIUS reviews would be guided by the relevant authorities and the policies of the Administration, including the NSPMP.

Professional Experience

QUESTION 26: For each of the following, describe specifically how your experiences will enable you to serve effectively as the AAG/NS. Include within each response a description of issues relating to NSD that you can identify based on those experiences.

- a. Senior Counselor to the Attorney General.;

RESPONSE: I have been in this role for little more than a month, during which time I have re-engaged with the Department of Justice and established relationships with its senior leadership. Should I be confirmed, I believe my time in the Office of the Attorney General will enable me to be effective from the outset.

- b. Deputy Assistant to the President, Deputy Counsel to the President for National Security Affairs, and Legal Advisor to the National Security Council;

RESPONSE: In my positions at the National Security Council and the White House, I became deeply familiar with many of the major legal issues that arise in the Executive Branch relating to national security. Perhaps more importantly, I became intimately familiar with the decisionmaking processes the Executive Branch employs for national security and foreign affairs questions and the functioning of the White House more generally. I believe this knowledge will prove very useful as the Department navigates the interagency process.

- c. Law Partner at Kirkland & Ellis, LLP;

RESPONSE: As a partner at a large, international law firm, I learned how to manage teams of associates working towards a common goal. I learned how to synthesize large amounts of information and present it to clients and decisionmakers effectively. These skills were also important to my success as the NSC Legal Advisor, and I believe they will be helpful if I am confirmed to this position.

- d. Associate Deputy Attorney General in the Office of the Deputy Attorney General;

RESPONSE: In this role, I helped to oversee the Department of Justice's national security components and functions, including NSD and the FBI. I was a frequent representative of the Department at NSC meetings at all levels. The experience I gained in this position will be very helpful to me if I am confirmed. I understand that the national security issues facing the country have changed. Cybersecurity has increased dramatically in importance, and artificial intelligence has quickly become a major issue. Nevertheless, this experience would be very helpful, and, in combination with the rest of my career, I believe I am well-prepared to be effective in this position.

- e. Deputy Assistant Attorney General and Counsel to the Assistant Attorney General in the Office of Legal Counsel; and

RESPONSE: When I served in these positions in the Office of Legal Counsel (OLC), I worked largely on national security issues. As a deputy in OLC, I provided legal advice on national security matters to the Counsel to the President, the Attorney General, the Legal Advisor to the NSC, and many throughout the defense and intelligence agencies. This position gave me the opportunity to think deeply about legal issues in a variety of

national security contexts. It also gave me an opportunity to learn how to devise concise summaries of complex legal issues. These skills will be useful if I am confirmed.

- f. Special Assistant for Counterterrorism in the Office of Legal Counsel.

RESPONSE: In this position, I primarily learned about the law governing surveillance, particularly the application of the Fourth Amendment and the Foreign Intelligence Surveillance Act of 1978. This understanding will be very helpful to me if I am confirmed.

QUESTION 27: Please describe your law practice and the clients you served while a law partner at Kirkland & Ellis, LLP.

RESPONSE: Initially, my practice focused on white collar matters including internal investigations. In the last few years of my time at Kirkland, my practice began to focus more on data security and other cyber matters. My practice did not focus on a particular segment of the economy, and I worked on cyber matters for clients from a variety of sectors.

QUESTION 28: What, if any, conflicts might arise from your law firm practice if you are confirmed as Assistant Attorney General, and how would you address these conflicts?

RESPONSE: If confirmed, were any matter to come before me that might present a conflict of interest, I would consult with the Department of Justice ethics officials and follow my ethical obligations.

QUESTION 29: Please describe your activities as a:

- a. Representative of the National Archives and Records Administration; and

RESPONSE: As a representative of President Trump to the National Archives and Records Administration, I reviewed documents from President Trump's first term when they were requested by the then-current Biden Administration or other parts of the government.

- b. Member of the Oak Ridge National Laboratory's Global Security Directorate Strategic Advisory Group.

RESPONSE: The Strategic Advisory Group met quarterly in order to help the Director of the Global Security Directorate prioritize projects. From that group, I learned a significant amount about the national security functions of the Department of Energy.

Questions from Senator Warner*Staffing*

QUESTION 30: Since January 20, 2025, essentially all the career civil servants in leadership positions in NSD have been reassigned or otherwise removed from the Division, depriving the Division of decades of expertise and experience. What are your views on the decisions to reassign or remove these personnel? Will you reverse any of the decisions? How do you plan to address the loss of expertise and experience so that Division may effectively carry out its mission?

RESPONSE: I have not been involved in the management of NSD and do not know the reasons for changes that have been made. If I am confirmed, I will review NSD's personnel needs and, as appropriate, fill them with the best candidates I can find.

Foreign Agents Registration Act

QUESTION 31: Please familiarize yourself with the Attorney General memorandum dated February 5th, with the subject of "General Policy Regarding Charging, Plea Negotiations, and Sentencing." In June 2020, the Trump Administration released over a dozen determination letters regarding enforcement of the Foreign Agents Registration Act (FARA). It included ten letters addressed to media organizations acting on behalf of foreign principals indicating their need to comply with FARA. Do you interpret Attorney General Bondi's February 5th memo and its reference to limiting criminal FARA enforcement to "traditional espionage to foreign government actors" to rescind or otherwise alter FARA enforcement policy previously reflected in these determination letters?

RESPONSE: All individuals and organizations are obliged to comply with the law, including the Foreign Agents Registration Act (FARA). I am familiar with the Attorney General's February 5, 2025 memorandum regarding charging, plea negotiations, and sentencing. The memorandum establishes Department policy regarding criminal enforcement of FARA. I would need to consult with NSD's FARA experts to assess the implications of the memorandum.

Questions from Senator Wyden*Section 702 of FISA*

QUESTION 32: During her confirmation process, Director of National Intelligence Gabbard wrote: "Warrants should generally be required before an agency undertakes

a U.S. Person query of FISA Section 702 data, except in exigent circumstances, such as imminent threats to life or national security.” Do you agree?

RESPONSE: In my view, Section 702 is a valuable tool to protect against threats to our national security. At the same time, government actors have an obligation to respect the civil liberties of Americans. If I am confirmed, I would confer with experts in the National Security Division to get a better understanding of this issue and with the Deputy Attorney General and the Attorney General to determine what additional steps should be taken to protect civil liberties of Americans.

QUESTION 33: During his confirmation process, former Assistant Attorney General for National Security John Demers was asked about the prohibition on reverse targeting in Section 702 of FISA. He responded: “As I understand it, determining whether a particular known U.S. person has been reverse-targeted through the targeting of a Section 702 target necessitates a fact specific inquiry that would involve consideration of a variety of factors. For example, as the Privacy and Civil Liberties Oversight Board noted in its 2014 report, if a Section 702 tasking resulted in substantial reporting by the Intelligence Community regarding a U.S. person, but little reporting about the Section 702 target, that might be an indication that reverse targeting may have occurred.” How would you ensure that this fact specific analysis is applied to the nomination of and ongoing collection on Section 702 targets?

RESPONSE: Section 702 of FISA prohibits targeting persons inside the United States or a U.S. person anywhere in the world. It also prohibits so-called “reverse targeting,” meaning the targeting of a foreign person located abroad as a pretext for targeting a communicant of that person who is a U.S. person or person located in the United States. NSD reviews all targeting decisions and one of NSD’s functions, which is largely carried out by the NSD’s Office of Intelligence, is oversight of the FBI’s and other agencies’ compliance with FISA. If confirmed, I will look into the ways in which NSD executes that function and consider whether any additional steps may be necessary to strengthen oversight and ensure compliance with the statute’s requirements.

QUESTION 34: The 2018 legislation reauthorizing Section 702 of FISA codified limitations on the use of U.S. person information in criminal proceedings. Do you believe these limitations should be extended to other provisions of FISA?

RESPONSE: As far as I am aware, the Administration has not endorsed such a limitation. If such a limitation is proposed, and (assuming I am confirmed) I am asked to offer my views, I would do so only after careful consideration of the proposal and consultation with my colleagues within the National Security Division.

QUESTION 35: Under Section 702 of FISA, the government can direct an electronic communications service provider to provide “assistance necessary to accomplish the acquisition.” Under Section 702(h)(5), if the provider does not comply with a directive, the government may seek an order from the FISA Court to compel compliance.

- a. Do you believe that the government should inform the FISA Court should it issue a directive to a provider to alter the encryption afforded by a service or a product, regardless of whether the government files a motion to compel compliance?

RESPONSE: My understanding is that FISA does not impose a notification obligation in this scenario. Further, as far as I am aware, the Administration has not endorsed such an obligation. Were such an obligation proposed and (assuming I am confirmed) I am asked to offer my views, I would do so only after careful consideration of the proposal and in consultation with my colleagues within the National Security Division.

- b. Will you commit to notifying Congress of any such directive?

RESPONSE: Consistent with DOJ’s long-standing policies, I cannot commit to notifying Congress about investigatory steps being taken in active, law enforcement investigations. I am committed to following the Constitution and all federal and applicable state laws.

Other FISA authorities

QUESTION 36: During her confirmation process, Director Gabbard wrote that she would oppose any effort to re-codify Section 215 of the USA PATRIOT Act. Do you agree?

RESPONSE: I understand that Section 215, sometimes referred to as the “business records” provision, allowed the government to apply to the FISA Court for an order to collect “tangible things,” such as records, papers, and other documents relevant to an authorized national security investigation. It is also my understanding that the authority expired in 2020, although a prior, narrower version of the provision remains in effect. If a proposal to re-codify Section 215 were introduced and (assuming I am confirmed) I am asked to offer my views, I would do so only after careful consideration of the proposal and in consultation with my colleagues within the National Security Division.

QUESTION 37: If you do *not* oppose the re-codification of Section 215 of the USA PATRIOT Act or similar business records authorities, please respond to the following questions:

- a. Do you believe the government’s authority to collect business records should be limited to “tangible things” that pertain to: (1) a foreign power or an agent of a foreign power; (2) the activities of a suspected agent of a foreign power who is the subject of an authorized investigation; or (3) an individual in contact with, or known to, a suspected agent of a foreign power who is the subject of an authorized investigation? Under what circumstances do you believe an application for business records could be based on the “relevance” standard without satisfying any of the above three requirements for presumptive relevance?

RESPONSE: I have not considered this issue and could offer a view only after careful consideration of the question in consultation with my colleagues within the National Security Division.

- b. In November 2019, the government acknowledged that it was not collecting cell-site or GPS information pursuant to Section 215 of the USA PATRIOT Act, which does not require a warrant. In 2020, both houses of Congress passed legislation reauthorizing Section 215 that prohibited such collection, although the legislation was not passed into law. Do you agree that no re-codification of warrantless business records collection should authorize cell-site or GPS information?

RESPONSE: If a proposal were introduced to re-codify Section 215, and (assuming I am confirmed) I am asked to offer my views, I would do so only after careful consideration of the proposal and consultation with my colleagues within the National Security Division.

- c. In a November 6, 2020, letter, then-DNI John Ratcliffe wrote that, “with respect to the use of Title V [of FISA] to obtain records from ISPs, the FBI does not request and obtain pursuant to Title V the content of any communication, to include search terms submitted to an online search engine.” Do you agree that internet search information constitutes content of communications and thus can only be obtained with a probable cause warrant?

RESPONSE: Please see my response to Question 37a. above.

QUESTION 38: Section 704 of FISA requires a warrant for the targeting of a U.S. person overseas “under circumstances in which the targeted United States person has a reasonable expectation of privacy and a warrant would be required if the acquisition were conducted inside the United States for law enforcement purposes.” During his confirmation process to be IC General Counsel, then-Principal Deputy

Assistant Attorney General Brad Wiegmann wrote that he was “not aware of any operational contexts in which the government has concluded that a warrant would be required if an acquisition were conducted inside the United States for law enforcement purposes but nonetheless that the targeted U.S. person abroad would not have a reasonable expectation of privacy, such that 704 does not apply.” Do you agree?

RESPONSE: I have not considered this issue and could offer a view only after careful consideration of the question in consultation with my colleagues within the National Security Division.

QUESTION 39: Do Sections 703, 704 or 705 of FISA limit the targeted collection of geo-location information, communications metadata, or business records of a U.S. person who is overseas?

RESPONSE: I understand that these sections of FISA apply when the government seeks to collect information about a United States person outside the United States in circumstances where the person has a reasonable expectation of privacy and a court order would be required if the same collection happened in the United States for law enforcement purposes, and that these sections require that the FISA Court find probable cause that the United States person is a foreign power, an agent of a foreign power, or an officer or employee of a foreign power. I am not familiar with how any limitations in these provisions might apply to the types of information specified in the question.

Other surveillance authorities

QUESTION 40: Former NSA Director Paul Nakasone has stated that, absent consent of the U.S. person or certain emergency situations, U.S. person queries of communications collected under Executive Order 12333 “normally must be approved by the Attorney General on a case-by-case basis after a finding of probable cause.”

- a. Is there any reason this requirement should not apply to other IC entities, particularly with regard to U.S. person queries of data collected in bulk?

RESPONSE: Intelligence activities conducted under E.O. 12333 are carried out in accordance with procedures approved by the agency head and the Attorney General. NSD works closely with the IC to develop Attorney General-approved guidelines for handling U.S. person information, as required by Executive Order 12333. If confirmed, I will as necessary review these Attorney General-approved guidelines to determine if updates or amendments should be made to better protect the safety and security of Americans.

- b. How, if at all, should evidence of probable cause presented to the Attorney General by NSA differ than that required under FISA?

RESPONSE: Intelligence activities conducted under E.O. 12333 are carried out in accordance with guidelines approved by the agency head and the Attorney General, whereas collection under FISA occurs pursuant to the specific requirements of that statute. I am not familiar with specific factual scenarios involving the application of the probable cause standards that exist within these separate authorities.

QUESTION 41: Please describe the constitutional and statutory restrictions on targeting U.S. persons who are inside the United States when the collection occurs outside the United States. How does the finding in *United States v. Katz* that “the Fourth Amendment protects people, not places” protect U.S. persons, regardless of where the collection occurs?

RESPONSE: I have not examined this question and would want to discuss the matter with NSD’s Office of Intelligence and others. My understanding is, however, that, to the extent the contemplated intelligence activities were conducted under E.O. 12333, they would be carried out in accordance with guidelines approved by the agency head and the Attorney General, which account for constitutional requirements. To the extent they were carried out under FISA, constitutional rights would be safeguarded under the procedural requirements of that statute, including relevant FISA Court review of collection activities.

QUESTION 42: Do you believe that communications and communications data collected in transit are or should be treated differently than communications and communications data at rest? Please address any distinctions as they may apply to FISA, EO 12333, PPD-28 and the October 7, 2022, Executive Order on Enhancing Safeguards for United States Signals Intelligence Activities, and USSID 18.

RESPONSE: I have not considered this issue and could offer a view only after careful consideration of the question in consultation with my colleagues within the National Security Division.

QUESTION 43: In December 2020, the Department of Justice Office of the Inspector General released its Audit of the Federal Bureau of Investigation’s Strategy and Efforts to Disrupt Illegal Dark Web Activities. The audit described Network Investigative Techniques (NITs) which “require computer exploits that the FBI is increasingly developing for national security purposes but not for criminal investigations.” If confirmed, will you agree to make public annual statistics on the number of times these computer exploits have been used in national security cases and how often they have been used against Americans?

RESPONSE: At present I do not have sufficient knowledge of the Department's use of NITs in national security or other investigations to evaluate this request. If confirmed, I do commit to being as transparent as possible, consistent with the work NSD does.

QUESTION 44: In June 2018, in the case of *Carpenter v. U.S.*, the U.S. Supreme Court found that the government's collection of cell-site locational records was a Fourth Amendment search. Do you support transparency with regard to whether, and under what circumstances, *Carpenter* applies to the Intelligence Community?

RESPONSE: I support transparency, as a general matter, consistent with the need to protect national security information.

QUESTION 45: Do you believe the Intelligence Community can or should collect U.S. location information pursuant to EO 12333 authorities? If no, how should the IC ensure that it is not collecting the information through incidental collection? If yes, should there be any limitations on the Intelligence Community's use, retention, or dissemination of the information?

RESPONSE: I am not in NSD and would need to discuss these questions with experts in NSD and other relevant components of the Department.

QUESTION 46: The Senate Judiciary Committee requested that you provide "any reports, memoranda or policy statements you prepared or contributed in the preparation of" on behalf of entities to which you were a member. In response, you identified "Legal Authorities Supporting the Activities of the National Security Agency Described by the President," U.S. Dep't of Justice, January 19, 2006.

- a. Please describe, in detail, your participation in and contribution to the "Legal Authorities" memorandum.

RESPONSE: The memorandum to which you refer is nearly 20 years old and was prepared by a number of attorneys, including myself, within the Department of Justice. Consistent with my role within the Office of Legal Counsel at that time, I would have reviewed drafts and provided analysis and commentary during the preparation process.

- b. The "Legal Authorities" memorandum cited as legal support for NSA's activities the President's "inherent constitutional authority as Commander in Chief" and the September 18, 2001, Authorization for Use of Military Force, arguing that the AUMF placed the President at the "zenith of his powers" under the *Youngstown* framework. Is it currently your view that an AUMF that makes no reference to surveillance can grant surveillance authorities

otherwise in violation of FISA, the Electronic Communications Privacy Act, or other relevant statutes?

RESPONSE: As I noted above, I was one of several attorneys who worked on this memorandum more than 19 years ago. If I am confirmed and such a question arises, I would consult with attorneys in NSD and with the Office of Legal Counsel.

- c. Do you believe that the President has, by virtue of “inherent constitutional authority,” and absent an AUMF, surveillance authorities otherwise in violation of FISA, the Electronic Communications Privacy Act, or other relevant statutes?

RESPONSE: Please see my response to Question 46b.

- d. 50 U.S.C. § 1812, establishes the exclusive means by which electronic surveillance and interception of certain communications may be conducted. Is this provision absolutely binding on all U.S. departments and agencies and on the President?

Section 1812, like all statutes, binds departments, agencies, and the President to the extent such the statute is constitutional.

- e. Is the exclusive means provision in 50 U.S.C. § 1812 binding, regardless of whether Section 702 of FISA is reauthorized?

RESPONSE: Please see my response to Question 46d.

- f. Did you prepare or contribute to any other memoranda or other legal opinions during your period at the Department of Justice (2004 – 2009) with regard to the President’s Surveillance Program? If yes, please identify those memoranda or other opinions and provide them to the Committee.

RESPONSE: From 2004 to 2009 I served in several positions within the Office of Legal Counsel. In these positions I assisted in the preparation of, or contributed to, numerous opinions issued by the Office, including opinions touching on or related to surveillance activities of the Executive Branch. For a number of reasons, the Office of Legal Counsel does not publish, or otherwise make public, all the opinions it issues. I have reviewed the Office’s publicly available opinions (at <https://www.justice.gov/olc/opinions-main>). The only publicly available opinion that discussed surveillance activities of the Executive Branch is “Legal Authorities Supporting the Activities of the National Security Agency Described by the President.”

- g. The “Legal Authorities” memorandum only addressed the content component of the President’s Surveillance Program; at the time, the bulk collection of telephony and metadata communications records had not yet been acknowledged. What is your view of the legal justifications for the bulk collection program components prior to their approval by the FISA Court?

RESPONSE: I do not have a view on these questions, which I do not think I have ever analyzed, and, if I had, it would have been long ago.

- h. Do you agree that the bulk collection of telephony and metadata communications records is currently illegal and that, under no circumstances, can it be conducted absent express congressional authorization?

RESPONSE: Whether a proposed intelligence activity is lawful depends on the facts and the law and I cannot answer such hypotheticals. I can say, however, that, if confirmed, I would not authorize an intelligence activity unless the activity were lawful.

QUESTION 47: What limitations do you believe should apply to the receipt, use or dissemination of communications of U.S. persons collected by a foreign partner or source? How should those limitations address instances in which the foreign partner or source specifically targeted U.S. persons or instances in which the foreign partner or source has collected bulk communications known to include those of U.S. persons?

RESPONSE: It is my understanding that IC elements may not request any person, including a foreign entity, to undertake activities that the Constitution, federal laws, or Executive Orders, including Executive Order 12333, forbid the IC elements themselves to take. If foreign partners or sources collect and share information concerning U.S. persons consistent with this prohibition, IC elements are authorized to collect, retain, or disseminate such information only in accordance with procedures approved by the Attorney General consistent with Executive Order 12333.

QUESTION 48: During her confirmation process, Director Gabbard wrote that Section 213 of the USA PATRIOT Act, which permits delayed notice of search warrants, “raised significant constitutional concerns.” Do you agree?

RESPONSE: I have not had occasion to consider this question. I would need to consider the question carefully and consult with others in the Department before formulating an opinion.

QUESTION 49: Do you agree that the Intelligence Community cannot request that a foreign entity conduct any activity that it is not authorized to undertake itself? If

yes, do you agree that this prohibition also applies to requests from Executive Branch officials outside the Intelligence Community?

RESPONSE: Please see my response to Question 47.

Insurrection Act

QUESTION 50: You participated in a working group that, on April 5, 2024, issued its “Principles for Insurrection Act Reform.” According to the press release, the group members “unanimously agree that Congress should reform the Insurrection Act as soon as possible.”

- a. Is it still your position that Congress should reform the Insurrection Act as soon as possible?

RESPONSE: I have voiced personal opinions regarding the Insurrection Act. If confirmed, my role as a member of the Executive Branch will be to enforce existing federal law as appropriate and in accordance with the relevant facts and law, regardless of my personal views on any particular piece of legislation.

- b. Please describe which of the Principles you agree with, and which you do not.

RESPONSE: If confirmed, my role as a member of the Executive Branch will be to enforce existing federal law as appropriate and in accordance with the relevant facts and law, regardless of my personal views on any particular piece of legislation.

Espionage Act and journalists

QUESTION 51: During her confirmation process, Director Gabbard expressed concerns related to the application of the Espionage Act “in cases involving whistleblowers and journalists, where the Act may criminalize the dissemination of information in ways that could suppress legitimate public discourse or accountability.” Director Gabbard added, “[t]he Espionage Act also does not allow for due process and the right of an American to defend themselves against such charges in a court of law.” Do you share Director Gabbard’s concerns?

RESPONSE: I lack sufficient information to say. If confirmed, I would endeavor to ensure that all prosecutions conducted or supervised by NSD are consistent with the Constitution and applicable laws, as well as any applicable Department policies.

QUESTION 52: During her confirmation process, Director Gabbard wrote that she supports the October 2022 Department of Justice policy restricting use of

compulsory process to obtain reporter information, calling the policy “essential to protecting press freedoms and maintaining the critical balance between national security and upholding the First Amendment.” Do you agree with Director Gabbard, and do you also support the continuation of the policy?

RESPONSE: I am not in NSD and do not know the October 2022 policy well enough to say. If confirmed, I will examine the issue further, including the 2022 policy, to assess appropriate restrictions and safeguards in such circumstances.

Investigations of Members and staff of Congress

QUESTION 53: In December 2024, the Department of Justice Office of the Inspector General released “A Review of the Department of Justice’s Issuance of Compulsory Process to Obtain Records of Members of Congress, Congressional staffers, and Members of the News Media.” The OIG concluded that the Department’s actions “implicated the constitutional rights and authorities of a co-equal branch of government.” It further stated:

“[W]e believe that using compulsory process to obtain such records when based solely on the close proximity in time between access to the classified information and subsequent publication of the information – which was the case with most of the process issued for non-content communications records of congressional staff in the investigation we examined – risks chilling Congress’s ability to conduct oversight of the executive branch because it exposes congressional officials to having their records reviewed by the Department solely for conducting Congress’s constitutionally authorized oversight duties and creating, at a minimum, the appearance of inappropriate interference by the executive branch in legitimate oversight activity by the legislative branch. Moreover, even non-content communications records – such as those predominantly sought here – can reveal the fact of sensitive communications of Members of Congress and staffers, including with executive branch whistleblowers and with interest groups engaging in First Amendment activity.”

Do you agree with the OIG’s concerns that the collection of communications records of congressional Members and staff raises constitutional concerns, particularly when, as in this case, the collection was based solely on those Members’ and staff’s exercise of their constitutionally authorized oversight duties? If yes, would you oppose collection of such records?

RESPONSE: I have not reviewed the OIG report and have not had a chance to consider the weighty issues involved. I can, however, assure this Committee that I will not authorize the collection of communication records of any American that is inconsistent with or violates the law.

QUESTION 54: Do you support the policy changes described in the OIG Review? Do you believe further policy changes should be made?

RESPONSE: I have not reviewed the OIG report. If confirmed, I would review the report and discuss the matter with appropriate experts in NSD and with the Deputy Attorney General and Attorney General.

QUESTION 55: Do you agree that Congress should be notified prior to any collection of communications or communications records of Members or staff? If yes, who in Congress should be notified?

RESPONSE: Please see my answer to Question 54.

QUESTION 56: Do you agree that the government should inform the judge issuing an order for compulsory process or a non-disclosure order that the targets are congressional Members or staff so that the judge can consider the constitutional implications?

RESPONSE: Please see my answer to Question 54.

Encryption

QUESTION 57: During her confirmation process, Director Gabbard wrote: “From a civil liberties perspective, there are serious constitutional concerns about the government being granted unrestricted access to America’s private digital property. Mandating mechanisms to bypass encryption or privacy technologies undermines user security, privacy, and trust, and poses significant risks of exploitation by malicious actors.” She reiterated that position during her confirmation hearing, saying, “these back doors lead down a dangerous path that can undermine Americans’ Fourth Amendment rights and civil liberties.” Do you agree?

RESPONSE: I agree that the field of national security often presents situations where Americans’ civil liberties are implicated, and, in such situations, government actors must carry out their duties with a due respect for these liberties and, in all cases, must follow the law. If I am confirmed, I will do so.

Competitive advantage

QUESTION 58: The October 7, 2022, Executive Order 14086 on Enhancing Safeguards for United States Signals Intelligence Activities states: “It is not a legitimate objective to collect foreign private commercial information or trade secrets to afford a competitive advantage to United States companies and United States business sectors commercially. The collection of such information is authorized only to protect the national security of the United States.” Do you agree with these limitations and should they apply as well to non-SIGINT activities?

RESPONSE: This is not an issue I have had occasion to consider. If I am confirmed, I would discuss the matter with experts in the National Security Division.

Security clearances

QUESTION 59: Private attorneys with security clearances play a critical role in intelligence oversight, representing providers who are issued FISA orders and directives, serving as FISA Court amicus curiae, and representing Intelligence Community whistleblowers. They also protect Americans’ liberties, including by representing criminal defendants in Classified Information Procedures Act (CIPA) cases. Do you agree with this general principle and, if yes, would you promote policies that ensure that attorneys who play these roles are not denied security clearances?

RESPONSE: I agree that there are circumstances under which it is appropriate to grant security clearances to non-government attorneys. There may be instances in which the U.S. government has a legitimate national security concern about granting clearances to a particular attorney. I would anticipate that in such cases, the court and the parties will be able to identify a solution that ensures full and fair representation of the non-governmental party.

Interrogation, Detention and Rendition

QUESTION 60: During your period at the Department of Justice, and, in particular, while you served in the Office of Legal Counsel (2002-2003, 2004-2005), did you play any role in the Department’s engagement with the CIA related to the Agency’s Rendition, Detention, and Interrogation Program? If yes, please detail that role.

RESPONSE: During my tenure with the Office of Legal Counsel, I worked on various opinions related to the CIA, including with respect to these topics.

QUESTION 61: Do you believe that any of the CIA’s former enhanced interrogation techniques are consistent with the Detainee Treatment Act, the U.S.

statutory prohibition on torture, the War Crimes Act, or U.S. obligations under the Convention Against Torture or Common Article 3 of the Geneva Convention?

RESPONSE: As your question indicates, the techniques to which you refer are the former techniques and are no longer employed by the CIA. I have not considered the legal issues surrounding detention and interrogation in nearly two decades and am no longer familiar with these issues. If confirmed, I commit that the National Security Division will act in a manner that is consistent with all applicable laws and Department policy.

QUESTION 62: Section 1045 of the National Defense Authorization Act for Fiscal Year 2016 prohibits the use of any interrogation technique or approach or any treatment related to interrogation that is not authorized by and listed in the Army Field Manual. Is this provision absolutely binding on all U.S. government departments and agencies and on the President?

RESPONSE: By its terms, section 1045 includes limitations on the scope of its application, including by providing that certain limitations contained in that section “shall not apply to officers, employees, or agents of the [FBI], the Department of Homeland Security, or other Federal law enforcement entities.”

QUESTION 63: The statutory prohibition on interrogations not consistent with the Army Field Manual applies to any individual “in the custody or under the effective control of an officer, employee, or other agent of the United States Government; or detained within a facility owned, operated, or controlled by a department or agency of the United States, in any armed conflict.”

- a. Please describe the factors that would indicate whether a detainee is in the “effective control” of any officer, employee, or other agent of the United States Government.

RESPONSE: I have not studied this issue and am not in a position to make this determination. If confirmed, I commit that the National Security Division will act in a manner that is consistent with all applicable laws and Department policy.

- b. Please describe how you would define whether a detainee is “detained within a facility owned, operated, or controlled by a department or agency of the United States.”

RESPONSE: Please see my response to Question 63a.

QUESTION 64: Section 1045 states that: “The head of any department or agency of the United States Government shall provide the International Committee of the

Red Cross with notification of, and prompt access to, any individual detained in any armed conflict in the custody or under the effective control of an officer, employee, contractor, subcontractor, or other agent of the United States Government or detained within a facility owned, operated, or effectively controlled by a department, agency, contractor, or subcontractor of the United States Government, consistent with Department of Defense regulations and policies.” Is this provision of law absolutely binding on all U.S. government departments and agencies and on the President?

RESPONSE: I have not studied this issue and am not in a position to make this determination. If confirmed, I commit that the National Security Division will act in a manner that is consistent with all applicable laws and Department policy.

QUESTION 65: Executive Order 13491 prohibits the CIA from operating any detention facility except to hold people “on a short-term, transitory basis.” Do you support this provision? How would you define “short-term” and “transitory”?

RESPONSE: Executive Order 13491 is binding on the Executive Branch and, if confirmed, I would comply with it. I am not in a position to offer a definitive interpretation of the terms you identify.

QUESTION 66: Do you agree that Intelligence Community and other U.S. officers should not participate in interrogations of detainees in liaison custody when those officers witness, know of, or otherwise suspect the torture or mistreatment of detainees?

RESPONSE: I agree that any interrogations of detainees undertaken by the U.S. government must comply with applicable laws and policies. To the extent questions arise about the legality of the federal government’s participation in the interrogation of an individual, I would review the facts of the situation and consult with relevant attorneys in the intelligence and law enforcement communities to determine the appropriate resolution of the question, consistent with the facts and law.

QUESTION 67: The United States recognizes its obligations under the Convention Against Torture not to “expel, return (‘refouler’) or extradite a person to another state where there are substantial grounds for believing that he [or she] would be in danger of being subjected to torture.”

- a. To what extent should written “diplomatic assurances” be required from countries to which detainees are sent?

RESPONSE: My understanding is that federal regulations implementing the Convention Against Torture authorize the Secretary of State to make relevant decisions on extradition after a fugitive has been found extraditable by a United States judicial officer. 22 C.F.R. Part 95. I am not in a position to determine whether the Secretary should insist on written diplomatic assurances from a recipient state prior to exercising this decision-making authority.

- b. Should such assurances be accepted from countries with established records of committing torture?

RESPONSE: I am not in a position to determine whether the Secretary of State should decline to accept assurances from particular countries when making extradition determinations, although I understand that governing regulations require appropriate policy and legal offices within the State Department to analyze information relevant to any extradition matter in which allegations of torture are made and propose a recommendation to the Secretary based on that analysis. 22 C.F.R. Part 95.

- c. Does the Convention Against Torture apply to scenarios in which individuals deported pursuant to the Alien Enemies Act are in danger of being subjected to torture?

RESPONSE: The Convention Against Torture and federal laws and regulations implementing that Convention prohibit the extradition of a person to a state where there are substantial grounds for believing that the person would be in danger of being subjected to torture. To the extent questions arise about the interplay between the Alien Enemies Act and the Convention, I would review the facts of the situation and consult with relevant attorneys to determine the appropriate resolution of the question, consistent with the facts and law.

Lethal operations

QUESTION 68: Please describe your view of the legal and policy implications of targeting or otherwise knowingly killing a U.S. person in a U.S. Government lethal operation. What additional public transparency do you believe would be warranted in that situation?

RESPONSE: Any lethal operations undertaken by the government must comply with the law. Whether or when such operations should be made public requires consideration of the national security risks as well as the benefits of transparency.

Classification and declassification

QUESTION 69: Executive Order 13526 provides that: “In no case shall information be classified, continue to be maintained as classified, or fail to be declassified in order to: (1) conceal violations of law, inefficiency, or administrative error; (2) prevent embarrassment to a person, organization or agency; (3) restrain competition; or (4) prevent or delay the release of information that does not require protection in the interest of national security.” Do you commit to fulfilling both the letter and spirit of these prohibitions?

RESPONSE: *Executive Order 13526 is binding on the Executive Branch. If confirmed, I will comply with all applicable Executive Orders.*

QUESTION 70: What process do you believe should accompany the declassification of information? For example, do you believe there should be a written record of declassifications? When should the Committee be notified?

RESPONSE: *I have not examined this question. I understand that several authorities govern the declassification of information. If confirmed, I will comply with those authorities.*

QUESTION 71: Please review the article “Here Are the Attack Plans That Trump’s Advisors Shared on Signal” (*The Atlantic*, March 26, 2025) and the “Houthi PC small group” Signal chat messages included in the article.

- a. Do you believe that any of the messages were or should have been classified, based on your experience with classification and on the Security Classification Guides of the relevant agencies and departments? If yes, which messages?

RESPONSE: *I would need a more complete factual record to make such a determination.*

- b. Do you believe that any of the messages included any national defense information, as codified pursuant to 18 U.S.C. §§ 793 - 798? If yes, which ones?

RESPONSE: *Please see my response to Question 71a.*

- c. Regardless of classification, do you believe that the information included in the messages was appropriate for an unclassified channel, particularly given the timing?

RESPONSE: *Please see my response to Question 71a.*

- d. Do you agree that unclassified phones used by national security officials are likely targets of foreign adversaries and that, as such, should not be used to convey classified information?

RESPONSE: *National security officials are likely targets of foreign adversaries, and appropriate steps should be taken to protect them and their communications from foreign adversaries.*

Commercially Available Information

QUESTION 72: Do you support the Intelligence Community's May 2024 Policy Framework for Commercially Available Information? Please elaborate on any aspects you do or do not support.

RESPONSE: *While I have not examined the policy in detail, I support efforts to clarify how the Intelligence Community will make use of commercially available information while ensuring that privacy and civil liberties remain appropriately protected.*

QUESTION 73: Do you believe that the privacy interests of Americans should depend on whether their information is purchased or obtained voluntarily by the government, as opposed to compelled through legal process?

RESPONSE: *I have not studied the issue in depth.*

QUESTION 74: Do you support transparency with regard to the type of information on Americans that the Intelligence Community, Department of Defense or other U.S. departments and agencies purchase or obtain voluntarily and the legal basis for that collection?

RESPONSE: *As a general matter, I support transparency consistent with the need to protect national security information.*

Cybersecurity

QUESTION 75: During her confirmation process, Director Gabbard wrote that she would use her position as DNI to advocate for policies, practices or legislation to strengthen cyber protections in the telecommunications sector. Will you make the same commitment?

RESPONSE: *Yes.*

QUESTION 76: During her confirmation process, Director Gabbard wrote that: “Any cybersecurity legislation should ensure that data sharing between the private sector and government or other entities is done in a way that respects privacy and avoids unnecessary exposure of personal information.” Do you agree with this view and, if so, how would you go about ensuring those privacy protections?

RESPONSE: *I agree with this view. I do not have any suggestions regarding how to ensure these protections.*

Transparency

QUESTION 77: Attorney General-approved procedures and guidelines for Executive Order 12333 are currently posted online. Do you commit to continuing to post these procedures and to make public any modifications, superseding procedures and guidelines, or significant interpretations?

RESPONSE: *I support transparency consistent with the need to protect sensitive information. If confirmed, I will act consistently with that view.*

QUESTION 78: Will you support the declassification and public release of any secret interpretation of law that provides a basis for national security activities, but is inconsistent with the public’s understanding of the law?

RESPONSE: *I support transparency consistent with the need to protect sensitive information. If confirmed, I will act consistently with that view.*

QUESTION 79: What would you do if an employee of the Department of Justice or any other Executive Branch official made a misrepresentation to Congress or to the public related to matters within your purview? If that person refused to correct the public record, would you do so personally?

RESPONSE: *Employees of the Department of Justice and the Executive Branch should be truthful in their testimony to Congress as well as in statements to the public. As to my responsibility to correct the record, I would need to consider the facts and circumstances before making a decision.*

Whistleblowers

QUESTION 80: During her confirmation process, Director Gabbard wrote: “Whistleblowers are essential to ensuring accountability and oversight within the

IC, and they must have clear, protected channels to report concerns, including the unauthorized transmittal of classified information to appropriate entities such as Members of Congress, Inspectors General (IGs), and other authorized recipients.” During her confirmation hearing, Director Gabbard was asked if she agreed “that IC whistleblowers must have a clear path to this committee and that that they don’t need permission from agencies to talk to [the committee],” to which Director Gabbard responded, “the answer is clearly yes.” Do you agree?

RESPONSE: *Yes.*

Defending the U.S. judicial process

QUESTION 81: A declassified August 2019 FBI Intelligence Bulletin concluded that “Saudi Officials Almost Certainly Assist Saudi Citizens Flee the United States to Avoid Legal Issues, Undermining the US Judicial Process.” If confirmed, will you make investigations of these kinds of efforts to undermine the U.S. judicial process a priority?

RESPONSE: *I am not familiar with the referenced document and am not sure which investigations the question references. But I would certainly take fleeing the United States in order to avoid our criminal justice system very seriously.*

Watchlisting

QUESTION 82: During her confirmation process, Director Gabbard wrote:

“Ensuring fairness and protecting civil liberties in watchlisting programs is critical to maintaining public trust while safeguarding national security. To prevent misuse, I would advocate for clear, evidence-based criteria for watchlisting American citizens, robust oversight mechanisms, and regular audits to ensure no one is listed based on First Amendment-protected activities like free speech or political affiliation. Additionally, I would work to enhance the redress process by improving the Traveler Redress Inquiry Program (TRIP) to ensure timely and transparent resolution of complaints and exploring independent review panels to provide impartial oversight and due process.”

Will you make the same commitments as Director Gabbard?

RESPONSE: *I agree that watchlisting programs should include clear standards, oversight mechanisms, and protections for constitutional rights.*

“Shifting Resources in the National Security Division”

QUESTION 83: On February 5, 2025, the Attorney General distributed a memorandum, subject: “General Policy Regarding Charging Plea Negotiations and Sentencing.” The memorandum, which includes a section on “Shifting Resources in the National Security Division,” stated that “Recourse to criminal charges under the Foreign Agents Registration Act (FARA) and 18 U.S.C. § 951 shall be limited to instances of alleged conduct similar to more traditional espionage by foreign government actors.”

- a. Please describe what is *not* included in “traditional espionage by foreign government actors.” Please address specifically whether acts that do not necessarily include collection, including foreign government corruption of and influence over U.S. officials, fall outside “traditional espionage”

RESPONSE: *RESPONSE: Because I am not currently in NSD, I do not have a definitive view on what is encompassed by the term. If confirmed, I will discuss the issue with the experts in NSD who work on FARA and espionage cases.*

- b. How does the limitation in the memorandum apply to scenarios in which the “traditional espionage” is not known to be committed by a “foreign government”?

RESPONSE: *Please see my response to Question 83a.*

- c. Does the limitation in the memorandum affect investigations into transnational repression?

RESPONSE: *Please see my response to Question 83a.*

- d. Does the limitation in the memorandum affect investigations into malign influence operations targeting U.S. audiences, such as the investigation announced by the Department on September 4, 2024 (“Justice Department Disrupts Covert Russian Government-Sponsored Foreign Malign Influence Operation Targeting Audiences in the United States and Elsewhere”)?

RESPONSE: *[Please see my response to Question 83a.]*

- e. Is it your understanding that the limitation in the memorandum should result in the termination of ongoing investigations?

RESPONSE: Please see my response to Question 83a.

QUESTION 84: The February 5, 2025, memorandum disbanded the Foreign Influence Task Force. What is your understanding of the impact of that decision, including the possible termination of any ongoing investigations conducted by members of the Task Force?

RESPONSE: I am not currently in NSD and would need to discuss this issue with appropriate NSD personnel to form an opinion on this question.

QUESTION 85: The February 5, 2025, memorandum stated that the National Security Division's Corporate Enforcement Unit is disbanded. What is your understanding of the impact of that decision, including the termination of any ongoing investigations conducted by members of the Unit?

RESPONSE: I am not in NSD and would need to discuss this issue with appropriate NSD personnel to form an opinion.

QUESTION 86: The February 5, 2025, memorandum states that: "With respect to FARA and § 951, the Counterintelligence and Export Control Section, including the FARA Unit, shall focus on civil enforcement, regulatory initiatives, and public guidance. What is your understanding of the impact of that direction and, specifically, what aspects of the Section's previous work will be deprioritized?"

RESPONSE: I am not in NSD and would need to discuss this issue with appropriate NSD personnel to form an opinion.

Military operations

QUESTION 87: What justification, under international law, would there be for military operations against Canada or Greenland, if any?

RESPONSE: I have not considered the question.

Question from Senators Heinrich, Wyden, and Ossoff

Section 702 Reauthorization/ECSP Definition

QUESTION 88: RISAA, which reauthorized Section 702 of FISA, included an expanded definition of electronic communications service provider. According to the Department of Justice and the Committee leadership, this language was intended only to encompass the kind of provider at issue in a FISC / Foreign Intelligence Surveillance Court of Review case, the opinions of which were authorized for public release on August 23, 2023. The Committee passed language in the Fiscal Year 2025 Intelligence Authorization Act that would have narrowed the RISAA language to bring it into conformity with its actual purpose, as articulated by the Department of Justice and Committee leadership. Do you support the Committee's effort to ensure that statutory FISA authorities are consistent with their national security purpose and not unnecessarily broad?

RESPONSE: *I am not familiar with this issue.*

SELECT COMMITTEE ON
INTELLIGENCE

UNITED STATES SENATE



Post-Hearing Questions for the Record for

John Andrew Eisenberg

Upon his nomination to be

**Assistant Attorney General for the National Security Division, Department of
Justice**

Questions from Senator Wyden

During your hearing, you stated that you had not had sufficient time to consider my questions related to surveillance. Having now had that opportunity, please respond to the following questions.

QUESTION 1: 50 U.S.C. § 1812 reads, in its entirety:

(a) Except as provided in subsection (b), the procedures of chapters 119, 121, and 206 of title 18 and this chapter shall be the exclusive means by which electronic surveillance and the interception of domestic wire, oral, or electronic communications may be conducted.

(b) Only an express statutory authorization for electronic surveillance or the interception of domestic wire, oral, or electronic communications, other than as an amendment to this chapter or chapters 119, 121, or 206 of title 18 shall constitute an additional exclusive means for the purpose of subsection (a).

Is this provision absolutely binding on the President and all agencies and departments of the U.S. Government?

RESPONSE: *I am not currently in the National Security Division and have not had occasion to analyze this provision closely. Nevertheless, I agree that the President has a constitutional obligation to ensure that the law, including section 1812 of title 50, is faithfully executed.*

QUESTION 2: The Uniting and Strengthening America by Fulfilling Rights and Ensuring Effective Discipline Over Monitoring Act of 2015 (the “USA FREEDOM Act of 2015”), P.L. 114-23, prohibits the bulk collection of tangible things under FISA (Section 103), the bulk collection of pen register and trap and trace device information under FISA (Section 201), and the bulk collection of information pursuant to National Security Letters (Section 502). Are each of these provisions absolutely binding on the President, the Intelligence Community, the FBI, and the Department of Justice?

Response: *I am not currently in the National Security Division and have not had occasion to analyze closely the changes made by the USA FREEDOM Act.*

Nevertheless, I agree that the President has a constitutional obligation to ensure that the law, including the USA Freedom Act of 2015, is faithfully executed.

QUESTION 3: Section 1045 of the National Defense Authorization Act for Fiscal Year 2016 prohibits the use of any interrogation technique or approach or any treatment related to interrogation that is not authorized by and listed in the Army Field Manual. Is this provision absolutely binding on the President and the Intelligence Community?

Response: I am not currently in the National Security Division and have not had occasion to analyze closely section 1045 of the National Defense Authorization Act for Fiscal Year 2016. Nevertheless, I agree that the President has a constitutional obligation to ensure that the law, including section 1045 of National Defense Authorization Act for Fiscal Year 2016, is faithfully executed.

