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OPEN HEARING: NOMINATION OF THE HONORABLE WALTER "JAY" CLAYTON III TO BE DIRECTOR OF NATIONAL INTELLIGENCE

HEARING

BEFORE THE

SELECT COMMITTEE ON INTELLIGENCE

OF THE

UNITED STATES SENATE

ONE HUNDRED NINETEENTH CONGRESS

SECOND SESSION

JULY 15, 2026

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OPEN HEARING: NOMINATION OF THE HONORABLE WALTER "JAY" CLAYTON III TO BE DIRECTOR OF NATIONAL INTELLIGENCE

WEDNESDAY, JULY 15, 2026

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

The Committee met, pursuant to notice, at 9:30 a.m., in Room SD–106, in the Dirksen Senate Office Building, Hon. Tom Cotton, Chairman of the Committee, presiding.

Present: Senators Cotton (presiding), Warner, Collins, Moran, Rounds, Budd, Wyden, King, Bennet, Ossoff, Kelly, and Reed.

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

Chairman COTTON. Good morning. This hearing will come to order. I want to welcome all of you to today's hearing on the nomination of Mr. Jay Clayton to be the Director of National Intelligence. Before we begin, I would also like to recognize the devastating loss we all suffered over the weekend on behalf of this Committee and pay tribute to our former colleague, Lindsey Graham.

Though Lindsey didn't serve on the Intelligence Committee, as a former Chairman of the Senate Judiciary Committee, he was a part of our extended family, and he was obviously a champion for intelligence officers, just as he was for our troops. He was a true partner on issues such as FISA, FBI, DOJ oversight.

Lindsey ensured the Intelligence Community had the resources needed to confront our adversaries. Lindsey was a true patriot who led with courage, loyalty and relentless optimism during his time both as an Airman in the Air Force and in the United States Congress. In remembrance of Senator Lindsey Graham's lifetime of service, I invite the Members of this Committee to honor our colleague and friend by living up to the example he set and carrying forward his love for God and for country.

We also welcome his sister and new Senator, Darline, who we all had the occasion to meet yesterday and who I know will carry forward his legacy in a way that would make him immensely proud, as he always was proud of his young sister.

Today's hearing is an opportunity to consider Mr. Clayton's qualifications, so I'd like to welcome him and his wife Gretchen to the Senate Intelligence Committee.

Mr. Clayton, thank you for once again answering the call to public service. To your family and loved ones, including those watching from home, thank you for your support during this process. I want to state for the record that Mr. Clayton has provided answers to our standard 40-page committee questionnaire. He has answered in writing more than 200 advance questions for the record as well. He has completed his FBI background investigation. He has met with most Members of this Committee, and he has provided more than five years of tax returns. This is no small feat, but was helped in large part by the fact that this was his third time through the process.

I want to thank all of those persons and organizations who worked to move his nomination at very fast speeds. That includes our committee staff, the staff at the Office of the Director of National Intelligence, the FBI, the Office of Government Ethics, and the White House counsel's office. I'd also like to offer my prayers to outgoing Director of National Intelligence Tulsi Gabbard's husband, Abraham, as he battles cancer, and thank Ms. Gabbard for her efforts to streamline the ODNI as she turns, understandably, to her husband's care.

This Committee is grateful for her decades of service to the country, both in uniform and as a civilian. And I also want to take a moment to thank Bill Pulte for his leadership to date as the acting Director of National Intelligence. The additional steps he's taken to right size the office of the DNI will help Mr. Clayton be successful on day one of assuming this position.

Mr. Pulte has been highly communicative and engaged with me and my staff during his tenure, for which I am grateful.

Mr. Clayton, it's my understanding that you intend to finish Ms. Gabbard's work to return the ODNI to its original size, scope and mission. I've long said that the right number of staff at the ODNI would number in the dozens, maybe a couple hundreds, at the maximum, but certainly not the thousands of recent years.

Congress intended the ODNI to be a lean and efficient organization to keep bureaucratic intelligence agencies at bay. But some 20 years later, the ODNI has unfortunately become yet another bloated agency that incentivizes bureaucratic make-work as opposed to genuine intelligence work. Mr. Clayton, given your many years as a seasoned professional in both government and private practice, I'm eager to hear how your experiences will inform your plans to return the ODNI to those roots.

I look forward to working with you to provide any legislative relief that you deem necessary, such as transferring centers or functions to other government agencies because, while many functions—that are needful occur at the ODNI, they don't necessarily need to be occurring there. Additionally, I'm interested in hearing about your efforts to advance America's national security in your current role as the United States Attorney for the Southern District of New York.

As U.S. attorney, Mr. Clayton has gone after some of the worst of the worst national security threats, including foreign enemies who put innocent Americans at risk and have American blood on their hands. For example, he's overseeing the indictment of Venezuelan Dictator Nicolas Maduro, secured the guilty plea of Ven-

ezuelan General Hugo Carvajal and overseen the prosecution of an Iran-backed terrorist connected to multiple attempted terror attacks in the United States.

Though these are just a few high-profile cases, let me state for the record that Mr. Clayton has worked hand in glove with our intelligence agencies and counterterrorism personnel to lock up criminals who threaten our national security. I commend him and all those involved for this important work. I'm interested in hearing from the nominee how he plans to apply this experience as a leader of the Intelligence Community.

Mr. Clayton, in addition to streamlining the ODNI, foremost on your to-do list will be helping refocus the Intelligence Community on operations by being a vocal and uncompromising advocate for its resources. If confirmed, I'll expect you to make the case to the Intelligence and Appropriations Committees for why the funding requests in a supplemental funding bill are so vital.

As most of us know, the Intelligence Community operations are at an all-time high with great successes. While the Pentagon received money from the working families tax cut, the Intelligence Community did not. I'll say here publicly what I wrote to Acting Director Pulte and Director Ratcliffe last month. I do not want to see any more reprogramming requests that borrow from one operational account to fund another.

There are plenty of underperforming and under-executing programs across the Intelligence Community that can be a bill payer for needful operations until Congress can pass supplemental appropriations bills.

Now, before I turn it over to the Vice Chairman, I'd like to put on the record that, in all my experiences with Mr. Clayton, his reputation as someone who operated with morality, decency and integrity has proven to be true. The job Mr. Clayton has been nominated for today is not one which he sought, but one which he has been gracious enough to take on. I'm confident that, by the end of the day, my colleagues will join me in seeking to get Mr. Clayton's nomination across the finish line.

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. Well, thank you, Mr. Chairman. And let me just echo what you said at the beginning of this hearing in terms of the great loss we all feel on both sides of the aisle of the passing of our friend Lindsey Graham. And as you commented yesterday, he was not on this Committee, but he sure as hell acted like he was on this Committee many times.

Mr. Clayton, Jay, it's good to see you again, and it was great to have the opportunity to meet your wife, Gretchen, in the anteroom. And I'm going to start where the chairman started. And I have addressed this before, but the process we've gone through to get you before this Committee is really pretty remarkable.

I can't think of any other instance in the history of this Committee where a President sends a nominee up and then, in a bipartisan way, we say we really want to move heaven and earth to get this nominee moving through quickly because of the importance of

the position, and then the President decided that the Senate was moving too fast on his own nominee and pulls that nominee for a while, pulls down the hearing and, in the meantime, blows up the FISA reauthorization process, which is critically important.

Now, I know you had nothing to do with that and were probably as surprised as many of us, so I guess congratulations about getting finally in front of this Committee. I also want to thank you for your partnership when you were SEC chairman and when we worked on investments in human capital. But as I last talked to you, this job is very different than anything I think you've done in your long career, and I'll have certain expectations of how you would perform the duties of DNI. These are expectations I make clear to all IC principals throughout my time on this Committee, regardless of Administration.

First and foremost, as most know, this position of DNI was created after the events of 9/11. And as such, Senator Collins had a large role in creating this position. It said the law requires the DNI have extensive national security qualifications because, if you get this job, you're going to have intimacy with all of the nation's top closely guarded secrets.

Now, I know you've served in some very distinguished positions: SEC chairman, US attorney for Southern District. I look forward to hearing how those positions will meet that qualification of extensive national security experience. Second, as I mentioned, the DNI has literally access to all our nation's secrets, things that are limited only to the Gang of Eight here in Congress, and I will hope that you will treat this sensitive information with the kind of respect and security it deserves.

As Members know, one of my greatest concerns with President Trump's appointment of Mr. Pulte as acting DNI is that Mr. Pulte had no national security experience. And if anything, it seemed to be his one qualification, he had a demonstrated record of releasing private confidential mortgage information so he could weaponize it for political purposes.

I can't think of a less qualified individual to be anywhere close to the DNI's role. In fact, there's already reporting about Mr. Pulte's plan to do intelligence on elections, some that's based on how he might misuse some of that on some of our most sensitive sources. And I just don't understand how Mr. Pulte, and one of the reasons why I am anxious to get a permanent DNI, can end up figuring out what is appropriate or not appropriate since he's been in the job for only three weeks, and again, with no national experience.

Our nation's security depends on our ability to protect secrets and protect the people who gather those secrets, whether it's allies, partners, or assets we have recruited. Carelessly handling that information ultimately makes our country less safe.

Lastly, I urge you to stand strong in protecting the most sacred of the IC principles: speaking truth to power. This commitment to truth is literally carved in stone at the CIA's headquarters. It is fundamental to not only the functioning and credibility of the IC, but also to the security of the American people. We have seen what happens when policymakers are allowed to shade intelligence for political reasons. It results in endless wars, tens of billions of dol-

lars in wasted taxpayer dollars, and literally thousands of dead Americans.

Unfortunately, we have seen repeated attempts by this Administration to politicize the IC, from a senior Administration official telling IC officers to change their assessment because he feared it would make the President look bad, that's the absolute epitome of undermining speaking truth to power. To the former DNI literally inserting herself into an active domestic law enforcement action in Fulton County and seizing voting machines in Puerto Rico, nothing within the gambit of the DNI. It's about foreign intelligence and foreign interference.

And in fact, recent reports suggest that the IC's annual analytic objective survey, where they go out to the whole IC community and say how do you think things are going, shows a substantial increase in the number of IC employees who say they are concerned about the intelligence analysis being undermined by political interference, again, the opposite of why your role was created and the opposite of what the goals of the IC should be. I hope that, should you be confirmed, you will make it clear that this kind of politicization has no place in the Intelligence Community, and I ask that you treat the thousands of IC career staff who will be under your charge with the kind of respect and dignity they deserve.

They are brave men and women who've signed up to serve our country. And they never get the recognition that our men and women in uniform get, but they do so much to protect our nation. And as I said at the outset, this is a very different job than any you've had in the past. In some ways, I believe it's more critical than being SEC chair or US attorney because, in many ways, the IC is our first line of defense in terms of keeping our country safe.

In order to make sure we keep our country safe, the IC must also maintain the trust and credibility with the American people, which means objective analysis, keeping itself free from politicization. I look forward to your answers. Congratulations again, and I yield back.

Chairman COTTON. Thank you, Mr. Vice Chairman. I now recognize Senator Rounds, who would like to say a few words about Mr. Clayton.

OPENING STATEMENT BY HON. MIKE ROUNDS, A U.S. SENATOR FROM SOUTH DAKOTA

Senator ROUNDS. Thank you, Mr. Chairman. Today I have the privilege of introducing the Honorable Jay Clayton, President Trump's nominee to serve as the next Director of National Intelligence. I first met Jay through my role on the Banking Committee when he was nominated by President Trump and confirmed by the Senate to be chairman of the Securities and Exchange Commission in 2017. He's a consummate professional with a distinguished career in both the private and public sectors.

The Senate previously confirmed him on a bipartisan basis to serve as the SEC chair, and I'd like to think we were proven correct in judging his character the first time around. It's no surprise President Trump would select him to serve in his cabinet. The DNI

has to be a trusted, unbiased voice to provide ongoing intelligence to the President. I believe Jay will do great work in this role.

Jay is an accomplished lawyer with decades of experience, and he currently holds one of the most high profile and demanding posts in the Department of Justice as the US attorney for the Southern District of New York. He made the most of his time in New York by prosecuting some of America's worst enemies and threats to our national security: Mohammad al-Saadi, the Iranian and Iraqi national responsible for over a dozen terrorist attacks in Europe and two attempted attacks on America, Nicolas Maduro and other narcoterrorists.

These efforts required extensive coordination with the Intelligence Community and larger national security enterprise, including the Department of Justice, the Department of the Treasury, the Department of Homeland Security, and the Federal Bureau of Investigation. If confirmed, Jay's experience at the helm in New York will serve him well as DNI. Mr. Clayton chaired the SEC through a period of significant uncertainty for financial markets during the depths of the COVID–19 epidemic in 2020. His success in leadership roles at the SEC and DOJ is strong evidence of his ability to be an effective coordinator as the Director of National Intelligence.

Many of the most pressing national security threats we face today are cross-cutting issues that involve technology and economics and go beyond the IC's traditional focus on foreign military capabilities and foreign leadership intentions. Jay's time at the SEC and in the private sector has given him valuable experience with issues that the DNI faces on a daily basis: cyber threats from state and non-state actors, illicit finance, economic competition with China, and the rapid adoption of artificial intelligence by both our adversaries and our own Intelligence Community.

He brings valuable insight into each of these areas that will serve him and our country well. Jay holds a TS/SCI clearance, and has worked in highly classified compartmented environments requiring discretion and security compliance. As a result, he knows firsthand the critical importance of Section 702 and FISA. His extensive experience working across agencies is a quality needed as DNI. He has a working relationship with CIA Director Ratcliffe that will make for a smooth transition into this leadership role.

While Jay may not have served in the Intelligence Community, he has the right mix of practical experience working with the IC, including experience with the Justice Department and coordination with the Department of the Treasury. His professional background is important to the growing demands being placed upon the IC related to technology and economic competition.

Further, his diverse experience in the private sector, the SEC and as a US attorney in a very active district give him the wealth of management, leadership, and organizational experience to succeed in coordinating with all of the different equities that make up the Intelligence Community.

In closing, I offer my strong endorsement for Mr. Clayton to serve as the next director of National Intelligence. Thank you, Mr. Chairman.

Chairman COTTON. Thank you, Senator Rounds. Mr. Clayton, before we move to your opening statement, I need to ask you five

standard questions the committee poses to each nominee who appears before us. A simple yes or no answer for the record will suffice. One, do you agree to appear before the committee here or in other venues when invited?

Mr. CLAYTON. Yes.

Chairman COTTON. Two, if confirmed, do you agree to send officials from your office to appear before the committee and designated staff when invited?

Mr. CLAYTON. Yes.

Chairman COTTON. Three, do you agree to provide documents or any other materials requested by the committee in order for it to carry out its oversight and legislative responsibilities?

Mr. CLAYTON. Yes.

Chairman COTTON. Four, will you ensure that your office and your staff provide such material to the committee when requested?

Mr. CLAYTON. Yes, I will.

Chairman COTTON. Five, 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 the Vice Chairman?

Mr. CLAYTON. Yes.

Chairman COTTON. Thank you very much. After our hearing today, it's my intention to convene a committee business meeting early next week to vote on the nomination of Mr. Clayton and report it to the Senate for a floor vote. Mr. Clayton, we will now proceed to your opening statement, after which I will recognize Members by seniority before the gavel and by arrival after the gavel for five minutes each.

Mr. Clayton, the floor is yours.

Mr. CLAYTON. Thank you, Chairman Cotton.

Vice Chairman WARNER. Can you move the mic a little closer, thank you?

Mr. CLAYTON. How's this?

OPENING STATEMENT OF MR. CLAYTON

Mr. CLAYTON. Thank you, Chairman Cotton, Vice Chairman Warner and the distinguished Members of the committee. I am honored to appear before you today as the nominee to be the Director of National Intelligence. I would like to thank President Trump for placing his continued trust and confidence in me. I am humbled by this nomination and grateful for the opportunity to continue serving our country.

I also want to thank my wife Gretchen and our children for their support and their commitment to public service. I also thank the many women and men I have worked with at the SEC and the DOJ. Together, we have built great teams that have delivered for the American people. Senator Rounds, I thank you for those very kind words and for your commitment to the people of South Dakota and our country.

I have been fortunate to serve in a broad range of leadership roles in both the public and private sectors. Each position has presented challenges and opportunities. If confirmed, I intend to approach the DNI role in the same way I have approached these

roles: mission focused and team oriented, taking on the challenges and seizing the opportunities.

The mission of the Director of National Intelligence is clear: to ensure that the policymakers and institutions that the Intelligence Community serves, especially the President, our military leaders and Congress, receive the best possible intelligence in a timely, objective and independent manner. That mission and obligation will be front of mind every day.

If confirmed, I will work to strengthen the coordination and communication between the Intelligence Community and the people we serve. I will focus on enhancing the trust of the American people in the ODNI, the Intelligence Community and our federal government generally. I will have an open door and walk the halls policy. This has proven invaluable. I also look forward to engaging with this Committee and the House Permanent Select Committee on Intelligence frequently. I am confident that my experience has prepared me for this role, including my experience leading and improving large organizations. Large multifaceted organizations like our Intelligence Community work well when they have, one, a commitment to the mission; two, clear strategic objectives that further that mission; and three, metrics that facilitate the assessment and improvement of their operations.

I intend to work with the Members of this Committee to develop all three of those. A few specifics on my national security experience: as the US attorney for the Southern District of New York, I've gained significant national security experience, including in matters involving foreign terrorist organizations, counter-espionage, money laundering, bribery, and the abuse of our communications platforms to create and sow distrust.

We interact with US Intelligence Community and counterterrorism officials continuously on dozens of important national security matters. In addition, I've acted as the principal liaison with senior officials at Treasury, State and the Department of War on matters of national security. As chairman of the SEC, I advised the Intelligence Community on various matters and directly confronted issues with national security implications, notably leading our cybersecurity and cyber resilience for critical infrastructure in our financial services sector, combating Chinese influence on and exploitation of our markets, and importantly, maintaining economic stability and confidence in our markets during the COVID–19 shutdowns.

In the private sector, I also engaged in a broad range of national security matters, including with officials from the Federal Reserve, the Department of Justice and Congress. As an example, between my time at the SEC and my return to government at the Southern District, I testified before the House China Select Committee.

Across these roles, I saw firsthand how judgment, discipline, integrity, and most importantly, effective communication and cooperation across different branches of government are essential to our national security. If confirmed, I will have those principles front of mind every day. Thank you for your time, and I look forward to your questions.

Statement of Jay Clayton
Nominee, Director of National Intelligence
Senate Select Committee on Intelligence (SSCI)
July 15, 2026

Chairman Cotton, Vice Chairman Warner, and distinguished members of the committee, I am honored to appear before you today as the nominee to be the next Director of National Intelligence.

First and foremost, I would like to thank President Trump for placing his continued trust and confidence in me. I am deeply humbled by this nomination and grateful for the opportunity to continue serving our wonderful country. I also want to thank my wife, Gretchen, and our three children for their commitment to public service. I also thank the many women and men I have worked with at the SEC and the DOJ, some of whom are here today. Together, we have built great teams that have delivered for the American people.

I thank Senator Rounds for his kind words and for his commitment to the people of South Dakota and our country.

I have been fortunate enough to serve in a broad range of roles in both the public and private sectors. Each opportunity has presented challenges and opportunities, and if confirmed, I intend to approach the DNI role in a similar way: Identifying and clarifying the overall mission, determining key objectives, developing strategies to achieve those objectives and metrics that enable our progress to be assessed, and, in each phase, working as a team with others. That approach has worked at the DOJ, at the SEC, and in the private sector.

The mission of the Director of National Intelligence is clear: To ensure that the Intelligence Community, along with the policymakers and institutions it serves—but especially the President, our military leaders, and Congress—receive the best possible intelligence in a "timely, objective, and independent" manner. That obligation will be front of mind every day.

If confirmed, I will work to facilitate and strengthen the coordination and communication between the Intelligence Community and the people we serve to ensure the safety, security, and prosperity

of our citizens and military personnel. I will focus on enhancing the trust of the American people in the ODNI, the Intelligence Community, and our federal government generally.

I will have an open-door and walk-the-halls policy. This has proven to be invaluable throughout my career. I also look forward to engaging with this Committee and the House Permanent Select Committee on Intelligence frequently.

I am confident that my experience in the public and private sectors has prepared me for this role, including my experience in entering and leading large organizations.

As the U.S. Attorney for the Southern District of New York, I have gained significant national security expertise, especially in matters involving Foreign Terrorist Organizations, counterespionage, money laundering, bribery, extortion, and communication platforms that facilitate conflict. Our national security unit interacts with U.S. intelligence and counterterrorism officials continuously on dozens of important national security matters. I participate actively in these matters and act as the principal liaison with senior officials at Treasury, State and the DoW.

During my service as Chairman of the SEC, I advised the Intelligence Community on various matters and directly confronted issues with national security implications, notably, Chinese influence and exploitation of our markets and maintaining economic stability during the COVID-19 shutdowns. And in the private sector, I also engaged in a broad range of national security matters, including with officials from the Federal Reserve, DOJ, and Congress. As an example, between my time at the SEC and the DOJ, I testified before the House China Select Committee.

Across these roles, I saw firsthand how a strong national security apparatus depends on decisive judgment, discipline, integrity, and effective communication and cooperation across different branches of the government. If confirmed as Director of National Intelligence, I will commit to upholding these principles every day.

Thank you for your time and service. I look forward to answering your questions.

Chairman COTTON. Thank you, Mr. Clayton. You do indeed have a lot of experience leading large organizations, though I hope by the end of your tenure in two and a half years at the DNI, you can add some experience leading small organizations, or at least a much smaller one. As I observed in my opening remarks and you mentioned in yours, in your current position as the US attorney for the Southern District of New York, you've taken part in a number of national security related investigations, including the prosecution of terrorists, narcotraffickers, and others who wish to do harm to the United States and our citizens.

I think it's probably important for many viewers to know that the Southern District may be the number one national security related US attorney's office in the country. Can you speak to your interactions specifically with the Intelligence Community as part of these investigations and how critical Intelligence Community collection was for informing the evidence you obtained to pursue convictions in these cases?

Mr. CLAYTON. Thank you. The short answer is extremely critical. And in the examples that you mentioned, the examples that Senator Rounds mentioned, whether it's Maduro and Carvajal, whether it's al-Saadi, I'll just say multifaceted terrorists who we've recently captured in our drug interdiction efforts combating cartels and the flow of deadly drugs, the Intelligence Community is essential to our prosecutions in all of those cases.

And if I may, it's the only game in town. The United States Intelligence Community combating those global threats is essential not just for the US, but, as was mentioned in Senator Rounds' remarks, keeping our European colleagues safe as well.

Chairman COTTON. Thank you. You also mentioned your time at the SEC. Now, in my neck of the woods, that's the country's best football conference, but here we're talking about the Securities and Exchange Commission. I think most observers would think, well, you know, that's for the stock markets, and a Wall Street lawyer goes in and hopefully gets fees down and markets do well and combats fraud and maybe tackles new issues like cryptocurrency.

But I think some viewers would be surprised at the amount of national security related matters you had to confront at the SEC as well. Could you just go into a little bit more detail on that front too?

Mr. CLAYTON. Sure. Starting at the top, national security and economic security are synonymous. National security and market function and market integrity are synonymous. Our financial infrastructure is essential to our security as a nation. Going beyond that, understanding the economic implications of actions and the likely knock-on effects is a big part of what I believe the Intelligence Community should be providing to the consumers of information.

Understanding the economic consequences of actions is an essential part of intelligence, and it's something that I engaged in frequently at the SEC.

Chairman COTTON. And while the Office of the Director of National Intelligence was set up in the aftermath of the 9/11 attacks and in the context of wars in the Middle East, isn't that particularly true as we think about our struggle for mastery with China

and also checking Russian aggression around the world, that economic matters are vitally important when we're facing traditional nation state actors like Russia and China?

Mr. CLAYTON. Senator Cotton, Chair Cotton, I could not agree more that our adversaries not only look at kinetic and other what I would call traditional ways to harm Americans, they look at economic ways to harm Americans.

Chairman COTTON. Thank you. The Vice Chairman alluded to an address the President will apparently be giving tomorrow night that may or may not be based on some kind of intelligence that's going to be declassified. To what degree, if any, have you been involved in the process for what may be discussed by the President tomorrow night?

Mr. CLAYTON. I'm not involved in that.

Chairman COTTON. Because you're not currently the Director of National Intelligence?

Mr. CLAYTON. Because I'm currently not the Director of National Intelligence.

Chairman COTTON. And in fact, to be involved would violate a core principle, which is you take no actions that would presume your confirmation?

Mr. CLAYTON. I couldn't have said it better.

Chairman COTTON. Thank you for helping me establish that fact. The Vice Chairman.

Vice Chairman WARNER. Thank you, Mr. Chairman. As I said repeatedly, if you're confirmed, you've got to make sure that you speak truth to power, and that means even if the truth is not the preferred narrative that somebody wants to hear. So, let me just ask you what should be a simple question. Do you deny that Joe Biden won the 2020 election?

Mr. CLAYTON. Senator, I'm not an election denier. Joe Biden was certified as the President of the United States.

Vice Chairman WARNER. Election denial is something we cannot have, so I will take that as you do not deny that Joe Biden won the 2020 election.

Mr. CLAYTON. Yeah, let me just be clear. We have substantial work to do, in improving our electoral processes. It's part of national security, and I feel strongly about that.

Vice Chairman WARNER. One of the things that, again, this will come around perhaps to what's happening tomorrow night as well, classified information is critical. If we violate classified information, that loses us allies. It makes us less strong. I fear that certain countries already are not sharing as much information with us because of some of the things that have happened.

So, let me ask you some straightforward questions. If confirmed, do you commit to protecting all classified information in accordance with established rules and procedures?

Mr. CLAYTON. Yes.

Vice Chairman WARNER. If confirmed, do you commit to following established processes and procedures when it comes to declassifying information?

Mr. CLAYTON. Yes.

Vice Chairman WARNER. And that will then lead to the next because, if you're going to follow official purposes, you cannot declas-

sify information for political purposes. Will you promise that you will not do that?

Mr. CLAYTON. Senator, I promise that my declassification exercises will be consistent with the role. And I believe that there are a number of protections in place across the Intelligence Community to ensure that intelligence is not used for political purposes, and I intend to adhere to those.

Vice Chairman WARNER. Well, that is, in many ways, at least for me, that is the nub of this hearing.

Mr. CLAYTON. In preparing for this hearing, I have analyzed the procedures that are in place for declassification and other actions that you would take as the director of National Intelligence, and I look forward to consulting with the people inside the Intelligence Community and at the ODNI to ensure that we adhere to those principles.

Vice Chairman WARNER. It's critically, critically important because, again, we may see some of this tomorrow night or not, but we go around those established procedures, we could burn sources and methods. We could lose allies. The ramifications are so grave and it has been treated in such a cavalier way that it's really extraordinarily upsetting to me. Along with classified information comes the analytic tool.

One of the things that I pointed out in the recent IC annual survey, the number of IC analysts that are concerned that their work may be threatened by politicization or if you don't reach the right conclusion. That completely undermines the basis of what the Intelligence Community's set up with. So, if confirmed, do you commit that the ODNI's decisions and analysis will remain free from political pressure and conspiracy theories?

Mr. CLAYTON. Yeah. Senator, the role is to ensure that you, the President in particular, the Members of the cabinet receive the best possible intelligence product available, and I do commit to do that.

Vice Chairman WARNER. Yeah, if you could bring the whole box a little bit closer.

Mr. CLAYTON. Sorry. I needed space for the papers.

Vice Chairman WARNER. I can't stress enough if the IC workforce feels they're going to get political blowback or get fired, which we have seen, because they reach a conclusion that may not be what certain folks in the Administration want to hear, that undermines the whole work of the whole community.

Mr. CLAYTON. If I could jump in on that.

Vice Chairman WARNER. Please.

Mr. CLAYTON. And I want to say that my experience at the SEC, my experience at the DOJ, is that the people who have worked for me have great confidence that they can speak to me in a candid free from any worry that what they say to me in their professional capacity is going to result in any kind of, I would say, any kind of friction beyond the normal to-ing and fro-ing that you have in any organization.

Vice Chairman WARNER. And I will say, let me add a comment to what Senator Rounds said. In working with you at the SEC, I found that was how you operated, and particularly in taking on certain issues that might not have been politically popular. But this is such a different role and I am so concerned that whoever

ends up in this role is going to be under a set of pressures that may be unprecedented, and we're going to need somebody extraordinarily strong.

I'll come to my last set of questions, and that is around election integrity. This job was set up to look at foreign interference in our elections, so it was more than stunning to me when the former director, Director Gabbard, showed up at a domestic, I believe political interference activities, in Fulton County.

We're coming into election season. I want to make sure you are on the record. If confirmed, you will commit you will not interfere with or comment inappropriately on US elections?

Mr. CLAYTON. Senator, you outlined the role correctly. The role is to deal with foreign interference in US elections, which is something I'm gravely concerned about. But that's the role.

Vice Chairman WARNER. And finally, we cannot have the DNI trying to put his or her hands on the scales in terms of tipping the outcome of any American election. Will you commit to not put those hands on the scales?

Mr. CLAYTON. The role of the Intelligence Community is to provide information, not to engage in policy or those things, so yes.

Vice Chairman WARNER. Thank you. I yield back.

Chairman COTTON. Thank you. I agree that the role is very different, but I think that's true of most government roles, and we never quite know how people are performing them. And some of us have been very satisfied with nominees we've confirmed in both parties and some have been dissatisfied. But, you know, look at our former Chairman, Marco Rubio.

Being a Senator, I think we can all agree, is very different from being the Secretary of State or being the National Security Advisor. And he's pitching a near perfect game in those roles, if you ask me. But you can't reason by analogy. You've been a Wall Street lawyer for a long time. How long have you been a lawyer?

Mr. CLAYTON. Goodness, 36 years or 33 years.

Chairman COTTON. And so, you're governed by attorney client privilege. That's not classified material, but it is require you as an ethical obligation. Have you ever had any issue in handling attorney client material?

Mr. CLAYTON. No.

Chairman COTTON. And the material you're handling in Wall Street, I mean, you're talking about market moving material, millions or billions of dollars.

Mr. CLAYTON. Billions, and probably in aggregate trillions of dollars of information that you have to be very careful not to allow to slip.

Chairman COTTON. Or very sensitive personal information about clients as well. And no issues ever in the past dealing with those?

Mr. CLAYTON. None.

Chairman COTTON. Thank you. Senator Collins.

Senator COLLINS. Thank you, Mr. Chairman. Welcome, Mr. Clayton. Mr. Clayton, I want to give you a little bit of history of the ODNI. I was a coauthor of the legislation that created the Director of National Intelligence, along with Senator Joe Lieberman, Congresswoman Jane Harman and Congressman Pete Hoekstra in the House.

And it came about following hearings that we had and extensive analysis of a failure of the more than 18 intelligence agencies to share vital information, information that perhaps could have allowed the dots to be connected and the horrific terrorist attack of 9/11 to have been discovered and deterred.

I'll never forget a conversation that I had with Secretary of State Colin Powell. He said our Intelligence Community needed an empowered quarterback to make sure that there was sharing of information and a collective collaborative approach to intelligence. Instead, what we had was a very siloed approach. And that's why we worked so hard to draft the Terrorist Prevention and Intelligence Reform Act that created the office of the Director of National Intelligence and the NCTC, the National Counter-Terrorism Council, which would bring agencies together.

So, I understand that ODNI has grown far bigger than we ever would have envisioned when we wrote that law, but I am deeply disturbed that some Administration officials, and indeed some senators, have called for not just a reduction in the size of ODNI but that we abolish it altogether. There remains a critical purpose and mission for ODNI to lead and manage the 18 separate intelligence agencies with worldwide operations that include space, cyber and human intelligence domains.

Do you commit to maintaining the vital role of ODNI and its NCTC?

Mr. CLAYTON. The short answer, and then I'd like to elaborate, is yes, I do. And having seen this from the outside now in my roles and also preparing to hopefully take on this role, if we didn't have this role, we'd have to invent it, because there needs to be a focal point for coordination across the other 17 intelligence agencies.

There needs to be a place of oversight, a place to resolve conflict. I look at it as a board of directors' role. And to the extent that the ODNI has gotten into operations or started to play the roles of some of those other agencies, it probably should pull back. Because it's difficult to be both operations and oversight, but I think an oversight role is important.

Senator COLLINS. Thank you. The second issue I want to bring up with you is the anomalous health incidents, also known as Havana syndrome, that have occurred since 2016 and caused, in some cases, career-ending disabilities for our intelligence, our defense, our State Department employees. The Intelligence Community initially took these attacks and care for victims seriously.

However, for various reasons, this quickly seemed to turn into a very dismissive attitude throughout the federal government with little forward progress. This led Senator Gillibrand and I to coauthor the HAVANA Act of 2021, to support the victims who are not receiving care nor compensation. I have been frustrated over the past few years across both the Biden Administration and the Trump Administration by the excuses provided and misinterpretations of AHI attacks and the slow implementation of Senator Gillibrand's and my bill.

Last week, Tulsi Gabbard rescinded two previous AHI Intelligence Community assessments and started to reassess both previous and new intelligence related to AHIs. It's critical that we know about possible foreign weapon capabilities and how to keep

our hardworking personnel who are stationed in dangerous parts of the world safe from these dangerous attacks.

But forward movement remains very slow. The DNI confirms it's your job to confirm that intelligence is objective, timely, and independent of political considerations and based on all available sources. So, with recent efforts to re-energize the research on the causes and attribution of these devastating attacks on our personnel, do you plan to continue these efforts.

Mr. CLAYTON. Well, I'm not privy, but I certainly plan to engage with you and Senator Gillibrand on this issue, and I'm happy to do so.

Senator COLLINS. I look forward to future discussions; there's a lot of history here. Thank you.

Chairman COTTON. Thank you, Senator Collins. No stronger leader on national security, not just on this Committee, but your work on the HSGAC committee and especially the Appropriations Committee. Like our friend Lindsey Graham, the troops and intelligence officers have no better friends than Senator Collins. Thank you for your work.

Senator Wyden.

Senator WYDEN. Thank you, Mr. Chairman. Mr. Clayton, according to the press reports, the FBI director spent eight hours last Friday at the White House investigating journalists.

My view is this is a flagrant attack on journalists and the First Amendment, under the direction, apparently, of the Trump Administration. When were you directed to issue subpoenas to the journalists, and by whom?

Mr. CLAYTON. Senator, I believe you're referring to the reporting around the subpoenas relating to——

Senator WYDEN. No, the subpoenas you signed.

Mr. CLAYTON. The subpoenas that I signed. Those subpoenas are in connection with an ongoing national security investigation. I'm happy to talk to you and this Committee about our approach to the First Amendment and our efforts in all cases to limit, to the greatest extent possible, any intrusion into the operation of the free press.

I am absolutely committed to and respect our First Amendment and the role of the press.

Senator WYDEN. So, let me ask you this, it's not even clear that the subpoenas that you signed followed the Administration's policy, which requires the government to first make all reasonable attempts to obtain information from other sources. What specific actions did you take before you sign the subpoenas?

Mr. CLAYTON. I can tell you that in all of these cases, we—and not just one person. And this is the way I operate; I operate by asking my team, what do you think. Any action in this regard, you can be assured that it was a consultative exercise with the career prosecutors in my office.

Senator WYDEN. So, that's what you did beforehand to satisfy yourself that this was important to do, to send these journalists a subpoena and go to their house?

Mr. CLAYTON. To issue the subpoenas, but let me say that this, I don't want to get into this in great detail because it's inappropriate.

Senator WYDEN. I don't want to get into details; I just want to find out what went on.

Mr. CLAYTON. We followed the processes that we were required to follow.

Senator WYDEN. Let me go to the question of elections.

You've claimed in the past that vote by mail is tainted, and I haven't seen any evidence of this. These are your exact quotations. You talk about dishonesty in mail-in voting and at one point, you talked specifically about a group that was doing it. I think it would be very helpful to get a sense of who you're talking about.

You said, and I quote, one group is using mail-in voting dishonestly. So, you basically said you've got a group out there who are election bandits. Who are we talking about?

Mr. CLAYTON. Now, I would like to see where you're pulling those quotes from, because I've been very careful in my words on this. I've been very careful. Look, election integrity——

Senator WYDEN. Your words.

Mr. CLAYTON. I'd like to see the whole passage.

Senator WYDEN. I'll send you the material.

Mr. CLAYTON. Yeah, that'd be great and I'm happy to answer. But let me tell you this.

Senator WYDEN. Please.

Mr. CLAYTON. There are two parts to this; one is access, which is extremely important. Access to the ballot is something that I know this body—many people have worked hard for years and years. The other one is integrity. I'm a big believer that we can have better access than we've ever had before, and better integrity than we've ever had before.

And some of the constructs around our election, the integrity, can be greatly improved.

Senator WYDEN. Well, I want to see it because I want to know the names of the people that you're calling dishonest, because I am the nation's first Senator elected by mail, the second Senator was a Republican. And we don't believe that this is tainted by fraud. And I have time for one more question. You said that the country was well served by this agreement that Donald Trump is not going to get audited in terms of his taxes.

You went through the whole process. Tell me, if you continue to support that position, that you believe that the President of the United States should be the only person in the country who's exempt from audit?

Mr. CLAYTON. I certainly do not believe that the President of the United States should be the only person in the country who is exempt from audit.

Senator WYDEN. Do you think he should be exempt from audits? That's a yes or no question.

Mr. CLAYTON. In terms of that specific thing, that's now a matter of litigation, and I'm not going to comment on it here.

Senator WYDEN. Thank you, Mr. Chairman.

Chairman COTTON. Senator Moran.

Senator MORAN. Chairman, thank you. Mr. Clayton, thank you for your presence here today, your interest in serving the country. I appreciate the conversation we had in the office. I appreciate the relationship and conversations we had over the time in your past

public service. In my office, I stressed to you a belief in the importance of our intelligence relationships around the globe, not just Five Eyes, but with many others.

Over the past years, there have been reports in the press of allies withholding intelligence or us suspending intelligence sharing. How do you view the relationship with our allies? Do you see a partner services as a force multiplier or simply transactional in nature?

Mr. CLAYTON. Senator Moran, I think I'll be able to give you a much better answer should I be confirmed and have greater access to those relationships. I know the Five Eyes relationship historically has been extremely valuable to the United States. In terms of bilateral sharing, like anything, I think that's something that you have to assess constantly, whether it's working.

But there's no reason not to explore whether you can have something that works.

Senator MORAN. I assume you would say that it's desirable to have a relationship with many countries around the globe and determine whether there's a relationship that can work in which we're sharing intelligence information.

Mr. CLAYTON. I think that's really well said.

Senator MORAN. In your answer to a written question asking if you commit to making sure that Ukraine has the intelligence it needs to apply pressure on Russia you said, quote, "to the extent directed by the President" . . . "arm Ukraine and other partners with intelligence that illuminates Russian plans and intentions". I appreciate that you work for the President, but I want to emphasize my belief that any such sharing is critical, and any suspension of intelligence sharing with Ukraine would require very serious justification.

And so, my question is, if confirmed, do you commit to sharing with this Committee the rationale of any such suspension? And do so before the suspension becomes public? Give us a chance to have input in that consequential decision.

Mr. CLAYTON. Yeah. I expect to have, I would say, frequent and substantive dialog, including around priorities. The priorities are set to reflect the priorities of the Administration and the priorities of the President, but I expect to continue to discuss any change in those priorities. And again, I'm not privy to these things, but I don't have any expectation that that priority is changing.

Senator MORAN. I chair an appropriations subcommittee that funds the FBI, and I have a strong interest in supporting its counterintelligence role. It's the lead counterintelligence agency in the US, but you note in your answers that the National Counterintelligence and Security Center within ODNI is the, quote, head of the US government counterintelligence activities.

How would you characterize the relative roles of the FBI and the security center in counterintelligence? And what are the practical effects of how that would work?

Mr. CLAYTON. Senator, my direct experience with counterintelligence, and obviously I can't go into the specifics, but it's fairly extensive at the moment, is directly with the FBI. Some engagement with the center, but it's mostly directly with the FBI and Homeland Security.

Senator MORAN. And that past experience, that relationship lends you to what kind of conclusions in that regard?

Mr. CLAYTON. It's extremely important, the threat is real, the threat to the safety and security of the American people is real and we need to be vigilant every day. And in fact, I think my colleagues would be happy if, in your role, I made a pitch for more resources.

Senator MORAN. They would. Let me ask about your private sector experience, and in preparation for the role that you may soon assume, have you identified any opportunities where the Intelligence Community can leverage private sector capabilities to enhance the IC's mission?

Mr. CLAYTON. Yes, without that, the obvious one is data and data analysis. Making connections where they might not otherwise be apparent or where the ability to make those connections in the past took weeks and months and, with some of the tools that we have today, can take hours to make the same connections, the same connections that are important to combating what I would say is espionage.

Senator MORAN. Mr. Clayton, thank you. Mr. Chairman.

Chairman COTTON. Thank you Senator Moran. Senator Heinrich.

Senator HEINRICH. Thank you, chairman. Mr. Clayton, it is alleged, and I would add, quite credibly, that Jeffrey Epstein committed some very serious crimes at his Zorro Ranch property in my home state of New Mexico. Yet there has never been a federal search of that property. And in fact, in 2019, the Department of Justice directed New Mexico to pause its own investigation and has most recently refused to provide the unredacted evidence needed for our attorney general to effectively carry out his investigation, despite federal and state laws requiring disclosure.

I understand that as US attorney for the Southern District of New York, you led the investigation into Jeffrey Epstein. Can you commit to providing any relevant information to the New Mexico attorney General and the unredacted documents that he has requested?

Mr. CLAYTON. Yeah. I spoke to my team about this last night. That request is for unredacted documents; those documents are subject to several protections for those redactions, including a protective order of the court. My folks, I think, as we speak, are seeking dialog with the Attorney General to see if we can reach an accommodation that is consistent with those protective orders.

Senator HEINRICH. I would seriously encourage that cooperation and that spirit of working in cooperation between federal and state law enforcement. I think it is quite clear that it is likely that there are survivors, witnesses, and coconspirators whose names have been redacted that are necessary for him to effectively complete that investigation.

And, Mr. Chairman, I would also ask unanimous consent to enter into the record the letter from the New Mexico Attorney General to the Department of Justice.

Chairman COTTON. Without objection, I guess. [Laughter]

Senator HEINRICH. Mr. Clayton, in your role as US attorney for the Southern District of New York, you were tasked to personally certify that the unsealed grand jury material related to Jeffrey Epstein did not disclose victims' personal information. The judge in

that case stated that he added this protective order to ensure that an identifiable official within DOJ takes ownership of the sensitive and vitally important process of reviewing discovery.

Due to what the Department of Justice later called technical or human error, the January 26th release of material included email addresses and even nude photos of potential Epstein victims. Lawyers for those victims said that this flawed process retraumatized the survivors and, quote, "turned their lives upside down."

You were in charge of this process during which highly sensitive personal data was made public. Did you personally certify the material as the judge ordered?

Mr. CLAYTON. The judge ordered certification of a subset of the materials, the materials that were in the Southern District.

Senator HEINRICH. So, who takes responsibility for what I think was an unconscionable release, an unnecessary release, of personal information for these victims?

Mr. CLAYTON. I think the Department of Justice has addressed that from the overall perspective.

Senator HEINRICH. You know, Harry Truman used to have a sign on his desk that said the buck stops here. Who has that sign on their desk in this case?

Mr. CLAYTON. For the Southern District documents, it was me.

Senator HEINRICH. Okay. In a media interview a couple of months ago, you were asked your position on the President's $1.8 billion fund for victims of weaponization. And you replied, when we are investigating people and bringing charges against them, criminal charges against people from a financial point of view, they can be absolutely devastating.

If people have been pursued inappropriately, I'm supportive of there being relief for that financial cost, that's the end quote. Do you believe that people convicted of violent crimes related to the January 6, 2021, attack on the U.S. Capitol and on U.S. Capitol Police were pursued inappropriately in any way?

Mr. CLAYTON. Let me say this, any physical violence against law enforcement is completely objectionable.

Senator HEINRICH. Would it be appropriate for that fund to be used in cases where people were duly convicted of violent crimes in that case?

Mr. CLAYTON. Let me go back to my comment very quickly. I was not speaking of the fund; I was speaking generally, I think this was a CNBC clip, and I stand by what I said, which is if people have been inappropriately and intentionally subject to prosecution, they should have recourse.

Senator HEINRICH. Thank you, Mr. Chairman.

Vice Chairman WARNER. Mr. Chairman, I just want to let the witness know we've got the fed chair upstairs, but I will be right back. I want to make sure my colleagues know I'll be back directly.

Chairman COTTON. Senator Budd.

Senator BUDD. Thank you, chairman. Mr. Clayton, it's good to see you again. I enjoyed our visit a few weeks ago in the office. And also, when I was coming onto the House Financial Services and you were coming into the SEC, I enjoyed our time that decade ago. So, as we talked about a couple of weeks ago, did the President ever

ask you to disband or dismantle the ODNI or the Intelligence Community?

Mr. CLAYTON. No, Senator, the President has given me no instructions other than to do a good job.

Senator BUDD. Great, thanks. A little while ago, you and Chairman Cotton were talking about economic security being national security, those two being synonymous. So, we've got an Intelligence Community largely established in 1947, around the Cold War period. So, what changes are necessary in the Intelligence Community to maintain economic security as well as national security?

Mr. CLAYTON. I don't want to say that the Intelligence Community is currently free from economic analysis in the provision of intelligence. But I do believe that the economic effects of various events should be more a part of intelligence assessments. Because economic effect markets move immediately. Markets react, and then people react to markets.

I mean, most interestingly today for all of us is the price of oil. Understanding the dynamics around the current and the long-term price of energy and the price of oil, I think is an essential part of any intelligence assessment.

Senator BUDD. Thank you. The men and women in the Intelligence Community, they do extraordinary work and most of the time they don't get any recognition. But sometimes there's a few bad eggs: Edward Snowden, David Rush, the gold bar guy. So, as DNI, you'll also be the executive agent for security, as I understand it. So, what's your vision for this role to ensure the security clearance process, and also to make sure we find and mitigate, head off these insider threats?

Mr. CLAYTON. I think there are two processes that fall, one is classification and overseeing classification, the other is overseeing security. It may not be super interesting, but we need to focus on both of those. I think the consensus that I've heard from people who know more than I do are that both of those are in need of a refresh to be more effective.

Senator BUDD. Thank you. I look forward to staying in touch on that and appreciate your work.

Chairman COTTON. Thank you. I think Senator Budd raised an important point. We all love our troops. Troops go through the airport, they're in uniform, people buy them a beer, they buy them a lunch. Some of us may have benefited from those freebies in uniform back in the day. Our intelligence officers don't get that gratitude.

So, let me just take the moment to join Senator Budd and express our thankfulness for everything they do, since they're not out there getting a beer and a sandwich bought for them when they're at airports or out of town. But we would be exposed to many more threats if it wasn't for them. Senator King.

Senator KING. Thank you, Mr. Chairman. I agree with your comments. Whenever I meet Members of the Intelligence Community, I say you don't get the flyovers at the football games, but we appreciate what you do.

Mr. Clayton, there's been some discussion earlier about the importance of analytical integrity, telling truth to power. The Intelligence Community Directive 203, which goes back more than a

decade, says this: any information from the Intelligence Community should be independent of political consideration. Analytic assessments must not be distorted by, nor shaped by advocacy of a particular audience, agenda or policy viewpoint. Analytic judgments must not be influenced by the force of preference for a particular policy. You concur with that, I presume?

Mr. CLAYTON. Yes.

Senator KING. So, I want to ask a follow-up question to the vice chairman. Who won the 2020 election?

Mr. CLAYTON. I've answered that question. I'm not going to get into that.

Senator KING. You have not answered that question. Could you answer the question? Who won the 2020 election? Pretty simple question.

Mr. CLAYTON. Yeah, I said I'm——

Senator KING. There is just two choices.

Mr. CLAYTON. I'm going to give you the same answer.

The answer to the chairman was—he asked me if I was an election denier. I am not an election denier. Joe Biden was certified as——

Senator KING. No, we all know Joe Biden was——

Mr. CLAYTON. He went through his process—we went through our electoral process, and I can tell you that I was in my seat at the SEC and worked hard for the transition.

Senator KING. I'm just asking a really simple question—who won the 2020 election?

Mr. CLAYTON. And as I said to you, we went through our processes, and Joe Biden became the President of the United States.

Senator KING. That's not an answer to the question of who—I'm asking you one more time, who won the 2020 election?

Mr. CLAYTON. I'm here to talk about my qualifications.

Senator KING. One of your qualifications is you told us you're going to tell the truth to power, and you won't answer a very simple question telling truth to power.

Mr. CLAYTON. I think I've answered it many times.

Senator KING. You have not answered it.

Mr. CLAYTON. Okay.

Senator KING. You have not answered it. Saying Joe Biden was certified is not an answer.

Why did you take it upon yourself to opine on the California election process to CNBC?

During the interview on CNBC, you said the "US is doing an absolutely terrible job on election integrity, and the American people are right to question it".

What's the basis of that statement? What's the evidence for that statement?

Mr. CLAYTON. Let me give you the context of the way I look at this, because we should have this kind of candid dialog. Elections are a process for gathering, aggregating, and providing data.

Senator KING. And who does the Constitution entrust the responsibility for elections?

Mr. CLAYTON. To the states in the case we're talking about.

Senator KING. Correct.

Mr. CLAYTON. To the states in the case we're talking about. But my experience, my experience at the SEC, my experience at the DOJ, my experience in the private sector is that the government processes for gathering, aggregating, and providing data need to be improved greatly.

Senator KING. Are you talking about elections?

Mr. CLAYTON. I'm talking about——

Senator KING. Or are you talking about inflation data?

My. CLAYTON. No, I'm talking about all government processes, including——

Senator KING. I want some evidence, and there isn't time here in a minute and 49 seconds, but you have a lot of time between now and when we move on your nomination. I would like a written analysis from you that gives evidence of voter fraud.

Mr. CLAYTON. I don't——

Senator KING. The real fraud in this country, Mr. Clayton——

Mr. CLAYTON. To be clear, Senator——

Senator KING [continuing]. Is the assertion that there's voter fraud.

Mr. CLAYTON. I did not make that assertion. I said——

Senator KING. An absolutely terrible job on election integrity. What did that mean?

Mr. CLAYTON. That meant that the audit trail that we have available for our elections in a number of places is not the kind of audit trail that you would expect in something that is this important. That's what it meant.

Senator KING. Is there a problem with voter fraud in this country?

Mr. CLAYTON. I don't think we can say definitively whether there is or is not until we have better processes.

Senator KING. We've had hundreds of analyses. We've had the Heritage Foundation study that found 1,650 cases out of 2 billion votes counted.

Mr. CLAYTON. I would love for the American people to have incredible confidence in the integrity of our elections.

Senator KING. I would, too, and I would appreciate if this Administration would cease undermining that confidence.

Mr. CLAYTON. I would like to work with this Committee from my perspective on ensuring that.

Senator KING. Well, for the record, I wish you would share any evidence you have that asserts that there was any problem of voter fraud significant enough to change the results of an election in this country.

Following up, why was your hearing postponed? What were you told? You were going to meet with us in a few hours, and suddenly it was pulled down. Why did that happen?

Mr. CLAYTON. I was requested and respected the request not to attend.

Senator KING. Were you given any reason?

Mr. CLAYTON. I'm not going to get into private conversations.

Senator KING. And you testified earlier, just to follow up briefly, you've had no involvement whatsoever with this proposed speech tomorrow night by the President. You have not been consulted, discussed any involvement, is that correct?

Mr. CLAYTON. That is correct.

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

Chairman COTTON. Senator Bennet.

Senator BENNET. Thank you, Mr. Chairman. I want to also thank you for your comments about Lindsey Graham at the beginning of today's hearing. We had a good discussion yesterday, Mr. Clayton, about Ukraine. I'm not going to repeat that here, but I know that his view of the situation and the view of the bipartisan support for Ukraine and the work that our Intelligence Community has done to support them is a really important project for all of us going forward.

I wanted to ask you, Mr. Clayton, about the subpoenas of the New York Times reporters. The reporting that I read is that the Secret Service had raised concerns about the security of President Trump's fill-in for Air Force One. And that there was a meeting at the White House with FBI Director, Kash Patel, and other DOJ officials to talk about that matter, to talk about the reporting that had come from the AP. And I think earlier, in an answer to Senator Wyden, you said that you had consulted with the career attorneys at the Southern District of New York.

My question is whether you consulted or anybody in the Southern District of New York, consulted with anybody in Washington, DC, at the White House or the Department of Justice before those subpoenas were issued. They were issued, I think, within just hours of the reporting. That struck me, as somebody who has worked at DOJ, as an unusually short period of time.

And particularly given the equities that are at stake when journalists are subpoenaed, the equities that are at stake when law enforcement is showing up at the doorstep of journalists in this nation. I think it's very important for you to explain this in the context of this nomination.

Mr. CLAYTON. Yeah, understood. I can't get into the specifics of an investigation, an ongoing matter. Let me say that I'm confident that the procedures that we have in place to protect the First Amendment and protect the freedom of the press and not result in intimidation of journalists or the like were followed.

They depend on the facts and circumstances, how much time you have. Those matters include ones you referenced, which is, are there other available sources for the information that we seek and have we sought that.

The other aspect of this is, you know, the tailoring of a particular subpoena and including the return date and when those people would be asked to appear or provide documents. It's expected in these types of cases, at least from mine, that, if there's counsel involved, we can further tailor those requests to make it the least intrusive way possible.

But let me just finish, if you don't mind.

Senator BENNET. Yeah.

Mr. CLAYTON. It is vitally important that if national security interests are at stake, that there's not a, what I would say, is a huge blind spot, where someone can use the ability to provide information to journalists, to get it out there, and including our adversaries, without any potential for discovering how that happened.

Senator BENNET. Well, I think this Committee is well aware of the intelligence equities that are at stake. That's why all of us do this work and provide this oversight. But I think all of us would agree that the First Amendment is not some sort of glaring loophole that it's out there, that's it's something that we need to follow.

And so, I'll ask you again, Mr. Clayton, did you or anybody at the Southern District of New York have conversations with anybody at the White House or the Justice Department in Washington, DC before you issued those subpoenas that resulted in New York Times reporters being served process at their homes?

Mr. CLAYTON. I can say it this way without getting into the investigation. The protocols require consultation with the Department of Justice in Washington, and we followed the protocols.

Senator BENNET. And did anybody in Washington, DC suggest to you or anybody on your team that you should issue subpoenas in this case following the AP report——

Mr. CLAYTON. I'm—I'm——

Senator BENNET. Following the AP——

Mr. CLAYTON. Yeah.

Senator BENNET. Reporting of the President coming back on an airplane that was unsuitable for the protection and the defense of the President of the United States?

Mr. CLAYTON. Yeah, I'm not going to get into the details. What I can tell you is that we followed those procedures. And those procedures, for the reasons that I believe firmly and you believe, protecting the freedom of the press being the least intrusive possible, require consultation.

Senator BENNET. And I would say, Mr. Chairman, and I know my time is up, the reason this is relevant to I think a lot of us, or certainly to me, is that this question of being able to speak truth to power, you know, in the context of intel I think is very similar to the question about whether or not we're able to push back in a moment like this.

Mr. CLAYTON. Yeah. And I want to assure this Committee that, in these types of circumstances, that concept of least intrusive possible is front of mind for me.

Senator BENNET. Thank you, Chairman. Thank you, Mr. Clayton.

Chairman COTTON. Thank you. Senator Rounds.

Senator ROUNDS. Thank you, Mr. Chairman. Look, first of all, I do think you're the right guy for the job and as I said in my earlier recommendation of you to the entire committee. But I want to give you an opportunity to talk a little bit about some of the new technologies that are being involved that we're going to have to address.

I don't think we've really talked a lot about what artificial intelligence is going to do and the integration of artificial intelligence, not just by our intelligence agencies, but also by our adversaries, and the focus that we're going to have to have on the amount of data that we collect and how we're going to have to organize that.

I know that you're brand new into this discussion and that you're going to be learning it at a high rate of speed. But can you talk a little bit about your concepts about how we take this huge amount of data that we've got and organize it, integrate it in such

a fashion that it's available to be able to make an analysis and to give the best advice to the leaders of this country?

Can we talk about how you see the integration of AI into this process?

Mr. CLAYTON. Thank you. Let me start by saying, talking about it in an area where I know, which is a huge data area, which is the way our markets operate and the resiliency of our markets and what I would say is their vulnerability to attack, and AI is a game changer and we should just all recognize that.

I commend the Treasury secretary for leading the way in this and the Federal Reserve, in calling the banks in to talk about what that means. I expect it's the same or at least it resonates in the Intelligence Community that AI is not only an opportunity but a threat.

When something's both an opportunity and a threat, you better get your arms around it.

Senator ROUNDS. Yeah. Look, the reason why I asked the question that way is I think that that AI is not only is a game changer, but it going to be seen by the American public, first of all, as a threat, because they're going to see it on social media. They're going to see the misinformation that comes out, the deepfakes and so forth.

But the other side of it, which is the quality of life that Americans are going to be able to receive because of improvements in our productivity and so forth, is going to far outweigh what the negative benefits or the negative implications are. But along with that comes the ability for our country to be able to gather huge amounts of data, a lot of which is going to be of concern to the American people, because it's going to be information on them.

And they're going to be concerned that government is collecting information on them, while at the same time, government, the IC community in particular, has to be able to collect information not so much on American people, but on the threats worldwide. And I think this is going to cause people to say, are you collecting data on us or are you collecting data on the rest of the world? And how do you separate that?

A lot of that has to do with a lot of the discussion regarding 702 and FISA and so forth. And artificial intelligence is just simply going to magnify that. Can we talk about how we approach that?

Because we need the artificial intelligence. We need to be better than our adversaries, collect more data, collect it faster, analyze it better, but we still have to have those protections. And the confidence of the American people that we're doing the right things with only the data that we're supposed to be collecting, I think will allow us to continue to move and to protect them. Can we talk about how we do that and how you see that, please?

Mr. CLAYTON. Well, I think the first thing is exactly what you said, Senator Rounds, recognizing that an issue that we're dealing with I think pretty well but can always get better is, you know, collect the data we need to provide a good intelligence product without violating people's Fourth Amendment rights, but also in a way that we can control and monitor that.

I expect it's just what you said, that AI is going to greatly amplify that collection ability, which amplifies the need for oversight

and controls to protect our citizens. I think we should just recognize that that's the case.

Senator ROUNDS. Yeah. Thank you. Look, Mr. Chairman, I just think that this is something that I think our committee is going to be directly involved with, and I think on both sides of the aisle. The implementation of this tool as we speed up the delivery of the decision making capabilities for our leaders has got to be one that the American people will continue to have confidence in. And I think that's part of the key reasons for having a discussion like this, is to let people know that we recognize that that threat is out there and that we're aware of it, and that, as we collect the data that we have to, we're going to be very careful about the coordination so that their rights are protected in this collection process.

Thank you, Mr. Chairman.

Chairman COTTON. Thank you, Senator Rounds. Senator Gillibrand?

Senator GILLIBRAND. Thank you, Mr. Chairman. And thank you, Mr. Clayton, for your service to our country. I want to just continue with the line of questioning that Senator Bennet had about the New York Times subpoenas. You said you don't want to get into it. I understand that. But the reason why we're asking these questions is because the subpoenas were issued so closely after a very long meeting at the White House.

There seemed to be an unnecessary urgency behind it and I'd like you to maybe comment on why there was this urgency. But more than that, they were served at the reporters' homes, and that is fairly unusual. That is not the least—what term of art did you use? The least——

Mr. CLAYTON. Least intrusive.

Senator GILLIBRAND. Intrusive means, serving at their homes. Normally a subpoena would be issued at their place of business, a corporate office. But again, delivering it to a private home seems quite aggressive. So, can you address the urgency and the home service?

Mr. CLAYTON. What I said before is I'm not going to get into the specifics of and the circumstances of the matters being investigated.

Senator GILLIBRAND. Understood. So, I just want to talk about the process.

Mr. CLAYTON. And so—and so—and so——

Senator GILLIBRAND. I get you don't want to talk about the substance.

Mr. CLAYTON. Yeah. And then on the process, how quickly you would do something following the process depends on those facts and circumstances of the investigation, including the potential spoliation, you know, of information and the timeliness of the threat. I think I'm going to leave it at that. But this was a judgment, and it should always be a judgment that's made collectively.

That's the way I look at these things.

Senator GILLIBRAND. Well, I would just urge that this doesn't sound like the proper independent legal process that we would normally expect for issuance of a subpoena. The characteristics surrounding it seem rushed, aggressive with an unnecessary urgency. And I would just caution you in your role, you are going to have

many times when you may be influenced to engage in investigation because the White House is unhappy with a report.

The thing about this particular issue is that the plane was reported on months ago, months and months ago, about the concerns that, because it was built by Qatar, that it wouldn't have the same security aspects that one would need to protect a President. And so, this just doesn't ring true, that your process was a thoughtful, deliberative, and normal oversight process.

And that is why this Committee is deeply concerned. Do you understand that?

Mr. CLAYTON. I understand your concerns. But I want to tell you I am comfortable with where we are——

Senator GILLIBRAND. Um-hmm.

Mr. CLAYTON. And I'm comfortable with how we are proceeding from here.

Senator GILLIBRAND. Okay. Well, we expect judicious, thoughtful legal processes from this Committee. The second thing that this Committee's concerned about are this issue of election security. Senator King tried to get you to say did he win or not win the election? President Trump has an issue with whether he wins or doesn't win elections and it's affected your office, and I need you to understand how it's affected your office.

After the 2016 election, there was allegations that there was foreign interference by Russia, and President Trump was very concerned that somehow his election was not on the up and up. And so, what he did in response when he became President was he eliminated every aspect of your office's oversight of the election process from cyber threats.

You had personnel that were very knowledgeable about cyber threats, especially foreign influence. There were personnel at CISA, there were personnel at the FBI, and they were all fired. And then President Trump now wants to make sure that the 2020 election, that nobody says Biden won the election. So, you can understand why this Committee is concerned that you won't say Biden won the election, because it just reeks of this insecurity by the Trump Administration about election security.

So, when you say election security is important to you, I want to make sure that you understand the ODNI has a responsibility towards cyber security, towards election security that's not about voter fraud, but about the influence of foreign countries on our election security.

Do you understand that?

Mr. CLAYTON. Absolutely, and it is a significant concern of mine. One of the things that I did not get an opportunity to talk about before, cybersecurity has been part of my private sector and public sector practice for well over a decade, going on close to two decades.

Senator GILLIBRAND. So, will you add that back to ODNI? Because it was taken out by Gabbard——

Mr. CLAYTON. When I was—yes.

Senator GILLIBRAND. By Director Gabbard.

Mr. CLAYTON. When I was talking about processes and integrity of our elections, cybersecurity is front of mind.

Senator GILLIBRAND. So, will you restore the cybersecurity complement to your job as well as the biosecurity threats and as well as the Foreign Malign Influence Center?

Mr. CLAYTON. I can commit to making an assessment, and to the extent that more resources are needed or more focus is needed or more coordination is needed as an——

Senator GILLIBRAND. Well, we would urge there are more resources and focus needed in those three areas.

Mr. CLAYTON. And I look forward to dialoging with you on that.

Senator GILLIBRAND. Thank you, Mr. Chairman.

Chairman COTTON. Thank you, Senator Gillibrand. Senator Lankford.

Senator LANKFORD. Mr. Chairman, thank you. Mr. Clayton, good to see you again on it. You have served the nation in multiple different roles before in leading the SEC, and did a very good job there, in Southern District of New York and the US Attorney's Office. You've got a very unique experience and background walking in on intelligence.

You've handled money laundering, drug kingpins. You've handled international terrorists and foreign terrorist organizations, counter-espionage cases. You've handled a lot of things as a prosecutor in this. My question to you is, how does that experience, in knowing what is needed to actually prosecute individuals, affect how you approach this task in helping the Intelligence Community trying to be able to gather information?

Mr. CLAYTON. Great to see you. Thanks.

Senator LANKFORD. Good to see you again.

Mr. CLAYTON. The role that you just described is one that I believe draws on a lot of the experience that I've had as a counselor for years, and that is that I want to be respectful that the Intelligence Community is about providing information and an analysis, not setting policy or making decisions.

And I look forward to playing that role as ODNI. I think that my experience as a consumer of that type of information will help me provide the information in the way that is best for the consumers I serve. I always worry that people who are the providers of information are providing it for themselves and not for the end user in the most effective way for the end user.

Maybe we're doing that. Maybe we're not. I hope we are, but I also want to say, as Senator Cotton noted and others have noted, the women and men of the Intelligence Community are incredible. I look forward to working with them, learning from them, and figuring out how to provide that best possible intelligence product.

Senator LANKFORD. Ok. That would be very helpful. And it's helpful to all the policymakers to have the best, clearest, non-safe, if I can say it that way, documents, to just get the information out so people can make the decisions based on the information that we actually have. That would be helpful. And as a consumer of that, I would assume that makes a difference for you.

ODNI started out as a very small entity after the 9/11 attacks, as you know well. It has grown to a multi-thousand person organization that there have been a lot of questions around this dais to try to figure out is it the right size. We have a lot of people that are detailed from a lot of our intelligence agencies to the Director

of National Intelligence Office now, and we're trying to be able to figure out if that's the right places to continue to be able to pull people out of their agencies and pull them over there, or if some of them need to return back to their agencies.

Obviously, you're not there at this point, but you've led a lot of large organizations. Tell me process-wise how you walk in to be able to look at are we right sized, right tasked? Do we have people here that need to actually be there? How do you make those decisions?

Mr. CLAYTON. Thank you. I tried to outline in my opening remarks——

Senator LANKFORD. Right.

Mr. CLAYTON. What is our mission, the safety and security of the American people. How do we deal with that every day? We provide decision makers with the best possible intelligence product. What is the structure over the Intelligence Community with the role that we have, which is supposed to be oversight and integration, not operations.

What is the structure that best serves that? That's how I intend to look at it. And specifically, where do people return, where do they stay, the analogy that is in my mind is a board of directors that oversees a number of subsidiaries. In most cases, that board of directors is fairly lean and relies on reporting from the subsidiaries, with, you know, some efforts to synthesize some committees, that is what is in my mind.

One thing you don't want to do as a member of a board of directors, whether you're in oversight or empowerment or both, is get into the day to day of management. You lose perspective.

Senator LANKFORD. You have handled terrorism cases coming straight out of Iran and threats that have come to us. For 47 years, the United States and American citizens all around the world have faced terrorism threats from Iran and the growth of the proxy terror organizations. What can you tell us at this point, based on your experience from the Southern District of New York and your prosecution side of things, and then also some of the work that you have done in the past just dealing with money laundering and the movement of money, of the most effective way to be able to deal with the threats that we're facing right now from Iran?

Mr. CLAYTON. The threat's real. It's not hypothetical. Look, all you need to do is look at the people who we have arrested in the last year and what they have done. They intend to do our citizens harm. They are well funded, and they are well funded through channels that we need to do a better job of monitoring.

Our traditional banking channels I think are fairly well monitored. There are new channels, I would say digital asset platforms, other channels, where funding takes place that we need to do a better job on.

Senator LANKFORD. Ok. Thank you. I yield back.

Chairman COTTON. Senator Kelly.

Senator KELLY. Thank you, Mr. Chairman. Mr. Clayton, thank you for being here. I've got a couple very basic questions and then I want to get a little bit of your opinion on the threats we face if we have time.

So, can you tell me why Joe Biden was certified as the winner of the 2020 election?

Mr. CLAYTON. I'm going back to my constitutional law here, but I don't want to continue to have a debate about this. But I believe he had the most electoral votes.

Senator KELLY. So, he won the election?

Mr. CLAYTON. He followed our process, had the most electoral votes, was declared the winner and——

Senator KELLY. And who has the most electoral votes? Is it the person that wins or the person that loses?

Mr. CLAYTON. I think that's your characterization. I'm not going to continue do this.

Senator KELLY. The reason why we struggle with this, and I think it's especially important in the job you're nominated for, is because it seems that folks who are nominated for these positions just fundamentally refuse to disagree with something the President says. And the problem I have with this is he isn't in the room today.

You're going to be in a room with him many times, and at times you should have a difference of opinion. And if you can't disagree with him when he's not in the room, are you going to be able to disagree with him when you're sitting across from him in the Oval Office or the Situation Room? That's what I struggle with because this job is different.

This job, it's not about softening the edges when the truth is unpleasant, it's about delivering information and making sure the President understands that information. And by the way, people risk their lives to get this information. And if it's not transmitted to the President, if he doesn't understand it, I mean, there's going to be disagreements.

Mr. CLAYTON. Um-hmm.

Senator KELLY. We expect that. But I really struggle with this, especially in your position, because you can't disagree with him on this because he doesn't like the fact that he lost in 2020. Look, as you said,——

Mr. CLAYTON. And I—I——

Senator KELLY. Joe Biden was certified because he got the most electoral votes. That means he won, but you still refuse to say that.

Mr. CLAYTON. And I was sitting at the SEC when this occurred, and I can tell you that maybe people worked harder, but I don't think anybody I know worked harder to make an effective transition to my successor at the SEC. And in terms of your question, I have every confidence that I will deliver on my job candidly, independently, and with my best judgment.

Senator KELLY. But just not in this room. Okay, let me move on. So, I want to just hear from you, what do you think our top threats are that we face as a nation today? Let's just talk about the top three.

Mr. CLAYTON. From where I sit today, terrorism from many sources. I believe that we have done a good job of reducing the threat, but drug trafficking and the deaths from fentanyl into the United States were an incredible threat. The combination, I'm not going to speak about any specific, I'm illuminating that. I'm not

going to say about any specific country, but the combination in certain countries of cartels, military and business, is very dangerous.

Senator KELLY. How do you——

Mr. CLAYTON. Lastly, I would say our traditional adversaries, Senator Kelly, that we've talked about.

Senator KELLY. Terrorism, drugs, cartels and traditional, I assume you mean Russia, China?

Mr. CLAYTON. Russia, China, and Iran.

Senator KELLY. And with regards to Russia and China, I have about 40 seconds left, what specifically would you do as DNI to help our country deal with those threats? Since we only have 30 seconds, just talk to me about Russia and Ukraine.

Mr. CLAYTON. Russia, Ukraine, China, one thing that I elaborated before that I think I can be extremely helpful on is the economic strategies that are involved in our engagement with them across conflict and cooperation. You know, we still cooperate extensively with China on the world stage economically.

Senator KELLY. Do you think the economic issue with Russia outweighs the national security risk to our allies?

Mr. CLAYTON. I think that they are very closely tied. How do a number of these threat actors fund themselves? It's energy, other things. I think you and I talked about this. Some of our, I would say, most formidable threat actors are the ones who are the most well-funded.

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

Chairman COTTON. Senator Young.

Senator YOUNG. Thank you, Chairman. Good to see you, Mr. Clayton. I am grateful for your longstanding service to our country. Thanks to your family for all it's done and all it's prepared to do after you're confirmed. I want to build on some of our conversations that we had in the office, which I found productive, and turn to issues of technology and economic security, which you know are important to me. As chairman of the SEC and more recently as a U.S. attorney, you had a lot of experience in advancing American economic and technology security, especially from manipulative practices of our strategic competitors and adversaries. Maybe you could just speak to that.

Mr. CLAYTON. Senator Young, it troubles me and it very much troubled me that foreign actors, sometimes state sponsored actors, abused our securities markets, abused them in some traditional ways, in nontraditional ways, including what we refer to as pump and dump schemes, basically luring, you know, unsuspecting American citizens into investing in securities that were not worth what they were, you know, projected to be, taking that money, prices drop, running away, being offshore.

And as I, one of the problems with our global markets is our ability to go get bad actors that act from outside of the United States is very limited.

Senator YOUNG. And I've proposed some measures to help the SEC crack down on this. They've not prioritized this in the last year or so, so I'll continue to work that set. But I want to be supportive in this capacity, this intelligence capacity that you'll assume, to help our nation crack down on that.

From your tenure at SEC, how might you approach ensuring that there's adequately intel support to our federal entities that aren't traditionally known as national security entities, USDA, Commerce, SEC?

Mr. CLAYTON. Yeah. Let me give you a recent example that we had in the Southern District about Commerce and chips and our restriction on chip shipments to certain of our adversaries. That's an extremely important national security issue. We wouldn't be restricting those chips if it were just a commercial issue. It is a sort of capabilities issue, and that's something that we need, I believe, to continue to work with other agencies on.

Senator YOUNG. So, it's important for me to hear you say that, because conceptually, I sit on a number of committees, most of which deal with what I think an outsider would regard as strictly economic issues. I've always approached them first and foremost from a national security perspective. I think it's really important that all our agencies are first thinking about national security before they think about anything else. So, I'm grateful for that mindset.

Last thing I want to turn to in our brief time today is following what is now law as it relates to COVID declassifications, I authored a requirement in last year's Intel Authorization Act for ODNI to review intelligence for public release relating to China's efforts to cover up the COVID pandemic and interfere with our response.

Do you commit to following the law, ensuring that this review is completed as soon as possible and ensuring all appropriate intelligence is released so the world can better understand China's bad behavior? Yes or no, please?

Mr. CLAYTON. I have a hard time with yes or no answers. Sorry. But what I can say is I think there's a whole lot more to learn from what happened in COVID. And there's a lot of work for, I hope to know more. There's a lot of work for our Intelligence Community to do to ensure that the American people have access to that learning. And to the extent it should be classified, that you have access to that learning.

Senator YOUNG. I gave you important qualifiers there.

So, as soon as possible, that was a qualifier, and because it can be difficult, especially in this format, to internalize the question——

Mr. CLAYTON. On that——

Senator YOUNG. I'm not trying to trip you up.

Mr. CLAYTON. No, no, no. On that, yes.

Senator YOUNG. And then ensuring all appropriate intelligence is released. I mean, you have a legal background. There's a lot of room there.

Mr. CLAYTON. Ok. I'll take——

Senator YOUNG. Yes?

Mr. CLAYTON. I'll take it, yes.

Senator YOUNG. All right. All right. Thank you

Chairman COTTON. Senator Reed?

Senator REED. Thank you very much, Mr. Chairman. Welcome, sir. In a speech of September last year, you highlighted the great successes of the Southern District of New York. Specifically calling

out, and I quote, "the successful prosecution of the former President of Honduras and other high level Honduran officials for narcotics trafficking and firearms charges, for partnering with some of the largest and most violent cartels in the world to distribute tons of cocaine to the United States".

Is that correct? Yes.

Mr. CLAYTON. Yeah, I think so. I think that's——

Senator REED. Fair. Now, on November 28, 2025, President Trump issued a full and complete pardon to Juan Orlando Hernandez. Were you consulted about the pardon?

Mr. CLAYTON. I'm not going to get into the pardon process here. The President's pardon power, I think there's only a few powers in our Constitution that are unreviewable and absolute, that's one of them. And whether it's President Biden, President Trump or a future President, that's their power.

Senator REED. Are you aware of any quid pro quo regarding the pardon?

Mr. CLAYTON. I'm not aware of any such thing.

Senator REED. Why would the President of the United States pardon someone that you had convicted and described as being involved in violent activities and allowing tons of cocaine to enter the United States?

Mr. CLAYTON. Like I said, I'm not going to discuss a specific pardon thing, that's the President's pardon power.

Senator REED. Well, it seems to me that all the rhetoric that we've heard about fighting drugs in fact, we've killed over 200 people in the Caribbean and Pacific because they were not Presidents of countries, but minor dealers in or transporters of heroin. And yet here is a king maker or a king piece who gets to walk.

Mr. CLAYTON. Senator Reed, what I can say, and I want to be very clear I'm not talking about the specific instance. But in our efforts to counteract the serious drug threat from south of our border, we engaged with the Department of State, others, on matters of this type as a whole-of-government approach to this type of threat.

Senator REED. Thank you. Admiral Paparo, who's an extraordinary commander of INDOPACOM, indicated that in testimony before the Armed Services Committee that allowing China to get access to sophisticated chips would eventually come at the expense of American service Members in a conflict. So, if we're giving chips to China, we're threatening or at least making it more difficult to the survival of our troops.

President Trump, after speaking with Xi, announced a significant policy change to sell H200 chips to China. Do you agree with the transfer of these advanced chips threatens our military security and, more particularly, the lives of our service Members?

Mr. CLAYTON. Senator, I'm not familiar with that particular decision, but you raise a point that I'm very proud of what my office and our partners were able to do. Chips that were sanctioned and subject to criminal sanction for being diverted to China, we brought that case.

Senator REED. I know, and you successfully convicted people for taking the very same chips and getting them into China. The President of United States turns around and gives them to Xi. And the

logic, I think, of your case was these chips would have been detrimental to the security of the United States. Is that correct?

Mr. CLAYTON. Well, I mean, the logic of our case from a prosecutor's point of view was it was illegal to do it, it was a priority for the Department of Commerce and we brought the case.

Senator REED. Thank you. One of the things that everyone in your business has to do is speak truth to power, particularly when it's very uncomfortable to do that.

After Operation Midnight Hammer, Lieutenant General Jeffrey Kruse of the Defense Intelligence Agency allowed his analysis to go forward, which said that it did not obliterate the atomic nuclear capacities of Iran. And he was summarily fired for speaking truth to power. It's interesting now because we're at war with Iran, and one of the principles is that they have a nuclear capacity that we didn't take out. Now, I think it appears General Kruse was truthful and he was punished for being truthful. In your position, you're going to have to stand up to the President and say, no, you can't do that.

Are you prepared to stand up?

Mr. CLAYTON. Senator, that's a hypothetical.

Senator REED. No, it's not hypothetical. It happened.

Mr. CLAYTON. But let me just say, in my many years in public and private sector, I've given people my views in the appropriate form and the appropriate way. I'm completely comfortable that I'll continue to do that.

Senator REED. Thank you very much, Mr. Chairman.

Chairman COTTON. Senator Ossoff.

Senator OSSOFF. Thank you, Mr. Chairman. Mr. Clayton, welcome. Congratulations on your nomination. You have an obligation to be honest and forthright with this Committee, correct?

Mr. CLAYTON. Yes.

Senator OSSOFF. And is it the case in the Juan Orlando Hernandez case that the President of the United States pardoned a man who had worked with the Sinaloa cartel to facilitate massive narco trafficking into the United States?

Mr. CLAYTON. I don't remember the specifics of that case.

Senator OSSOFF. He was convicted in your district.

Mr. CLAYTON. He was convicted in our district. We convict a lot of people for a lot of drugs.

Senator OSSOFF. Convicted of narco trafficking, yes?

Mr. CLAYTON. I believe so.

Senator OSSOFF. Know so, at massive scale, yes.

Mr. CLAYTON. Well, you're telling me what I know. That's kind of—look, I'll take your word for it, he was a convicted narco trafficker.

Senator OSSOFF. Did the President of the United States, Donald J. Trump, pardon a convicted narco trafficker?

Mr. CLAYTON. I believe we just discussed that. The President provided a pardon, yes.

Senator OSSOFF. Yes or no? Did the President of the United States pardon a convicted narco trafficker?

Mr. CLAYTON. Yes.

Senator OSSOFF. Who won the 2020 election?

Mr. CLAYTON. I'm not going to do this with you.

Senator OSSOFF. This is a job interview. We've established that you have an obligation to be honest and forthright with the committee, yes? You do have an obligation to be honest and forthright with the committee?

Mr. CLAYTON. Yes.

Senator OSSOFF. Who won the 2020 election?

Mr. CLAYTON. Like I said, I'm not going to get into that with you.

Senator OSSOFF. But you do have an obligation to be honest and forthright with the committee?

Mr. CLAYTON. Is anything that I just said not honest or forthright?

Senator OSSOFF. Yes, you're not being honest or forthright. Who won the 2020 election?

Mr. CLAYTON. I think I've answered the question. We can keep doing this.

Senator OSSOFF. Well, we're going to keep doing it because you're not being honest and forthright.

Mr. CLAYTON. I'm not going to engage in the theater.

Senator OSSOFF. It's a simple question, Mr. Clayton, who won the 2020 Presidential election?

Mr. CLAYTON. I've answered it.

Senator OSSOFF. You're here asking for the support of Senators to lead America's Intelligence Community. We've established that you have an obligation to be honest and forthright with this Committee and with the American public, but you refuse to answer a simple matter of fact about the 2020 election, is that right?

Mr. CLAYTON. No, that's not right.

Senator OSSOFF. Then answer the question, who won the 2020 election?

Mr. CLAYTON. I have answered the question.

Senator OSSOFF. Answer it. What is your answer?

Mr. CLAYTON. I've given you my answer.

Senator OSSOFF. What is your answer?

You refuse to answer a basic question about who won a Presidential election, but you ask to lead America's Intelligence Community. Isn't it humiliating to be unable to answer this question, to have to indulge the President's delusions? We know, you know, everybody in this room knows the truthful answer to that question. Why can you not give it?

Mr. CLAYTON. I think I gave you the answer.

Senator OSSOFF. Are you aware that Director Gabbard was present at the Fulton County raid in Georgia earlier this year?

Mr. CLAYTON. You discussed that with me yesterday in your office.

Senator OSSOFF. Are you aware that Director Gabbard was present at the Fulton County raid earlier this year?

Mr. CLAYTON. You brought it to my attention yesterday.

Senator OSSOFF. What is going on here?

You've said at the beginning of this you have an obligation to be honest and forthright with the committee. I'm asking a very simple question.

Mr. CLAYTON. Actually no, you're asking me——

Senator OSSOFF. Are you aware that Director Gabbard was present at the Fulton County raid earlier this year? Yes or no? Are you aware? You won't answer that question either.

Mr. CLAYTON. I just said I was made aware of it by you yesterday.

Senator OSSOFF. The first time you learned that Director Gabbard was present at that raid was in my office yesterday?

Mr. CLAYTON. It was the first time that, in my recollection, I've thought about it recently. Now, was I aware of it before that?

Senator OSSOFF. What?

Mr. CLAYTON. I mean, you brought it to my attention yesterday. I had not thought about it until you brought it to my attention yesterday.

Senator OSSOFF. Your answers lack credibility. Your testimony lacks credibility. You're being evasive, and you're not being candid or forthright. And everybody across the country is going to watch this and know that.

Are you aware that former director Gabbard testified that her presence at the raid was, quote, "requested by the President"?

Mr. CLAYTON. I'm not aware of that until now.

Senator OSSOFF. Okay, you are now aware of that?

Mr. CLAYTON. Yeah.

Senator OSSOFF. Are you aware that Members of this Committee are already probing Director Gabbard's potential misconduct in this matter?

Mr. CLAYTON. No, I'm not privy to your probe into——

Senator OSSOFF. Are you aware that the general counsel and deputy general counsel of your office have already provided testimony to this Committee regarding this matter?

Mr. CLAYTON. No.

Senator OSSOFF. If the White House Chief of Staff or the President asks you to travel somewhere across the United States and oversee the execution of a domestic search warrant on a sensitive election facility, will you do it? Is that appropriate? Is that appropriate for the Director of National Intelligence?

Mr. CLAYTON. That's a hypothetical.

Senator OSSOFF. We all know it's not appropriate for national intelligence.

Chairman COTTON. Senator Ossoff your time has expired.

Senator OSSOFF. Will you answer the question?

Chairman COTTON. Your time has expired.

Senator OSSOFF. Will you give him the opportunity to answer the question? Is this not material right now, sir? Is it appropriate for the Director of National Intelligence to oversee the execution of domestic search warrants at sensitive election facilities? Yes or no?

Mr. CLAYTON. I think you're asking me, as you just said in your first comment to me——

Senator OSSOFF. Yes or no? Is it appropriate? No?

Mr. CLAYTON. You are asking me to comment on a matter that you just said was under investigation.

Senator OSSOFF. No, I'm asking you——

Chairman COTTON. Okay, Senator Ossoff, your time is expired.

Senator OSSOFF. Disqualifying.

Chairman COTTON. Vice Chairman, do you have anything to add?

Senator King, I did not recognize you, I recognized the vice chairman.

Senator KING. Senator Cotton.

Chairman COTTON. I did not recognize you, I recognized the Vice Chairman.

Senator KING. Mr. Vice Chairman, will you make the point?

Vice Chairman WARNER. I will make a point. I want to make a couple of points. One, I strongly disagree with you about the issue of drug trafficking being more important at this point than the threat of China or Russia, but that—you're going to have——

Mr. CLAYTON. I'm sorry, let me, please—he asked me for the most ones. I did not rank them in order. I did not rank them in order.

Vice Chairman WARNER. I want to make one point then I want to come back to the point that my colleagues have been making, because this is an area that you're familiar with in terms of Securities and Exchange Commission work. We are working diligently on a bill to create a set of laws around digital assets. From your work as a US attorney in the Southern District, from your focus on drug trafficking, is it not the case that many drug traffickers use digital assets to transfer funds?

Mr. CLAYTON. Yes.

Vice Chairman WARNER. Is it not the case, as we try to work through this legislation, to try to make sure there are barriers and restrictions that we should not grant this new industry, which has a huge potential, one of the few that says, we've got to put some rules here, at least on this side of the aisle, that we should not open up huge new loopholes that would allow self-dealing, adjacent transactions.

With your focus on drug trafficking, making sure that we don't create additional holes for a tool that has already been abused, would that not be important from a national security standpoint?

Mr. CLAYTON. Senator, having AML, KYC, anti-money laundering, know your customer across the financial service sector and financial flows is essential to national security.

Vice Chairman WARNER. And should you be confirmed, this is going to be happening very quickly one way or the other. I want to make sure that those are—you would be able to weigh in.

I just want to say this; I've known Mr. Clayton for some time. I've worked with him; I've worked with him closely when he was at the SEC. But I am bitterly disappointed and we've tried umpteen different ways to give you the ability to just acknowledge that Joe Biden was the President.

It was fairly——

Mr. CLAYTON. I've acknowledged, Senator, that Joe Biden was the President, I've acknowledged that.

Vice Chairman WARNER. And fairly and duly elected.

Mr. CLAYTON. And fairly and duly elected under our process.

Vice Chairman WARNER. Well, I'll have follow-up questions. I also have to say, as someone who has spent an enormous amount of time on this election interference issue, that it strains credibility. And I trust you, I know you, but it strains credibility to think that you were not aware of Director Gabbard's intervention in domestic

election activities in Fulton County, and that that was subject of a great deal of consternation and review.

Again, maybe the framing of the Senator's question you didn't appreciate. But even if you weren't aware, in preparation for this hearing, I would have thought, hey, we've got to be ready for the Gabbard questions.

Mr. CLAYTON. Yeah, look, it just wasn't something that was on my mind before the preparation for this hearing.

Vice Chairman WARNER. The idea that you acknowledged in your opening comments, and to me, that the role of the DNI is to look at foreign malign influence, it is outward looking, it is not to participate in domestic law enforcement on a case that I believe, and you can have a completely different view of this, and my Republican colleagues probably do. But on a case of relitigating the 2020 election activity in Georgia, to say that that wasn't on your agenda, an issue that would be asked.

Mr. CLAYTON. No, after Senator Ossoff raised it, it was. And to be clear, the ODNI's role is principally outside the United States. The Intelligence Community's role is principally outside the United States.

Vice Chairman WARNER. Thank you, Mr. Chairman.

Chairman COTTON. Thank you, Mr. Clayton, for your testimony today.

Senator KELLY. Mr. Chairman, do we have time for any follow-up questions?

Chairman COTTON. No, there's no second round. The Capitol Police will remove the annoying lunatic from the crowd.

I apologize to lunatics for comparing that guy to them.

Mr. Clayton, thank you for your testimony today. As a reminder, we expect to have a vote next week. Members' questions for the records will be due today at 5:30. Mr. Clayton, I trust you can respond to those no later than 5:30 on Friday.

This hearing is adjourned.

(Whereupon the hearing was adjourned at 11:40 p.m.)

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: Walter Joseph Clayton III ("Jay Clayton")
   OTHER NAMES USED: Jay Clayton

2. DATE AND PLACE OF BIRTH: **REDACTED**
   CITIZENSHIP: USA

3. MARITAL STATUS: **REDACTED**

4. SPOUSE'S NAME: **REDACTED**

5. SPOUSE'S MAIDEN NAME IF APPLICABLE: **REDACTED**

6. NAMES AND AGES OF CHILDREN:

NAME	AGE
REDACTED	

7. EDUCATION SINCE HIGH SCHOOL:

INSTITUTION	DATES ATTENDED	DEGREE RECEIVED	DATE OF DEGREE
University of Pennsylvania Carey Law School	1990 – 1993	J.D.	May 1993
University of Cambridge	1988 – 1990	B.A./M.A. (Economics)	June 1990
University of Pennsylvania	1986 – 1988	B.S.E. (Engineering)	June 1988
Lafayette College	1984 – 1985	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).

EMPLOYER	POSITION/TITLE	LOCATION	DATES
Dept. of Justice	U.S. Attorney Southern District of New York	26 Federal Plaza, 37 floor New York, NY 10278	Apr. 2025 – Present
CFGI LLC	Board Member	1 Lincoln St, Suite 1301 Boston, MA 02111	Jan. 2024 – Apr. 2025

Brevan Howard	Advisor	1345 Avenue of the Americas, 20th Floor New York, NY 10105	June 2023 – Apr. 2025

EMPLOYER	POSITION/TITLE	LOCATION	DATES
Stanford University	Lecturer in Law	450 Jane Stanford Way Stanford, CA 94305	Sept. 2023 – Sept. 202
American Express Co.	Board Member	200 Vesey Street New York, NY 10285	Oct. 2023 – Apr. 2025
Electric Capital Partners, LLC	Advisor	536 Bryant Street Palo Alto, CA 94301	Aug. 2022 – Apr. 2025
One River Digital Asset Management, LLC	Member, Academic and Regulatory Committee	2200 Atlantic Street, Suite 310 Stamford, CT 06902	Apr. 2021 – Dec. 2024
Fireblocks, Inc.	Advisory Board Member	441 9th Avenue, Suite 15A New York, NY 10001	Apr. 2021 – Apr. 2025
Apollo Global Management, Inc.	Independent Chair and Lead Independent Director	9 West 57th Street, 43rd Floor New York, NY 10019	Mar. 2021 – Apr. 2025
Sullivan & Cromwell LLP	Senior Policy Advisor and Of Counsel	125 Broad Street New York, NY 10004	Mar. 2021 – Apr. 2025
U.S. Securities and Exchange Commission	Chairman	100 F Street, NE Washington, DC 20549	May 2017 – Dec. 2020
Sullivan & Cromwell LLP	Partner	125 Broad Street New York, NY 10004	Aug. 2005 – Apr. 2017
Sullivan & Cromwell LLP	Partner/Associate	Javelin Group, 1 New Fetter Lane London, England EC4A 1AN	Mar. 2000 – Aug. 2005
Sullivan & Cromwell LLP	Associate	125 Broad Street New York, NY 10004	May 1998 – Mar. 2000
Sullivan & Cromwell LLP	Associate	1700 New York Avenue NW, 700 Washington, DC 20006	Oct. 1995 – May 1998
U.S. District Court E. District of PA	Law Clerk to Judge Marvin Katz	601 Market Street, No. 2609 Philadelphia, PA 19106	Aug. 1993 – Aug. 1995
Sullivan & Cromwell LLP	Summer Associate	125 Broad Street New York, NY 10004	June 1992 – Aug. 1992
Dechert, Price and Rhoads (now Dechert LLP)	Summer Associate	2929 Arch Street Philadelphia, PA 19104	June 1991 – Aug. 1991
Congressman Curt Weldon	LBJ Intern	Cannon House Office Building Washington, DC 20003	June 1990 – Aug. 1990

ClayMark Distribution Services Inc./PennTech Transfer Corp	Analyst/Programmer	1601 North 6th Street Reading, PA 19601	Mar. 1987 – June 1993 (est.)
Ocean City Beach Patrol	Lifeguard	98 Boardwalk Ocean City, NJ 08226	June 1988 – June 1989

Uncompensated Positions

EMPLOYER	POSITION/TITLE	LOCATION	DATES
National Association of Securities Professionals	Member Advisory Council	1600 K Street NW, Suite 600 Washington, DC 20006	May 2022 – April 2025
Collectable Technologies, Inc	Strategic Advisor	333 Westchester Avenue, 2100 White Plains, NY 10604	May 2022 – June 2023
Lehigh University	Board of Trustees Member	27 Memorial Drive West Bethlehem, PA 18015	Aug. 2021 – June 2024
Millennium Management LLC	Member, Regulatory & Compliance Council	399 Park Avenue New York, NY 10022	Mar. 2021 – Apr. 2025
University of Pennsylvania	Adjunct Professor	3733 Spruce Street Philadelphia, PA 19104	Mar. 2021 – Apr. 2021
University of Pennsylvania Institute for Law and Economics	Co-Chair	3733 Spruce Street Philadelphia, PA 19104	Apr. 2022 – Apr. 2025
CNBC LLC	Contributor	30 Rockefeller Plaza, Floor 270E New York, NY 10112	Feb. 2021 – Nov. 2024
University of Pennsylvania Carey Law School	Adjunct Professor	3501 Sansom Street Philadelphia, PA 19104	Sept. 2009 – Apr. 2017

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).

See Above, Question 8.

Government experience in addition to the positions listed in Question 8 appears below.

April 2026 – Present
Department of Justice
Attorney General's Advisory Committee
Chair

January 2022 – Present
Federal Deposit Insurance Corporation
Systemic Resolution Advisory Committee
Member

May 2017 – December 2020
Financial Stability Oversight Council (Federal Government)

1500 Pennsylvania Avenue, NW
Washington, DC 20220
Member

May 2017 – December 2020
Financial Stability Board
Bank for International Settlements
Centralbahnplatz 2
CH-4002 Basel
Switzerland
Member

May 2017 – December 2020
President's Working Group on Financial Markets (Federal Government)
C/O Secretary of the Department of the Treasury
1500 Pennsylvania Avenue, NW
Washington, DC 20220
Member

May 2017 – December 2020
Federal Housing Finance Oversight Board
C/O Director of the Federal Housing Finance Agency
400 7th Street, SW
Washington, DC 20219
Member

May 2017 – December 2020
International Organization of Securities Commissions
Oquendo 12, 28006
Madrid, Spain
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.

In connection with my service as the U.S. Attorney for the Southern District of New York, I oversee a unit in our Criminal Division that directly focuses on national security, our National Security and International Narcotics Unit ("NSIN"). NSIN interacts with various U.S. intelligence and counterterrorism personnel daily. On various occasions, I have been directly involved in these matters, including in setting investigative strategy, delineating roles of U.S. personnel, and ensuring that various components of the U.S. government are coordinated and that sensitive matters are protected to the maximum extent practicable.

During my time at the SDNY, NSIN has had many notable successes, including, among others, (1) the prosecution of Nicolás Maduro and the related prosecution and guilty plea of Hugo Carvajal, (2) the prosecution of the Governor of Sinaloa and nine others in an alleged narcotics conspiracy, and (3) the prosecution of Mohamed Al-Sadia, a dual Iranian-Iraqi national and alleged affiliate of Kata'ib Hizballah and the IRGC, in connection with over a dozen terrorist attacks across Europe and two attempted terrorist attacks in the United States.

Other units at the SDNY engage with specialized intelligence personnel and pursue important matters involving national security more episodically. Our anti-money laundering prosecutions frequently involve engagement in these areas. Over the past nine months, I have engaged continuously with our personnel, as well as personnel from the Department of Treasury, the Department of State, and other agencies on these matters with a particular focus on (1) the use of social media and other conduits to breed distrust, radicalize individuals, and encourage confrontation and (2) the financing of state-sponsored criminal activity.

During my time as Chairman of the SEC, I engaged episodically in national security matters, including extensive efforts to maintain economic stability in advance of and during the COVID-19 shutdowns. I participated in a leadership role along with Secretary Mnuchin (who led our efforts) and various other government officials in our efforts to ensure that our vulnerabilities were minimized and could not be exploited by our adversaries. In addition, I periodically briefed intelligence and national security personnel on specific and more general matters of market function, capital structures, and economic risks to companies, industries and markets.

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).

Lawdragon's '500 Leading Dealmakers in America' List for Corporate Governance and Financial Regulation (2025)

Vision of Hope Award, Boys Hope Girls Hope of New York (2024)

Commodity Futures Trading Commission, Chairman's Award for Regulatory Excellence (2020)

The Best Lawyers in America (2014 – 2017)

IFLR1000 (2008 – 2016)

The Legal 500 United States (2009 – 2015)

New York Super Lawyers (2008 – 2015)

Chambers Global: The World's Leading Lawyers for Business (2008 – 2015)

Chambers USA: America's Leading Lawyers for Business (2006 – 2015)

The Lawdragon 500: Leading Lawyers in America (2006 – 2010)

Bergman Business Prize, University of Pennsylvania Carey Law School (1993)

Order of the Coif, University of Pennsylvania Carey Law School (1993)

Cum Laude, University of Pennsylvania Carey Law School (1993)

Moot Court Board, University of Pennsylvania Carey Law School (1993)

Dean's List, University of Pennsylvania (1986 – 1988)

Tau Beta Pi, University of Pennsylvania (1987)

Thouron Award, University of Pennsylvania Scholarship for Study in the United Kingdom (1987)

Summa Cum Laude, University of Pennsylvania (1988)

Anette Estrada Award, University of Pennsylvania (1988)

Hugo Wolf Prize, University of Pennsylvania (1988)

James Howard Weiss Award, University of Pennsylvania (1988)

Math Honor Society, University of Pennsylvania (1988)

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).

ORGANIZATION	OFFICE HELD	DATES

REDACTED

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 Annex A for a list of speeches and published writings.

PART B - QUALIFICATIONS

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

The Director of National Intelligence should possess extensive national security expertise as well as the executive and operational skills necessary to manage the internal and external affairs of a large organization. Knowledge and experience in other matters, including managing organizations and driving internal and external consensus, can substantially enhance performance. In addition, knowledge and experience in areas important to national security, such as the functioning of financial, commodities, and goods markets, the operations of transportation and logistics networks, and the capabilities and reach of electronic communications and social media, can enhance performance.

During my time as the U.S. Attorney for the Southern District of New York, I have gained substantial additional national security expertise, particularly in matters involving Foreign Terrorist Organizations, counterespionage, counterterrorism, money laundering, bribery, extortion, and the use of communication platforms and other conduits that exacerbate conflict and violence. I also have advised various government officials on legal and economic matters related to conflicts, including peace negotiations.

During my time as Chairman of the SEC, I engaged episodically in national security matters, including extensive efforts to maintain economic stability in advance of and during the COVID-19 shutdowns. I participated in a leadership role along with Secretary Steven Mnuchin (who led our efforts) and various other government officials in our efforts to ensure that our vulnerabilities were minimized and could not be exploited by our adversaries. In addition, I periodically briefed national security personnel on specific and more general matters of market function, capital structures, and economic risks to companies, industries and markets.

An area of particular focus for me at the SEC was to bring greater attention to, and further address, the various risks associated with investing in China. I substantially participated in the preparation of the July 2020 Report of the President's Working Group on Financial Markets on "Protecting United States Investors from Significant Risks from Chinese Companies." My staff and I then worked with Senators John Kennedy and Chris Van Hollen on the technical and practical aspects of the Holding Foreign Companies Accountable Act. I also issued public statements in support of that Act and its implementation. In addition, I worked with various parties on the risks posed by the planned increase in the exposure of the Thrift Savings Plan to the Chinese markets.

During my time in the private sector, including as a lawyer, as the Chairman of Apollo Global Management, as a Director and the Chair of the Audit Committee and member of the Risk Committee of American Express Corporation, I engaged in matters of national security frequently, including with officials from the Federal Reserve, the Department of Justice, and Congress. In September 2023, while in the private sector, I testified before the House Select Committee on the Chinese Communist Party in a hearing titled "Systemic Risk: The Chinese Communist Party's Threat to U.S. Financial Stability."

In addition, I have come to believe that my interdisciplinary education and background, including degrees in Engineering, Law, and Economics, have enhanced my ability to identify and address national security issues.

Regarding the executive and operational skills necessary to lead a large and important organization, I believe my experience and successes as (1) a manager of a large global law firm (management committee), (2) the Chairman of the Securities and Exchange Commission, (3) the Chairman of Apollo Global Management (estimated $800 billion of assets under management), (4) a board member of (and an advisor to) various large and midsized companies (e.g., American Express Corporation), and (5) U.S. Attorney for the Southern District of New York, provide an invaluable breadth of experience with personnel, systems, communications, strategy and execution to draw upon.

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).

REDACTED

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

I have not run for 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.

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.

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.

None.

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. In my prior posts, I have consulted with the relevant Designated Ethics Officer to identify any potential conflicts. If I am confirmed by the Senate, I will continue to do so and to recuse myself from any matter in which recusal is required.

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.

Yes, in consultation with the Designated Ethics Officer.

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.

I have no deferred income or compensation arrangements related to my current employment activities.

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 formal or informal plans, commitments, or agreements for future employment with any person or entity.

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.

REDACTED

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.

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.)

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.)

Please see my nominee OGE Form 278e.

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 nominee OGE Form 278e.

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 YOU 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.)

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, subject to advice of counsel.

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

REDACTED

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.

REDACTED

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.

REDACTED

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.

No, we do not intend to use a blind trust. I intend to consult with the Designated Ethics Officer.

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

I have provided an annual disclosure report for 2025 in connection with my position at the Department of Justice. If asked, I will make a copy available.

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.

REDACTED

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.

REDACTED

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.

REDACTED

REDACTED

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.

REDACTED

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.)

Not to my knowledge.

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

Not to my knowledge.

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.

REDACTED

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

REDACTED

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 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, operate effectively and in the interests of the United States, and do not abuse the considerable trust the American people place in it. Congress further ensures IC agencies are good stewards of the public's money and are properly prioritizing their efforts.

If confirmed as DNI, I will ensure ODNI and the IC keep the congressional intelligence committees fully and currently informed of U.S. intelligence activities, in accordance with the role of Congress described above and Title V of the National Security Act. 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 DIRECTOR OF NATIONAL INTELLIGENCE.

The DNI is the head of the Intelligence Community and the President's principal adviser on intelligence matters. The DNI also ensures that IC elements comply with the Constitution and laws of the United States; oversees integration of IC intelligence functions; oversees and directs the implementation of the National Intelligence Program; and ensures that the IC provides the necessary intelligence to decision makers across the government.

The DNI is responsible for keeping the congressional intelligence committee fully and currently informed as described in more detail in Question 48.

AFFIRMATION

I, WALTER JOSEPH CLAYTON III, DO SWEAR THAT THE ANSWERS I HAVE PROVIDED TO THIS QUESTIONNAIRE ARE ACCURATE AND COMPLETE.

JAY CLAYTON SIGNATURE REDACTED

NOTARY SIGNATURE REDACTED

TO THE CHAIRMAN, SELECT COMMITTEE ON INTELLIGENCE:

In connection with my nomination to be the 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.

JAY CLAYTON SIGNATURE REDACTED

ANNEX A: Public Speeches and Publications

If asked, I will provide a copy of each requested publication, text, transcript, or video.

Jay Clayton Public Speeches or Remarks

As U.S. Attorney for the Southern District of New York, I have made several public speeches and remarks, included below:

Jay Clayton And DEA New York Division Press Conference - October 30, 2025 [youtube.com]

U.S. Attorney Jay Clayton Announces Charges in Open-air Illegal Drug Market At NYC's Johnson Houses [youtube.com]

U.S. Attorney Jay Clayton Announces an Indictment In Connection to Tricolor Auto [youtube.com]

U.S. Attorney Jay Clayton Announcing Charges Against Gang Members for Witness Tampering & Retaliation [youtube.com]

SDNY Criminal Division Chief Amanda Houle and NYPD PC Announce Seizure of More Than 2,000 Guns So Far In 2026 [youtube.com]

Commissioner Tisch, U.S. Attorney Clayton, and FBI ADIC Barnacle brief the media on an investigation [youtube.com]

U.S. Attorney Jay Clayton Remarks - Combatting Hate Crimes in New York City [justice.gov]

U.S. Attorney Jay Clayton's Keynote Panel at the Securities Enforcement Forum New York 2026 [justice.gov]

U.S. Attorney Jay Clayton Speaks At The 2025 Yale CEO Summit [justice.gov]

U.S. Attorney Jay Clayton Speaks At Federal Law Enforcement Foundation's Annual Luncheon [justice.gov]

U.S. Attorney Jay Clayton In Conversation With Semafor Business [justice.gov]

SDNY's Clayton Takes Closer Look at Private Credit

Cats & Cosby: Jay Clayton: Terror Charges, Iran-Backed Networks, Foreign Money, and AI in Law Enforcement (7 min) [youtube.com]

Cats Roundtable: Jay Clayton – The NYPD Has Made Strides in Modernizing Their Force [catsroundtable.com]

Cats Roundtable: US Attorney for the Southern District of NY Jay Clayton – Federal and NYPD Cooperation Aims at Improve Public Safety [catsroundtable.com]

Cats Roundtable: US Attorney for the Southern District of NY Jay Clayton | 02-01-26 [wabcradio.com]

Cats Roundtable: U.S. Attorney for the SDNY Jay Clayton -11-02-25--68388004 [spreaker.com]

Watch CNBC's full interview with U.S. Attorney for Southern District of New York Jay Clayton - Sept. 9, 2025 [youtube.com]

Watch CNBC's full interview with U.S. Attorney for Southern District of New York Jay Clayton - Oct. 22, 2025 [youtube.com]

Watch CNBC's full interview with U.S. Attorney for Southern District of New York Jay Clayton - Dec. 10, 2025 [youtube.com]

Watch CNBC's full interview with U.S. Attorney for Southern District of New York Jay Clayton - Jan. 5, 2026 [youtube.com]

Watch CNBC's full interview with U.S. Attorney for Southern District of New York Jay Clayton - 02/02/26 [youtube.com]

Watch CNBC's full interview with U.S. Attorney for Southern District of New York Jay Clayton - Feb. 18, 2026 [youtube.com]

Watch CNBC's full interview with U.S. Attorney for Southern District of New York Jay Clayton – March 25, 2026 [cnbc.com]

Watch CNBC's full interview with U.S. Attorney for Southern District of New York Jay Clayton - April 6, 2026 [youtube.com]

Watch CNBC's full interview with U.S. Attorney for Southern District of New York Jay Clayton - April 27, 2026 [youtube.com]

Watch CNBC's full interview with U.S. Attorney for Southern District of New York Jay Clayton – May 21, 2026 [cnbc.com]

Watch CNBC's full interview with U.S. Attorney for Southern District of New York Jay Clayton - June 8, 2026 [cnbc.com]

Prior to my service as U.S. Attorney for the Southern District of New York, I also delivered several public speeches and remarks, listed below:

February 4, 2025
CFGI, 1 Lincoln Street, Boston, MA 02111
I spoke on general economic and regulatory conditions, and prospects for initial public offerings. Video available at https://www.cfgi.com/resources/webinars/a-fireside-chat-with-cfgi-board-member-former-sec-chair-jay-clayton-and-cfgi-ceo-shane-caiazzo/

January 7, 2025
JP Morgan, 270 Park Avenue, New York, NY 10017
I spoke on corporate governance, economic conditions and regulation.

December 12, 2024
Kimmeridge, 15 Little West 12th Street, New York, NY 10014
I spoke on economic conditions, regulation, and expected policy changes.

December 11, 2024
Cornerstone Research, 599 Lexington Ave, 40th Floor, New York, NY.
I spoke on regulation of financial markets.

December 6, 2024
University of Pennsylvania Law School,
3501 Samson Street, Philadelphia, PA 19104
I spoke on the intersection of law and economics in environmental, social and governance (ESG) and other areas; and corporate governance.

December 4, 2024
FINRA, 1 Liberty Street, #5200, New York, NY 10006
I spoke on enforcement and regulation.

December 3, 2024
Goldman Sachs, 200 West Street, New York, NY 10282
I spoke on economic conditions, regulation and political considerations.

November 20, 2024
The Japan Society, 333 E 47th Street, New York, NY 10017
I spoke on economic conditions, regulation and political considerations.

November 14, 2024 (Austin, TX)
University of Texas School of Law and McCombs School of Business
727 E. Dean Keeton Street, Austin, Texas 78705
I gave the opening keynote address regarding the global economy at the inaugural Director Executive Summit.

November 13, 2024
Practicing Law Institute,
1177 Avenue of The Americas, Suite 2, New York, NY 10036
I spoke on regulation and market conditions.

November 12, 2024
Ergo Global, 122 E 55 Street, #2, New York, NY 10022
I spoke on economic conditions and regulation.

November 11, 2024
GI Partners, Four Embarcadero Center, Suite 3200 San Francisco, CA
I spoke on economic conditions and regulation.

October 23, 2024 (Washington, DC)
JP Morgan, 270 Park Avenue, New York, NY 10017
I spoke on corporate governance, economic conditions and regulation.

October 23, 2024
Union League Club, 38 East 37th Street, New York, NY 10016.
I spoke on economic conditions and regulation, economic conditions, and political considerations (with Harold Ford, Jr. and Gary D. Cohn).

October 23, 2024
International Monetary Fund,
1900 Pennsylvania, Ave, NW, Washington, DC 20431
I spoke on economic conditions, ESG and regulation.

October 22, 2024
13D Monitor, 153 West 57th Street, 16th Floor, New York, NY

Active/Passive Investor Summit
I spoke on regulation of the market for corporate control.
Video available at https://www.youtube.com/watch?v=tSPDR3vAXPY

October 18, 2024 (Park City, UT)
Enthusiasts E2 Summit, C/O Solamere Capital 137 Newbury Street, 7th Floor, Boston, MA 02116
I spoke on economic conditions and regulation.

October 4, 2024
Fireblocks, Inc., 441 9th Avenue, Suite 15A, New York, NY 10001
I spoke on the regulation of digital assets.

September 12, 2024
International Monetary Fund,
1900 Pennsylvania, Ave, NW, Washington, DC 20431
I spoke on economic conditions, ESG and regulation.

September 12, 2024 (Washington, DC)
Harvard University Law School, 1585 Massachusetts Ave, Cambridge, MA 02138
I spoke on corporate governance and the regulation of digital assets.

September 12, 2024
Investment Company Institute,
1401 H Street, NW, Suite 1200, Washington, DC 20005
I spoke on market regulation.

September 11, 2024
CFGI, 1 Lincoln Street, Boston, MA 02111
I spoke on general economic and regulatory conditions, prospects for initial public offerings.

August 27, 2024 (Healdsburg, CA)
Electric Capital, 855 El Camino Real, #13A 152, Palo Alto, CA 94301
I spoke on economic conditions, regulation, digital assets and venture investing.

August 22, 2024 (Jackson Hole, WY)
SALT Conference, 527 Madison Ave, Floor 4, New York, NY 10022
I spoke on digital assets.

July 14, 2024
Managed Fund Association, 546 5th Avenue, New York, NY 10036
I spoke on economic conditions and regulation.

June 25, 2024
Chamber of Commerce (US), 1615 H St, NW, Washington, DC 20062
I spoke on regulation and market conditions.

June 24, 2024 (Palo Alto, CA)
Stanford University Directors College, 559 Nathan Abbott Way, Stanford, CA 94305
I spoke on corporate governance.

June 22, 2024 (Milan, Italy)
Brevan Howard, 1345 Avenue of the Americas, 20th Floor, New York, NY 10105
I spoke on economic and regulatory conditions and digital assets.

May 29, 2023
Chamber of Commerce (US), 1615 H St, NW, Washington, DC 20062
I spoke on regulation and market conditions.

April 11, 2023 (Boston, MA)
Harvard University Law School, 1585 Massachusetts Ave, Cambridge, MA 02138
I spoke on corporate governance and the regulation of digital assets.

April 18, 2023
Cornerstone Research, 599 Lexington Ave, 40th Floor, New York, NY.
I spoke on regulation of financial markets.

March 28, 2023
Barclays, 745 7th Avenue, New York, NY 10020
I spoke on economic and regulatory factors affecting securities markets and M&A.

March 15, 2023
Jewish Theological Seminary – Rifkin Award Lunch,
3080 Broadway, New York, NY 10027
I spoke during the honoree tribute for Brent McIntosh and about government service.

March 13, 2023 (Miami, FL)
Florida State University, 425 W Jefferson Street, Tallahassee, FL 32306
I spoke on economic conditions, regulation and digital assets.

February 24, 2023
University of Pennsylvania Law School,
3501 Samson Street, Philadelphia, PA 19104
I spoke on the intersection of law and economics in environmental, social and governance (ESG) and other areas; and corporate governance.

February 24, 2023
New York University Law School,
40 Washington Square, South, New York, NY 10012
I spoke on corporate governance and ESG.

November 15, 2022 (Palo Alto, CA)
Electric Capital, 855 El Camino Real, #13A 152, Palo Alto, CA 94301
I spoke on economic conditions, regulation, digital assets and venture investing.

November 15, 2022 (Palo Alto, CA)
Stanford University Directors College,
559 Nathan Abbott Way, Stanford, CA 94305
I spoke on corporate governance.

October 24, 2022
Brown Brothers, 140 Broadway, New York, NY 10005
I spoke on general economic conditions and the future of regulation.

October 6, 2022
Federal Reserve Bank of Cleveland, 1455 E 6th Street, Cleveland, OH 44114
I spoke on cybersecurity and regulation.
Video available at https://www.minneapolisfed.org/speeches/2022/neel-kashkari-fireside-chat-at-the-2022-conference-managing-cyberisk-from-the-c-suit

October 3, 2022 (Chicago, IL)
Northwestern University Law School, 375 E Chicago Ave, Chicago, IL
I spoke on corporate governance and economics.

September 20, 2022
Practicing Law Institute,
1177 Avenue of The Americas, Suite 2, New York, NY 10036
I spoke on regulation and market conditions.

September 15, 2022
CNBC, 1 CNBC Plaza, Englewood Cliffs, NJ 07632
I spoke on economic and regulatory conditions relevant to public company CFOs.

August 23, 2022
JP Morgan, 270 Park Avenue, New York, NY 10017
I spoke on corporate governance, economic conditions and regulation.

June 22, 2022 (Palo Alto, CA)
Stanford University Directors College,
559 Nathan Abbott Way, Stanford, CA 94305
I spoke on corporate governance.

May 25, 2022
Milken Institute, 730 15th Street, NW, Washington, DC 20005
I spoke on digital assets.

May 20, 2022 (Atlanta, GA)
Operation Hope, 191 Peachtree Street, NE, Suite 3840, Atlanta, GA
I spoke on financial literacy.

May 12, 2022
Deerfield Asset Management, 345 Park Ave South, New York, NY 10010
I spoke on economic conditions and regulation affecting the medical and biotech industries.

February 14, 2022
Chamber of Commerce (US), 1615 H St, NW, Washington, DC 20062
I spoke on regulation and market conditions.

January 24, 2022
Yale University Law School, 127 Wall Street, New Haven, CT 06511
I spoke on corporate governance.

December 9, 2021
University of Pennsylvania Law School,
3501 Samson Street, Philadelphia, PA 19104
I spoke about leading the SEC, financial regulation, and cryptocurrency.

December 4, 2021
Columbia University, C/O Columbia Law School, 435 West 116th Street, New York, NY 10027
I spoke on economic conditions and regulation.

November 19, 2021 (Dallas, TX)
Deloitte, 30 Rockefeller Plaza, 41st Floor, New York, NY 10112

I spoke on economic conditions and regulation.

October 12, 2021
American Swiss Foundation, C/O CBIZ
730 Third Ave, Fl 11, New York, NY 10017
I spoke on the position of the U.S. and Switzerland in global markets.

June 23, 2021 (Palo Alto, CA)
Stanford University Directors College,
559 Nathan Abbott Way, Stanford, CA 94305
I spoke on corporate governance.

November 12, 2018 (New York, New York)
Financial Executives International,
89 Headquarters Plaza, Suite 1462, Morristown, NJ 07960
I spoke on the state of the capital markets, the role of preparers, auditors, and audit committees, and the implementation of new accounting standards.

October 4, 2018
University of Pennsylvania Law School,
3501 Samson Street, Philadelphia, PA 19104
I spoke on the future of corporate governance.
I have no notes, transcript, or recording, but press coverage is available at
https://www.law.upenn.edu/live/news/8538-sec-chair-jay-clayton-l93-and-delaware-supreme

January 25, 2018
Securities & Exchange Commission,
100 F Street, NE, Washington, DC 20549
I spoke on working at the SEC.
Video available at https://www.youtube.com/watch?v=7Dx9hBF0dSw

September 28, 2017
Brookings Institution, 1775 Massachusetts Ave NW, Washington, DC 20036
I spoke on securities regulation.
Video available at https://www.brookings.edu/events/perspectives-on-securities-regulation/

May 2008
University of Pennsylvania Law School,
3501 Samson Street, Philadelphia, PA 19104
I spoke on the subprime lending crisis.
I have no notes, transcript, or recording, but press coverage is available at
https://www.law.upenn.edu/alumni/journal_archive/PLJ2008fall.pdf

The text of my prepared speeches and statements given during my time as SEC Chair are available on the SEC website: https://www.sec.gov/newsroom/speeches-statements and have also been provided. Note that speeches were open to the press and public and I often would take questions and elaborate on my prepared remarks. Except where indicated, the speeches and statements were delivered in Washington, DC.

Statement at Financial Stability Oversight Council (FSOC) Open Meeting (12/3/2020).

Opening Remarks at the December 1, 2020 Meeting of the Asset Management Advisory Committee (12/1/2020).

Putting Principles into Practice, the SEC from 2017-2020: Remarks to the Economic Club of New York (11/19/2020).

Remarks: Small Business Capital Formation Advisory Committee Meeting (11/9/2020).

Opening Remarks at the November 5, 2020 Special Meeting of the Asset Management Advisory Committee (11/5/2020).

Statement at the SEC's Staff Roundtable on Regulation Best Interest and Form CRS (10/26/2020).

Joint Open Meeting with Commodity Futures Trading Commission (CFTC) - Customer Margin Rules for Security Futures and Request for Comment on Uncleared Swaps and Non-cleared Security-based Swaps (10/22/2020).

An Update on FY 2020 Results – Remarks at SEC Speaks (10/8/2020).

Open Meeting on Proposed Finders Exemption – Providing Regulatory Clarity to Benefit Small Businesses (10/7/2020).

Remarks at Meeting of the Fixed Income Market Structure Advisory Committee (10/5/2020).

Remarks at the Meeting of the Investor Advisory Committee (9/24/2020).

Investor-Focused, Nimble and Vigorous Enforcement at the SEC (9/17/2020).

Opening Remarks at the September 16, 2020 Meeting of the Asset Management Advisory Committee (9/16/2020).

Opening Remarks: Small Business Capital Formation Advisory Committee Meeting (8/4/2020).

Remarks at the Special Meeting of the Asset Management Advisory Committee (7/16/2020).

Remarks to the Financial Stability Oversight Council (7/14/2020).

Statement at the SEC's Emerging Markets Roundtable (7/9/2020).

Modernizing U.S. Equity Market Structure (6/22/2020).

Remarks to the Annual Government-Business Forum on Small Business Capital Formation (6/18/2020).

Remarks at the 2020 Municipal Securities Disclosure Conference (6/16/2020).

Remarks at Meeting of the Fixed Income Market Structure Advisory Committee (6/1/2020).

Remarks at Meeting of the Asset Management Advisory Committee (5/27/2020).

Remarks at Meeting of the Investor Advisory Committee (5/21/2020).

Remarks to the Financial Stability Oversight Council (5/14/2020).

Statement at Open Meeting on Order to Modernize the Governance Structure of National Market System Plans for Equity Market Data (5/6/2020).

Remarks at Special Meeting of the Investor Advisory Committee (5/4/2020).

Statement at Open Meeting on Securities Offering Reform for Business Development Companies and Closed-End Investment Companies (4/8/2020).

Remarks at Special Meeting of the Investor Advisory Committee (4/2/2020).

Remarks at Special Meeting of the Small Business Capital Formation Advisory Committee (4/2/2020).

Statement at Financial Stability Oversight Council (FSOC) Open Meeting (3/26/2020).

Remarks at the Inaugural Meeting of the Asset Management Advisory Committee (1/14/2020).

Statement at Open Meeting on Proposed Order to Modernize the Governance Structure of National Market System Plans for Equity Market Data (1/8/2020).

Statement of Chairman Jay Clayton at Open Meeting (12/18/2019).

Modernizing our Regulatory Framework: Focus on Authority, Expertise and Long-Term Investor Interests (11/14/2019).

Government Finance Officers Association (GFOA) Mini-Muni Conference Welcome Remarks (11/14/2019).

Remarks at Meeting of the Small Business Capital Formation Advisory Committee (11/12/2019).

Remarks at Meeting of the Investor Advisory Committee (11/7/2019).

Statement at Open Meeting on Proposals to Enhance the Accuracy, Transparency and Effectiveness of Our Proxy Voting System (11/5/2019).

Remarks at Meeting of the Fixed Income Market Structure Advisory Committee (11/4/2019).

Introduction of Attorney General William Barr at the Criminal Coordination Conference (10/3/2019).

Remarks at Roundtable on Combating Elder Investor Fraud (10/3/2019).

Remarks at Central Michigan University (9/13/2019). Mount Pleasant, MI.

Remarks to the Economic Club of New York (9/9/2019). New York, NY.

Remarks at Meeting of the Investor Advisory Committee (9/5/2019).

Statement at Open Meeting on Commission Guidance and Interpretation Regarding Proxy Voting and Proxy Voting Advice (8/21/2019).

Remarks at the 38th Government-Business Forum on Small Business Capital Formation (8/14/2019).

Remarks at Meeting of the Small Business Capital Formation Advisory Committee (8/13/2019).

Remarks at Meeting of the Fixed Income Market Structure Advisory Committee (7/29/2019).

Remarks at Meeting of the Investor Advisory Committee (7/25/2019).

Statement at the SEC Staff Roundtable on Short-Term/Long-Term Management of Public Companies, Our Periodic Reporting System and Regulatory Requirements (7/18/2019).

Regulation Best Interest and the Investment Adviser Fiduciary Duty: Two Strong Standards that Protect and Provide Choice for Main Street Investors (7/8/2019).

Remarks at "Veterans Hall" Dedication on the 75th Anniversary of D-Day (6/5/2019).

Statement at Open Meeting on Commission Actions to Enhance and Clarify the Obligations Financial Professionals Owe to our Main Street Investors (6/5/2019).

Keynote Remarks at the Mid-Atlantic Regional Conference (6/4/2019).

Remarks at SEC Memorial Day Ceremony (5/21/2019).

Statement at Open Meeting on Proposed Amendments to Sarbanes Oxley 404(b) Accelerated Filer Definition (5/9/2019).

Management's Discussion and Analysis of the SEC: Remarks at the "SEC Speaks" Conference (4/8/2019).

Remarks at the 29th International Institute for Securities Market Growth and Development (4/1/2019).

Remarks at Meeting of the Investor Advisory Committee (3/28/2019).

Equity Market Structure 2019: Looking Back & Moving Forward (3/8/2019).

Introductory Remarks for Dr. Henry Louis Gates, Jr. at African American History Month Celebration (2/27/2019).

Remarks on Telephone Call with Investor Advisory Committee Members (2/6/2019).

Statement at Open Meeting and Thank You to Kara Stein (12/19/2018).

Remarks at Meeting of the Investor Advisory Committee (12/13/2018).

Remarks to the Annual Government-Business Forum on Small Business Capital Formation. (12/12/2018). Columbus, Ohio.

SEC Rulemaking Over the Past Year, the Road Ahead and Challenges Posed by Brexit, LIBOR Transition and Cybersecurity Risks (12/6/2018).

Remarks at the SEC's Municipal Securities Conference (12/6/2018).

Statement at the SEC Staff Roundtable on the Proxy Process (11/15/2018).

Remarks at Meeting of the Investor Advisory Committee (11/7/2018).

Introductory Remarks for Veterans Day Commemoration Panel Discussion (10/31/2018).

Remarks at Meeting of the Fixed Income Market Structure Advisory Committee (10/29/2018).

Remarks at Roundtable on Market Data and Market Access (10/25/2018).

Statement at Open Meeting (10/11/2018).

Remarks at the SEC Staff Roundtable on Regulatory Approaches to Combating Retail Investor Fraud (9/26/2018).

Introductory Remarks for U.S. Treasurer Jovita Carranza at the SEC Hispanic Heritage Month Celebration (9/25/2018).

Remarks at Meeting of the Investor Advisory Committee (9/13/2018).

Remarks on Capital Formation at the Nashville 36|86 Entrepreneurship Festival (8/29/2018). Nashville, TN.

Statement at Open Meeting (7/18/2018).

Remarks on the Establishment of the Task Force on Market Integrity and Consumer Fraud (7/11/2018).

Statement at Open Meeting on Exchange-Traded Funds (6/28/2018).

Opening Statement at Open Meeting (6/28/2018).

Statement at Open Meeting on Amendments to the Commission's Whistleblower Program Rules (6/28/2018).

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ANNEX B: Political Contributions

REDACTED

ANNEX C: Sources and Amounts of Income

REDACTED

Responsibilities of the Director of National Intelligence

QUESTION 1: The role of the Director of National Intelligence (DNI) can differ from administration to administration.

A. What guidance has President elect Trump provided you for the role of DNI?

I am honored that President Trump nominated me to serve in this role. If confirmed to serve as the Director of National Intelligence, I am committed to providing the President and policymakers with timely, independent, unbiased intelligence integrated and drawn from across the Intelligence Community (IC), to support informed decision-making.

B. Do you anticipate your role to be a director, coordinator, or something else?

The DNI is the head of the Intelligence Community and the President's principal adviser on intelligence matters. The DNI, leads, oversees, and guides the development of, and monitors the implementation and execution of the National Intelligence Program. The DNI also ensures that the IC elements comply with the Constitution and laws of the United States. As envisioned by the 9/11 Commission report, I anticipate that I will be integrating intelligence activities across all IC elements, identifying critical intelligence deficiencies, and ensuring that intelligence priorities reflect the Administration's national security priorities.

C. How will you reaffirm the Intelligence Community's (IC's) apolitical role in furtherance of national security?

If confirmed as DNI, it is my intention and obligation to lead the IC with integrity and ensure that the IC provides objective, timely, and apolitical intelligence to the President, to policymakers, and to this Congress to inform decision-making and protect the American people. If confirmed, I will ensure that my workforce remains focused on preserving analytic independence and the mission of providing fact-based unbiased intelligence.

D. How do you see the DNI's relationship with the Director of the Central Intelligence Agency (CIA) and the Under Secretary of Defense for Intelligence and Security (USD(I&S))?

The DNI must work closely with both the Director of the CIA and the Under Secretary of War for Intelligence and Security (USW(I&S)) and I anticipate having a collaborative relationship with both Director Ratcliffe and Under Secretary Hansell. Such collaboration is necessary to effectively integrate intelligence activities across all IC elements, identifying critical intelligence deficiencies, and ensuring that intelligence priorities reflect the Administration's national security priorities. It is also critical in developing and overseeing execution of the National Intelligence Program and Military Intelligence Program.

E. What do you see as the DNI's role in covert action vis-à-vis the CIA and the White House?

The President decides when to employ covert action to further national security objectives, and the CIA executes it. The DNI advises the President and provides oversight over ongoing and proposed covert action programs and ensures that CIA has the necessary resources, provides the necessary notifications, and acts within the confines of the law and Presidential direction.

F. Please describe your understanding of the following responsibilities of the DNI:

1. Serving as the principal adviser to the President, the National Security Council, and the Homeland Security Council for intelligence matters related to national security.

As the principal adviser to the President, NSC, and Homeland Security Council, the DNI is responsible for ensuring that policy makers receive timely, accurate, and objective intelligence to best inform their critical national security decisions.

2. Overseeing and directing the implementation of the National Intelligence Program (NIP).

Overseeing and directing the implementation of the NIP is a core responsibility of the DNI. The DNI is responsible for managing IC budgets, priorities, and activities to ensure that resources are allocated effectively, efficiently, and aligned with national security objectives. The DNI provides oversight to ensure that the NIP supports intelligence collection, analysis, and operational capabilities that address current and emerging threats. The DNI works closely with OMB to justify budget requests, ensure accountability, and report on the execution of NIP resources to Congress. The DNI also partners with the Secretary of War to develop the Military Intelligence Program to prevent redundancy, ensure strategic and tactical intelligence capabilities are complementary, and reduce duplication.

3. Managing the Office of the DNI (ODNI).

The DNI serves as the head of the IC and principal intelligence adviser to the President. In that role, the DNI is responsible for ensuring that ODNI effectively leads and supports IC integration, invests in the IC's future and innovation, and guides how the IC advances national security priorities. Ultimately, the DNI is responsible for ensuring that ODNI continues to play its indispensable role of integrating intelligence, establishing IC priorities, providing intelligence to senior policy makers, and ensuring the IC acts in accordance with the Constitution and laws of the United States.

QUESTION 2: What is your view of the role and responsibilities of the DNI in overseeing IC agencies and integrating them into an effective intelligence enterprise? Please answer separately for each of the following:

A. The Office of the USD(I&S) (OUSD(I&S)) and the Department of Defense (DoD) intelligence components.

The DNI shares responsibility for the defense intelligence components—NSA, NGA, DIA, NRO, and the intelligence component of the services—

with the Secretary of War and the Undersecretary of War for Intelligence and Security (USW(I&S)). Coordinating closely to make sure our efforts are integrated to meet the IC's needs is a fundamental role of the DNI.

B. The CIA.

The DNI has a statutory obligation to ensure that that the CIA complies with the Constitution and laws of the United States, oversees CIA's execution of covert action, as well as CIA's execution of the National Intelligence Program. The DNI also integrates CIA efforts with the rest of the IC. The two agencies have been keystone partners since ODNI's creation with ODNI providing broad oversight and management of CIA and the IC, and CIA providing operational and analytical leadership and exquisite intelligence to policymakers.

C. The intelligence agencies that reside in other departments of the federal government.

The DNI is responsible for synchronizing and prioritizing collection, analysis, and counterintelligence efforts across Intelligence Community elements, including the IC elements within the Departments of Justice, State, Treasury, Energy, and Homeland Security. The National Security Act requires the head of the department or agency containing an IC element to consult with the DNI, and in many cases, obtain the DNI's concurrence, before appointing an individual to be nomination for such a position. The DNI has a statutory obligation to ensure that that these elements comply with the Constitution and laws of the United States and effectively execute the National Intelligence Program in support of U.S. national security priorities.

QUESTION 3: If confirmed as DNI, what steps will you take to improve the integration, coordination, and collaboration among IC agencies?

Our nation faces unprecedented security challenges with adversaries challenging our role across the globe and threatening our critical infrastructure, American servicemembers in action in the Gulf, and international narcotics networks harming our citizens. Worse yet, the IC is confronting these challenges during an

unprecedented lapse of our most critical foreign intelligence authority, Section 702 of the Foreign Intelligence Surveillance Act.

If confirmed, my top priority will be to swiftly consult our IC leaders on their needs to ensure that their elements are able to face the above challenges while maximizing IC integration, coordination, and collaboration. During those consultations, I want to understand what works and what can be improved, as well as how we can minimize the detrimental impact to our national security caused by the lapse in 702 authorities. I also want to hear from the IC workforce directly on how they recommend improving IC integration, coordination, and collaboration. From those conversations, I will seek the best ideas to securing greater transparency, enabling effective decision-making, and efficiently aligning resources.

QUESTION 4: The Intelligence Reform and Terrorism Prevention Act of 2004 (IRTPA) was an effort intended to improve the management and coordination of the IC to meet current and future national security challenges.

A. Does the DNI have sufficient legal authorities, budgetary and otherwise, to effectively execute the DNI's IC management role? If not, what are your recommended enhancements or changes to IRTPA's authorities?

IRTPA provides significant authority to the DNI to execute on the DNI's IC management role. If confirmed, I will employ those authorities to maximize IC mission effectiveness. If confirmed, I will have an opportunity to better understand how those authorities are exercised in practice and whether they have been effective. I look forward to engaging the Committee on this issue.

B. Do you believe that granting the DNI more control over the intelligence agencies' personnel, training programs, and business systems would accelerate the integration of the IC? What would be the downside to such a step?

If and until I am confirmed, I will not have the opportunity to review fully the different personnel, training, and business system challenges of the IC's 18 elements. If, after review, I realize that changes are needed to

properly execute ODNI's mission, I will work with the IC element heads and this committee to support those changes.

C. What do you consider the highest priority leadership and management challenges facing the IC at this time? If confirmed, what will you do to address these challenges?

The single greatest leadership challenge in the IC is continuing to restore faith in the Community so that it can continue to earn back the trust of the American people. For the IC to be effective, the American people must understand and believe that the IC's role is to provide honest, apolitical analysis and assessments, regardless of whether it is convenient or expedient. If confirmed as the DNI, I will prioritize ensuring that the Intelligence Community operates with the utmost integrity.

Qualifications

The 2004 IRTPA requires that, "Any individual nominated for appointment as Director of National Intelligence shall have extensive national security expertise." 50 U.S.C. § 3023(a)(1).

QUESTION 5: Please describe the specific experiences you have had in your professional career that will enable you to serve effectively as the head of the IC.

My extensive background in civil financial enforcement, combined with my experience as former Chairman of the SEC and the current U.S. Attorney for the Southern District of N.Y. has given me requisite national security experience. National security not only includes traditional areas like counterterrorism, defense of the homeland, and military and foreign affairs; but also, economic security, financial integrity, and the protection of our critical infrastructure; all areas where I have developed significant expertise. As U.S. Attorney, I oversaw a diverse portfolio that included terrorism, espionage, and financial crimes – cases with national security implications. At the SEC, I played a critical role in the regulation of prediction markets, a new and non-traditional but emerging national security issue. My leadership roles at the SEC and SDNY have also honed my ability to manage

complex issues, lead agile teams, and make strategic and impactful decisions, skills I believe are highly transferrable to the position of Director of National Intelligence.

QUESTION 6: Please explain how your background fulfills the requirement that a DNI nominee have "extensive national security expertise."

The Director of National Intelligence should possess extensive national security expertise as well as the executive and operational skills necessary to run a large organization. Knowledge and experience in various other matters such as market dynamics and capital flows, communications, transportation, and diplomacy can substantially enhance performance.

During my time as the U.S. Attorney for the Southern District of New York, I have gained substantial national security expertise, particularly in matters involving Foreign Terrorists Organizations, counterespionage, counterterrorism, money laundering, bribery, extortion, and the use of communication platforms and other conduits to encourage conflict and violence. I also have advised various government officials on legal and economic matters related to peace negotiations.

During my time as Chairman of the SEC, I engaged episodically in national security matters, including extensive efforts to maintain economic stability in advance of and during the COVID-19 shutdowns. I participated in a leadership role along with Secretary Mnuchin (who led our efforts) and various other government officials in our efforts to ensure that our vulnerabilities were minimized and could not be exploited by our adversaries. In addition, I periodically briefed national security personnel on specific and more general matters of market function, capital structures, and economic risks to companies, industries and markets.

An area of particular focus for me at the SEC was to bring greater attention to, and further address, the various risks associated with investing in China. I substantially participated in the preparation of the July 2020 Report of the President's Working Group on Financial Markets on "Protecting United States Investors from Significant Risks from Chinese Companies. My staff and I then worked with Senators John Kennedy and Chris Van Hollen on the technical and practical aspects of the Holding Foreign Companies Accountable Act. I also issued public statements in support of that Act and its implementation. In addition, I worked with various parties on the risks posed by the planned increase in the exposure of the Thrift Savings Plan to the

Chinese markets. In September 2023, while in the private sector, I testified before the House Select Committee on the Chinese Communist Party in a hearing titled "Systemic Risk: The Chinese Communist Party's Threat to U.S. Financial Stability."

During my time in the private sector, including as a lawyer, as the Chairman of Apollo Global Management, as a Director and the Chair of the Audit Committee and member of the Risk Committee of American Express Corporation, I engaged in matters of national security frequently, including with officials from the Federal Reserve, the Department of Justice, and Congress.

In addition, I have come to believe that my interdisciplinary education, including degrees in Engineering, Law, and Economics has enhanced my ability to identify and address national security issues.

Regarding the executive and operational skills necessary to lead a large and important organization, I believe my experience and successes as (1) a manage of a large global law firm (management committee), (2) the Chairman of the Securities and Exchange Commission, (3) the Chairman of Apollo Global Management (est. $800 billion of assets under management, (4) a board member of (and an advisor to) various large and midsized companies (e.g., American Express Corporation), and (5) U.S. Attorney for the Southern District of New York, provides an invaluable mix of experience with personnel, systems, communications, strategy and execution to draw upon.

QUESTION 7: The DNI is one of the most important national security jobs in the U.S. government, overseeing 18 agencies with disparate capabilities, authorities, and workforces across six federal departments and two independent agencies, deployed around the globe, accountable to multiple committees of Congress.

A. What experience do you have running a federated enterprise?

Through my experience as former Chairman of the SEC and the current U.S. Attorney for the Southern District of New York, I bring considerable experience managing federal offices and employees, communicating and coordinating with other federal agencies, state, local and tribal partners, and being an important voice regarding law enforcement and national

security issues. While DNI is a unique position in the U.S. government, the leadership principles I learned in my prior positions will guide me well in this new opportunity to serve.

B. What experience do you have leading and managing intelligence activities?

My experience as former Chairman of the SEC and the current U.S. Attorney for the Southern District of New York has equipped me with the knowledge and skills necessary to effectively navigate the complex landscape that makes up the field of national security, which will serve me well in my role as Director of National Intelligence. Moreover, while I have not directly managed intelligence activities, these roles provided me with leadership principles that will enable me to bring new perspectives and fresh ideas to the DNI role.

Shape, Size, and Function of the ODNI

The DNI has three core responsibilities: serving as the President's principal intelligence adviser, leading the IC, and overseeing and directing implementation of the NIP. The National Security Act of 1947 also prescribes a number of other responsibilities, including with respect to budget requests and appropriations for the NIP, IC personnel, intelligence information sharing, and coordination of intelligence relationships with foreign governments. The Act also specifies a number of offices, officials, and centers, including the National Intelligence Council; National Counterintelligence and Security Center; and the National Counterterrorism Center.

QUESTION 8: Do you commit to executing these responsibilities and maintaining operation of all these functions and offices as prescribed in law?

Yes.

QUESTION 9: If confirmed, what goals do you have for the IC as its leader?

If confirmed as the DNI, I will prioritize ensuring that the Intelligence Community operates with the utmost integrity. I will seek to ensure that the IC provides independent, objective, and timely intelligence to policymakers across the

government. In doing so, the IC must remain innovative in its thinking, diverse in its approaches to its mission, and unmatched in its capabilities.

QUESTION 10: Will you commit to appearing before the Senate Select Committee on Intelligence for its annual Worldwide Threats hearing?

Yes.

QUESTION 11: There has been considerable debate in the past concerning the appropriate size, organization, and function of the ODNI.

A. What is your view of the ODNI's size, organization, and function?

The question of the ODNI's size is critically important, and this is not a partisan issue. Members of Congress and national security officials on both sides of the aisle have recognized that ODNI today is not functioning in the role as it was envisioned when Congress created this Office. As I do not have an inside view of day-to-day operations, I cannot say what the exact right size or strength of the office should be. That assessment requires a deep dive into the work that has already been done to right-size the agency, alongside a clear look at what more needs to be done. If confirmed, I will prioritize working with both sides of the aisle in Congress and the President to conduct a thorough review of the ODNI's roles, functions, and staffing. Our shared goal must be to ensure the office is streamlined, agile, and mission-focused.

B. If confirmed, what changes, would you make to the size, organization, or function of the ODNI?

If confirmed, I pledge to review the operations and effectiveness of the ODNI and work with this committee to communicate any needs the agency and IC community may face.

C. 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 confirmed, I pledge to review the operations and effectiveness of the ODNI and work with this committee to communicate any needs the agency and IC community may face.

D. 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 question of how to balance the authority of the DNI vis-à-vis other IC element heads is critically important, and should not be a partisan issue. If confirmed, I will prioritize working with both sides of the aisle in Congress and the President to better understand what the right balance is. Our shared goal must be to ensure ODNI is streamlined, agile, and mission-focused on integrating the IC.

QUESTION 12: What is your understanding of the responsibilities of the following officers, and for each of them, how would you ensure that each officer is performing the mission required by law?

A. The General Counsel of the ODNI.

Section 103C of the National Security Act establishes that the ODNI General Counsel serves as the Office's chief legal officer. Their counsel is essential to the DNI's responsibility of ensuring that intelligence activities comply with the Constitution and laws of the United States. If confirmed. I will work closely with the General Counsel to ensure the ODNI and the IC are executing their statutory duties as required by law and consistent with the constitution.

B. The Inspector General of the IC.

Section 103H of the National Security Act establishes the IC Inspector General (IC IG). The IC IG: (1) creates an objective and effective office, appropriately accountable to Congress, to initiate and conduct independent investigations, inspections, audits, and reviews on programs and activities within the responsibility and authority of the DNI; (2) provides leadership and coordination and recommends policies for activities designed to

promote economy, efficiency, and effectiveness in the administration and implementation of such programs and activities and to prevent and detect fraud and abuse in such programs and activities; (3) provides a means for keeping the DNI fully and currently informed about problems and deficiencies relating to the administration of programs and activities within the responsibility and authority of the DNI and the necessity for, and the progress of, corrective actions; and (4) ensures that the congressional intelligence committees are kept similarly informed of significant problems and deficiencies relating to programs and activities within the responsibility and authority of the DNI and the necessity for, and the progress of, corrective actions.

If confirmed, I will seek to establish a strong working relationship with the IC IG to ensure they have adequate resources and support to conduct their important work.

C. The ODNI Privacy, Civil Liberties, and Transparency Officer.

Section 103D of the National Security Act establishes the ODNI Civil Liberties Protection Officer (CLPO). The CLPO: (1) ensures that the protection of civil liberties and privacy is appropriately incorporated in the policies and procedures developed for and implemented by the ODNI and the elements of the intelligence community within the National Intelligence Program; (2) oversees compliance by ODNI with requirements under the Constitution and all laws, regulations, Executive Orders, and implementing guidelines relating to civil liberties and privacy; (3) reviews and assess complaints and other information indicating possible abuses of civil liberties and privacy in the administration of the programs and operations of the Office and the DNI and, as appropriate, investigate any such complaint or information; (4) ensures that the use of technologies sustain, and do not erode, privacy protections relating to the use, collection, and disclosure of personal information; (5) ensures that personal information contained in a system of records subject to the Privacy Act, is handled in full compliance with fair information practices as set out in that section; (6) conducts privacy impact assessments when appropriate or as required by law; and (7) perform such other duties as may be prescribed by the DNI or specified by law. Among

those additional statutory duties is critical programmatic oversight of the IC's Section 702 program.

If confirmed as DNI, I will prioritize ensuring that the Intelligence Community operates with the utmost integrity and expect that the CLPO will play a vital role in that effort. The role is vital to showing the American people that the IC is committed to lawfully and responsibly using the tools and authorities provided to keep our country safe, while also safeguarding their civil liberties.

D. The individual assigned responsibilities for analytic integrity under Section 1019 of IRTPA (50 U.S.C. § 3024).

Consistent with Section 1019 of IRTPA, the individual or entity assigned responsibility for analytic integrity, commonly called the Analytic Ombudsman, shall perform, on a regular basis, detailed reviews of finished intelligence products or other analytic products by one or more elements of the Intelligence Community covering a particular topic or subject matter; shall be responsible for identifying on an annual basis functional or topical areas of analysis for specific review; and may draft lessons learned, identify best practices, or make recommendations for improvement to the analytic tradecraft employed in the production of the reviewed product or products.

E. The individual assigned responsibilities for safeguarding the objectivity of intelligence analysis under Section 1020 of IRTPA (50 U.S.C. § 3024).

Consistent with Section 1019 of IRTPA, the individual or entity assigned responsibility for analytic integrity, commonly called the Analytic Ombudsman, shall perform, on a regular basis, detailed reviews of finished intelligence products or other analytic products by one or more elements of the Intelligence Community covering a particular topic or subject matter; shall be responsible for identifying on an annual basis functional or topical areas of analysis for specific review; and may draft lessons learned, identify best practices, or make recommendations for improvement to the analytic tradecraft employed in the production of the reviewed product or products.

Management of the ODNI

QUESTION 13: What do you believe is the appropriate balance between government employees and contractor employees in the ODNI?

There is value to both government employees and contract employees working at ODNI. In striking the appropriate balance, first and foremost, there are legal and regulatory requirements, such as ensuring that inherently governmental activities are performed by government employees. If confirmed as DNI, I will examine ODNI's mix of government employees and contracting employees to ensure ODNI is properly staffed to perform its statutory responsibilities in the most efficient manner.

QUESTION 14: What do you believe is the appropriate balance between ODNI cadre employees and those on detail or assigned from other government agencies?

If confirmed as DNI, I am committed to reviewing ODNI's staffing to ensure that details are used in a thoughtful manner to bring highly skilled intelligence professionals into ODNI, to encourage collaboration and work among all the IC elements, and to provide professional development to grow the IC's expertise and future leaders. In conducting a review, I will also examine what the appropriate balance should be.

QUESTION 15: 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?

The primary principle is that inherently governmental activities should be performed by full-time government employees. In addition, enduring requirements are often best performed by government employees. Non-inherently governmental functions, particularly those of a temporary nature or where technical expertise is needed but difficult to obtain within the government may be best suited for contractors. These principles help ensure that the IC is using both government employees and contractors in the most efficient way to accomplish the IC's intelligence functions.

QUESTION 16: What do you believe is the appropriate proportionality in the ODNI between cadre employees and detailees from other government entities?

If confirmed as DNI, I am committed to reviewing ODNI's staffing to ensure that details are used in a thoughtful manner to bring highly skilled intelligence professionals into ODNI, to encourage collaboration and work among all the IC elements, and to provide professional development to grow the IC's expertise and future leaders. In conducting a review, I will also examine what the appropriate balance should be.

QUESTION 17: What is your assessment of the personnel accountability system presently in place both at the ODNI and within the other IC elements? 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?

I strongly believe in accountability and the importance of holding IC professionals to the highest standards of integrity. But there also needs to be a fair process in the event of allegations of misconduct. If confirmed, I am committed to reviewing the personnel accountability systems of ODNI and the broader IC to ensure both accountability and fairness.

Relationship with the Congressional Intelligence Committees

QUESTION 18: What is your understanding of the obligations of the DNI under Title V of the National Security Act of 1947?

A. What steps should the DNI take to ensure that all departments, agencies, and other entities of the U. S. government involved in intelligence activities in general, and covert action in particular, comply with the reporting requirements?

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. Section 502 also requires the DNI 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 places a similar responsibility on the DNI for covert action, subject to appropriate measures for the protection of classified information relating to sensitive intelligence sources and methods or other exceptionally sensitive matters. Finally, Section 102A charges the DNI with ensuring all IC elements comport with the Constitution and laws of the United States. Together, these provisions charge the DNI with serving as a critical link between the IC and Congress, ensuring that intelligence activities are transparent, accountable, and aligned with U.S. law.

B. Under what circumstances do you believe notification may and should be limited to the Chairman and Vice Chairman or Ranking Member of the congressional intelligence committees? In those circumstances, if any, what is the obligation of the DNI to subsequently notify the full membership of the committees as expeditiously as possible?

Notification should be limited to the Chairman and Vice Chairman or Ranking Member of the congressional intelligence committees in the very limited 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.

Barring the circumstances described in statute above, I pledge to inform all Members of the congressional intelligence committees equally.

C. The law establishes a separate category of notification for covert action. Given the specificity of the law, do you believe the Executive Branch could ever limit notification on matters other than covert action?

Given the construct of the National Security Act, I believe there is a presumption that the Executive Branch will generally notify the intelligence committees about all intelligence activities other than covert action. However, because I do not yet have an inside view of day-to-day operations, and, mindful of the President's inherent Article II authorities as Commander in Chief, I am not in a position to say that the Executive

Branch could *ever* limit such notification. Barring such extreme circumstances, I pledge to keep the congressional intelligence committees fully and currently informed of all intelligence activities as appropriately required by law.

QUESTION 19: The IC can perform its mission properly only with close partnership with and accountability to Congress.

A. What is the DNI's role in ensuring Congress is kept fully and currently informed, as required by law, including 50 U.S.C. § 3091 and Intelligence Community Directive (ICD) 112? How do you intend to fulfill those duties?

Section 501 of the National Security Act charges the President with a responsibility to keep the congressional intelligence committees fully and currently informed of all intelligence activities. The DNI implements that responsibility through ICD 112. If confirmed as DNI, I will serve as a critical link between the IC and Congress, ensuring that intelligence activities are transparent, accountable, and aligned with U.S. law.

B. Are there circumstances that would justify delaying notification of Congress of important intelligence assessments, or not notifying Congress at all? Do you believe the National Security Council (NSC) should play a role in these decisions? If so, what should that role be?

Consistent with the need to protect classified national security information, I am committed to ensuring that Congress can perform its oversight function and benefit from the IC's insight on national security matters. Thus, Congress should be notified of important intelligence assessments. The NSC plays a role in coordinating legislative engagement and national security policy across national security departments and agencies. However, the NSC would not determine the substance of the IC's intelligence analysis.

C. Under what circumstances do you believe notification of Congress can or should be limited to the Gang of Eight? What should the role of the NSC be in determining what information should be limited?

Notification should be limited to the Gang of Eight in the very limited circumstances where the President determines that it is essential to limit access to meet extraordinary circumstances affecting vital interests of the United States. The NSC advises the President on that determination, but would not determine the substance of the IC's intelligence analysis.

Barring the circumstances described in statute above, I pledge to inform all Members of the congressional intelligence committees equally to the best of my ability.

D. If confirmed, do you commit to complying with statutory deadlines set forth in the Committee's legislation, specifically the Intelligence Authorization Act for each fiscal year?

Yes.

QUESTION 20: Will you commit to ensuring that all Committee staff are read into IC programs and assessments consistent with protecting sources and methods?

If confirmed, I would work with the Committee to accommodate its legitimate oversight needs while safeguarding the confidentiality interests of the Executive Branch, including the protection from unauthorized disclosure of classified intelligence sources and methods

QUESTION 21: Would you consider a finished intelligence product to be "privileged" in any way such that you would not provide it to Congress? Please explain.

If confirmed, I would work with the Committee to accommodate its legitimate oversight needs while safeguarding the confidentiality interests of the Executive Branch.

QUESTION 22: Will you commit to provide the Committee intelligence reports, such as Federal Bureau of Investigation (FBI) and DoD Intelligence Information Reports (IIRs), National Security Agency (NSA) reports, and CIA Telegraphic Dissemination (TD) reports, in support of the Committee's intelligence oversight

duties, upon request? Will you commit to provide the congressional intelligence committees National Intelligence Council products, e.g., Major Issue Studies or National Intelligence Estimates, in support of their oversight duties?

If confirmed, I would work with the Committee to accommodate its legitimate oversight needs while safeguarding the confidentiality interests of the Executive Branch, including the protection from unauthorized disclosure of classified intelligence sources and methods

QUESTION 23: If confirmed, will you fully support the Committee's Audits and Projects Team, and enable their access to the people and information throughout the IC that is required for their functions, upon the Committee's request?

If confirmed, I would work with the Committee to accommodate its legitimate oversight needs while safeguarding the confidentiality interests of the Executive Branch, including the protection from unauthorized disclosure of classified intelligence sources and methods

QUESTION 24: Will you keep the Committee fully and currently informed of the personnel, resources, facilities and authorities from the NIP and MIP that are necessary to implement the DNI and Secretary of Defense memorandum designating the Space Force as the 18th member of the IC?

Yes.

QUESTION 25: How would you approach communicating IC analytic conclusions to the public if the analysis and conclusions did not align with the President's views and political objectives?

The IC provides the President and senior policymakers with analysis that is objective, apolitical, and meets IC standards of analytic integrity. If confirmed, any public disclosure decisions must consider national security interests and the need to protect sensitive sources and methods.

Intelligence Information Sharing

QUESTION 26: What is your view of the IC's current efforts to enable the IC to operate like a true "information enterprise," where information is accessible by all IC elements? If confirmed, how would you pursue this goal?

This IC and the nation learned the importance of ensuring that the right information gets to the right people at the right time from the September 11 attacks. If confirmed, I look forward to studying in detail how the IC elements share and access information and ensure that they operate like a true "information enterprise," and working with IC subject matter experts on determining and implementing this critical mission.

QUESTION 27: What in your view are the appropriate steps that should be taken to allow for increased interagency access to sensitive intelligence information? If confirmed, how would you pursue these efforts?

If confirmed, I look forward to studying in detail how the IC elements share and access sensitive information and working with IC subject matter experts on determining and implementing this critical mission.

QUESTION 28: Section 103G of the National Security Act of 1947 (50 U.S.C. § 3032) establishes the authorities of the Chief Information Officer of the IC (IC CIO), including procurement approval authority over all information technology items related to the enterprise architectures of all IC components.

A. What is your view of the authority of the IC CIO to create an integrated national intelligence and military intelligence information sharing enterprise?

Section 103G of the National Security Act establishes that the IC CIO to assist the DNI in carrying out its information technology-related responsibilities and (1) manage activities relating to the information technology infrastructure and enterprise architecture requirements of the intelligence community; (2) have procurement approval authority over all information technology items related to the enterprise architectures of all intelligence community components; (3) direct and manage all information

technology-related procurement for the intelligence community; and (4) ensure that all expenditures for information technology and research and development activities are consistent with the intelligence community enterprise architecture and the strategy of the Director for such architecture.

Separately, the National Security Act, the Federal Information Security Management Act, and Executive Order 12333 exclusively charge the DNI with: (1) overseeing agency information security policies for agencies that operate an IC information systems; (2) establishing common information security standards, protocols, and interfaces for the IC; (3) granting access to sensitive compartmented information to any officer or employee of any agency or department; and (4) managing appropriations for the National Intelligence Program.

Together, the DNI and IC CIO authorities above appear to provide the DNI with strong oversight and procurement approval authority over the IC information environment to fulfill the DNI's congressionally mandated duties. However, if confirmed, I will work with the IC element heads and this committee should these authorities need reforms.

B. If confirmed, how do you intend to achieve true integration of national intelligence and military intelligence information sharing enterprises?

Integrating the national intelligence and military intelligence information sharing enterprises in a way that protects vital national security information is a national security priority. If confirmed, I look forward to working with the IC CIO to explore how the IC integrates intelligence information and working with IC subject matter experts on determining and implementing this critical mission.

Cybersecurity

QUESTION 29: The National Security Agency and United States Cyber Command are currently led by a single uniformed military officer in a "dual-hat" arrangement, due to their intertwined missions, which has allowed them to share many of the same

resources and capabilities. Do you believe that the National Security Agency and U.S. Cyber Command should be dual-hatted?

Yes. I support President Trump's decision to nominate General Joshua Rudd for both positions and believe the combination has proven effective.

QUESTION 30: The ODNI has a central role to play in coordinating cybersecurity efforts, particularly with the respective roles of the Director of the NSA 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 infrastructure?

If confirmed, I look forward to reviewing the DNI's and IC's roles within the national cybersecurity infrastructure. I look forward to consulting with the Committee after my review.

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

If confirmed as DNI, I will aim to facilitate vigorous data sharing and information exchange about foreign threats to U.S. cybersecurity between the Intelligence Community and the private sector to the maximum extent permitted by law and in accordance with the protection of classified information. However, I note that the IC's foreign intelligence focus is just part of the nation's broader cybersecurity efforts and would aim to partner with other federal, state, and local partners to ensure a whole-of-nation approach.

C. What is your view of the role of the ODNI's Cyber Threat Intelligence Integration Center within the national cybersecurity efforts?

If confirmed, I look forward to studying in detail the role currently played by ODNI's Cyber Threat Intelligence Integration Center.

QUESTION 31: Do you agree that the hacking of databases with large amounts of information on Americans, either controlled by the government or the private sector, poses a national security threat to the United States? If yes, how should the U.S. seek to strengthen the security of those databases?

Yes; I agree that this is a significant threat. My understanding is that this is a whole-of-government effort, with a significant role played by the Cybersecurity and Infrastructure Security Agency (CISA) within the Department of Homeland Security. If confirmed, I look forward to studying in detail how the IC can further contribute to this critical mission.

QUESTION 32: How do you intend to improve information sharing – in both directions – between the IC and the private sector?

If confirmed as DNI, I will aim to facilitate vigorous data sharing and information exchange about foreign threats to U.S. cybersecurity between the Intelligence Community and the private sector to the maximum extent permitted by law and in accordance with the protection of classified information. If confirmed, I look forward to studying in detail current IC efforts in this space and recommending an effective path forward.

QUESTION 33: What types of cybersecurity intelligence information should be transmitted from the private sector to the government?

The private sector has unique insight and expertise on malicious activity occurring within its networks. Real-time integration of private sector and government data could lead to more effective prevention and mitigation outcomes. If confirmed as DNI, I will ensure that we have a robust data sharing and information exchange relationship with the private sector as appropriate.

QUESTION 34: The private sector often has unique insights about network infrastructure and software that are potential targets of interest for foreign adversaries.

A. Do you think that the IC should improve communications channels with the private sector in order to receive inputs that can help with foreign intelligence collection?

Yes, the strength of the U.S. private sector is one of the nation's strategic advantages that the IC must leverage. If confirmed as DNI, I will aim to facilitate vigorous data sharing and information exchange about foreign threats to U.S. cybersecurity between the Intelligence Community and the private sector to the maximum extent permitted by law and in accordance with the protection of classified information.

B. If so, how will you do so?

If confirmed, I look forward to studying in detail current IC efforts in this space and recommending an effective path forward.

Science & Technology and Research & Development

QUESTION 35: How do you assess the state of science and technology (S&T) activities within the IC? If confirmed, how would you improve S&T activities in the IC?

The last few years alone have demonstrated to everyday Americans how much we are in a time of change with AI advancements coming into all of lives. I believe it is necessary for the IC to have robust S&T activities to utilize these emerging technologies but also to identify threats to the United States if our foreign adversaries seek to use technology against us. If confirmed, I will examine the state of the IC's S&T activities and ensure that the IC's resources are used effectively for S&T.

QUESTION 36: If confirmed, what would be your top priorities with respect to research and development in the IC? What should be the appropriate size of the research and development budgets as a percentage of the total NIP?

If confirmed, I will examine the IC's research and development activities and the amount of resources for those activities so that I can assess whether their budgets are appropriate based on the intelligence needs.

Financial Intelligence

QUESTION 37: The IC's ability to investigate and disrupt the illicit financial and commercial networks that enable nefarious actors is central to addressing national and international security threats. Please describe your strategy for improving the IC's collection and analysis efforts regarding financial intelligence, including the use of open source and proprietary commercial information, and obtaining the cooperation of other countries.

Collecting and analyzing financial information and then using it to disrupt illicit financial and commercial networks is critically important to addressing threats to the United States. It is a complicated problem set requiring analysts with financial expertise, access to the right data, and the right tools. As the financial sector is global and interconnected, partnerships with our foreign allies and with the commercial sector are required to address and disrupt threats. If confirmed as DNI, I look forward to examining the IC's approach to this problem and ensuring that its resources are best used to develop financial intelligence.

ODNI Relationship with the Department of Defense

QUESTION 38: Please explain your understanding of the need to balance the requirements of national and military intelligence consumers, specifically between establishing a unified national intelligence effort that includes intelligence elements housed within DoD with the continuing requirement that combat support agencies be able to respond to the needs of military commanders.

A. What is your assessment of the national intelligence effort to satisfy the needs of military commanders for human intelligence collection, and what steps would you take to address any deficiencies?

If confirmed, I look forward to working with USW(I&S) and the IC Functional Manager for HUMINT to ensure that the IC is providing military commanders with the information they need to protect the United States.

B. What is your assessment of the military intelligence gathering effort, and what role do you see for the DNI in addressing programs funded by the MIP?

The National and Military Intelligence Programs need to work in concert to ensure that intelligence is provided in a timely and actionable fashion. As such, it is important for the IC and the Defense Intelligence Enterprise (DIE) to maintain close and productive working relationships. The MIP is developed by DoW in consultation with the DNI. If confirmed, I look forward to continuing this coordination and working closely with DoW to ensure our combined efforts are producing the intelligence that our Nation needs.

C. What should be the relationship between the ODNI and the OUSD(I&S) in the management and coordination between the NIP and the MIP resources?

ODNI and OUSW(I&S) need to maintain a close and collaborative relationship. ODNI is responsible for the National Intelligence Program and its resources, addressing national-level intelligence priorities, while OUSW(I&S) is responsible for the Military Intelligence Program and its resources, addressing operational and tactical military needs. If confirmed, I look forward to developing and sustaining a close relationship with OUSW(I&S).

D. What is your understanding of the different roles that the DNI and the Secretary of Defense should play with respect to intelligence elements within DoD?

The DNI and the Secretary of War both have important roles with respect to the defense intelligence elements. The DNI is the head of the IC and provides oversight and direction to defense intelligence elements for the activities conducted under the National Intelligence Program. The Secretary of War is the department head for the defense intelligence elements and provides oversight and direction for the activities conducted under the Military Intelligence Program. If confirmed, I look forward to working with Secretary Hegseth to ensure that our respective

responsibilities are executed in a complementary fashion within the defense intelligence elements to support national and military requirements.

E. What is the relationship between the DNI and the heads of the individual intelligence agencies residing within DoD?

The heads of the DoW intelligence elements are members of the IC and critical members in DNI-led decision making processes. They participate in DNI strategic, policy, and budget decisions for the IC, and provide essential input in their areas of expertise and in addressing intelligence priorities.

F. Does the DNI now have visibility over the full range of intelligence activities conducted by DoD?

If confirmed, I will work with the Secretary of War to ensure that I have the visibility needed into the intelligence activities conducted by DoW.

G. Are there additional authorities that the DNI should have regarding the full range of intelligence activities conducted by Do~~D~~?

If confirmed, I will review the DNI's current authorities and will seek additional authorities, in full coordination with Congress and the Executive Branch, as appropriate.

H. Is the USD(I&S) subject to the authority of the DNI? If so, to what extent?

OUSW(I&S) is not an IC element and is not subject to DNI authority. However, to fully align the NIP and MIP, the DNI and USW(I&S) must maintain a close partnership. To facilitate this, USW(I&S) is designated as the Director for Defense Intelligence (DDI) and serves as a principal advisor to the DNI on all matters relating to defense intelligence. If confirmed, I intend to strengthen the relationship with USW(I&S) so that we may jointly address the Nation's intelligence requirements.

QUESTION 39: What is your understanding of the responsibilities of the USD(I&S) regarding the different intelligence elements within the DoD?

My understanding is that the USW(I&S) is the principal advisor to the Secretary of War on intelligence, counterintelligence, security, sensitive activities, and other intelligence-related matters. USW(I&S) also exercises the Secretary of War's authority, direction, and control over Combat Support Agencies, DoW Agencies. and DoW Field Activities regarding defense intelligence, counterintelligence, and security components. Finally, the USD(I&S) fulfills the Secretary of War's statutory requirements related to the National Intelligence Program and serves as the Program Manager for the MIP.

QUESTION 40: If confirmed as DNI, what issues do you believe require the attention of the DNI and the Secretary of Defense regarding the role of the Office of the USD(I&S)?

If confirmed, I will work closely with the Secretary of War regarding the role and functions of the USW(I&S) to ensure that ODNI and OUSW(I&S) work collaboratively to support the Nation's intelligence needs. In particular, I will work with the Secretary on issues of joint NIP/MIP concern, including cost sharing efforts, critical and strategic intelligence priorities, and the timely provision of intelligence to support DoW.

ODNI Relationship with the Central Intelligence Agency

QUESTION 41: What is your view of the DNI's responsibility to supervise, direct, or control the activities of the CIA?

A. What do you see as the DNI's role in the supervision, direction, or control of the conduct of covert actions by the CIA?

Pursuant to E.O. 12333, the DNI oversees and provides advice to the President and the NSC with respect to all ongoing and proposed covert action programs. However, the DNI does not have direct operational control. Within that oversight role, the DNI ensures that covert actions align with the President's directives, as well as intelligence priorities and strategies. In addition, the DNI, in coordination with OMB, engages with

CIA to ensure resources for new findings and to provide timely notification to Congress of the underlying activity and any requirements for additional resources.

B. What level of notification about covert action activities should the DNI receive?

The DNI maintains oversight over covert action activities and participates in the processes related to the approval or review of covert action findings, engages on resources and funding matters, and provides the President and NSC with advice, including how covert actions fit within intelligence strategies.

The DNI should receive timely notification of a new activity or a significant change to a covert action activity. If confirmed, I look forward to examining the specifics of the DNI's notifications and whether any additional notifications are needed.

C. What role should the DNI have with respect to the Director of the CIA's responsibilities to coordinate the relationships between IC elements and the intelligence and security services of foreign governments or international organizations?

In accordance with the National Security Act, the DNI is responsible for overseeing the coordination of the relationships between IC elements and the intelligence or security services of foreign governments and international organizations. If confirmed as the DNI, I expect to work closely with the Director of the CIA and provide oversight for CIA's role and responsibilities. That oversight should include ensuring that engagements align with national intelligence priorities and U.S. foreign policy objections, and reduce duplication of effort among the IC elements so that foreign relationships are managed in an efficient and effective matter.

D. What role should the DNI have with respect to the CIA's management of its national human intelligence responsibilities?

As the head of the IC, the DNI should provide strategic oversight and guidance, and establish the objectives and priorities for the production of all national intelligence, including human intelligence, as outlined in the National Intelligence Priorities Framework (NIPF). As part of that oversight, the DNI should ensure human intelligence efforts are resourced and conducted in accordance with applicable law and policy.

ODNI Relationship with the Department of Justice and the Federal Bureau of Investigation

QUESTION 42: What is your view of the role of the FBI within the IC?

The FBI is an integral part of the IC, combining its law enforcement and intelligence responsibilities to address national security threats and to protect the nation and U.S. persons from attacks in the homeland and abroad. The FBI is uniquely positioned to support domestic partners and coordinate efforts in the domestic space.

Through the DNI Domestic Representative Program, executed by senior FBI personnel throughout the U.S., the FBI provides valuable insights on national security threats, partnering with Federal, State, Local and Tribal entities and the private sector to provide the IC with valuable insight regarding regional and nationwide threats.

QUESTION 43: What is your understanding of the relationship between the FBI and the DNI, particularly regarding collection priorities and information sharing?

The FBI is an element of the IC and fully participates in ODNI-led IC activities, to include IC committees and councils; FBI's participation in these activities provides valuable context and bridges the intersection between the intelligence and law enforcement communities. FBI is a key partner with State, Local and Tribal organizations, and engages with private sectors partners on matters including cyber security and election threats.

The DNI, through the National Counterterrorism Center, works closely with FBI to develop leads, support information sharing, and engage on counterterrorism efforts.

The DNI Domestic Representatives work closely with the DNI and facilitate Requests for Information from FBI partners in the field.

QUESTION 44: What is your understanding of the different roles and responsibilities of the FBI, the Attorney General, and the DNI, with respect to U.S. counterterrorism efforts?

The Director of the FBI, the Attorney General, and the DNI have important and complimentary roles to support the nation's counterterrorism efforts, and must work together, with other federal, state, international and private partners, to successfully deter terrorism. The Attorney General leads the Department of Justice and the FBI in investigating and prosecuting violations of criminal law, including terrorism.

The DNI provides strategic direction and oversight on the IC's counterterrorism efforts, including the national security efforts of FBI. In addition, the DNI is charged with providing an IC-wide view of the terrorism threat. Under the DNI, the National Counterterrorism Center has a unique statutory responsibility to integrate all intelligence possessed or acquired by the federal government and provide all source intelligence analysis on terrorism threats to its customers.

QUESTION 45: What is your understanding of the different roles and responsibilities of the FBI, the Attorney General, and the DNI, with respect to U.S. counterintelligence efforts?

The Attorney General leads the Department of Justice and the FBI in investigating and prosecuting violations of criminal law, including counterintelligence crimes.

Under the DNI, the Director of the National Counterintelligence and Security Center (NCSC) serves as the head of the U.S. government counterintelligence activities, and in that role, sets strategic priorities, develops strategies and policies, and delivers the Counterintelligence Strategy for the United States to the President.

ODNI Relationship with the Department of Homeland Security and other Departments of the United States Government

QUESTION 46: What is your view of how well the intelligence elements of the Departments of Homeland Security, Treasury, State, and Energy are integrated

within the IC? Do you believe that there are changes that should be made to the organization, mission, or resource level of any of these agencies?

As full members of the Intelligence Community, the intelligence elements of the Departments of Homeland Security, Treasury, State, and Energy play critical roles in supporting the broader IC and the nation's intelligence requirements, particularly in their specialized areas of expertise. If confirmed, I look forward to engaging quickly with these elements to determine how to strengthen their integration in the IC.

QUESTION 47: Please describe your understanding of the different roles and responsibilities of the DNI and the following officials, regarding the IC elements within their departments:

A. The Director of the Office of Management and Budget

The DNI and OMB oversee the resources and activities of the IC in distinct but complementary ways. The DNI provides intelligence-specific expertise and priorities, including the priorities for the use of NIP resources, while OMB assesses those priorities within the context of the overall federal budget. This collaboration ensures that both DNI and OMB can conduct their respective oversight responsibilities, while enabling the IC to receive the funds it needs to meet intelligence mission requirements, consistent with broader government and Presidential objectives and priorities.

B. The Secretary of Energy

The DNI and the Secretary of Energy have distinct roles in overseeing the IC elements within the Department of Energy (DOE). As the head of the IC, the DNI provides strategic guidance, sets priorities, and ensures that intelligence activities align with the broader goals of the National Intelligence Program (NIP) and national intelligence strategies. The Secretary of Energy has the responsibility for ensuring the DOE IC elements comply with departmental requirements and effectively support departmental missions. The DNI works with the Secretary to ensure compliance with constitutional and legal requirements and that DOE

intelligence efforts contribute effectively to national security priorities, particularly in areas such as nuclear weapons proliferation and energy-related threats.

C. The Secretary of Homeland Security

The DNI and the Secretary of Homeland Security have distinct roles in overseeing the IC elements within the DHS, the U.S. Coast Guard and the Office of Intelligence and Analysis. As the head of the IC, the DNI provides strategic guidance, sets priorities, and ensures that intelligence activities align with the broader goals of the National Intelligence Program (NIP) and national intelligence strategies. The Secretary of Homeland Security has the responsibility for ensuring the DHS IC elements comply with departmental requirements and effectively support departmental missions. The DNI works with the Secretary to ensure compliance with constitutional and legal requirements and that DHS intelligence efforts contribute effectively to national security priorities, particularly in areas such as terrorism, cybersecurity. and border security.

D. The Secretary of State

The DNI and the Secretary of State have distinct roles in overseeing the Bureau of Intelligence and Research (INR) the IC element within the Department of State (DOS). As the head of the IC, the DNI provides strategic guidance, sets priorities, and ensures that intelligence activities align with the broader goals of the National Intelligence Program (NIP) and national intelligence strategies. The Secretary of State has the responsibility for ensuring that INR complies with departmental requirements and effectively supports departmental missions. The DNI works with the Secretary to ensure compliance with constitutional and legal requirements and that DOS intelligence efforts contribute effectively to national security priorities, particularly in leveraging its expertise in foreign policy.

E. The Secretary of the Treasury

The DNI and the Secretary of Treasury have distinct roles in overseeing the Office of Intelligence and Analysis (OIA), the IC element within the Department of the Treasury. As the head of the IC, the DNI provides strategic guidance, sets priorities, and ensures that intelligence activities align with the broader goals of the National Intelligence Program (NIP) and national intelligence strategies. The Secretary of Treasury has the responsibility for ensuring that OIA complies with departmental requirements and effectively supports departmental missions. The DNI works with the Secretary to ensure compliance with constitutional and legal requirements and that OIA intelligence efforts contribute effectively to national security priorities, particularly in countering financial threats and protecting the integrity of the global financial system.

Privacy and Civil Liberties

QUESTION 48: Section 102A(f)(4) of the National Security Act of 1947 (50 U.S.C. § 3024(f)(4)) provides that the DNI "shall ensure compliance with the Constitution and laws of the United States by the [CIA] and shall ensure such compliance by other elements of the [IC] through the host executive departments that manage the programs and activities that are part of the National Intelligence Program."

A. What are the most important subjects concerning compliance with the Constitution and laws of the United States that the DNI should address in fulfilling this responsibility?

The IC cannot perform its mission without the trust of the American people and their elected representatives. Compliance with the Constitution and the laws of the United States is fundamental for the IC and the DNI is expressly charged by the National Security Act with ensuring that the IC complies with the Constitution and laws of the United States.

If confirmed, I will ensure that ODNI continues to assess civil liberties and privacy compliance across the IC and that the IC has the tools, resources, and support it needs to always place the protection of privacy and civil liberties at the forefront of our mission.

B. What do you understand to be the obligation of the DNI to keep the congressional intelligence committees fully and currently informed about matters relating to compliance with the Constitution and laws of the United States?

The DNI has a clear statutory obligation under the National Security Act of 1947 to keep the congressional intelligence committees fully and currently informed about all intelligence activities, including the IC's compliance with the Constitution and laws of the United States. This responsibility includes an explicit requirement to report illegal intelligence activities.

Privacy and Civil Liberties Oversight Board (PCLOB)

QUESTION 49: If confirmed, will you ensure that the IC fully cooperates with the PCLOB, both with regard to the Board's formal reviews and its informal exchanges with the IC? Will you commit to ensuring that the PCLOB is provided full access to any information it requests?

Yes. If confirmed, I will ensure the PCLOB gets the support it needs to execute its critical oversight functions consistent with the law.

Security Executive Agent

The DNI is designated by law to serve as the U.S. government's Security Executive Agent.

QUESTION 50: What is your view of the effectiveness of the governance framework for personnel and credentialing vetting reform established by the OMB-led Performance Accountability Council?

If confirmed as DNI, I will be one of four members of the Performance Accountability Council (PAC), which is led by the Deputy Director of OMB. I believe the PAC is a critical function for ensuring strategic governance across the entire U.S. federal government. It is an effective vehicle for ensuring interoperability between the IC, the Department of War, and the entire Executive

Branch of the U.S. Government, particularly in the security clearance arena. If confirmed, I would work within this governance structure to ensure that reforms continue to prioritize efficiency, fairness, and adaptability, while safeguarding national security. I would also advocate for leveraging advanced technologies to further modernize the process.

QUESTION 51: Do you believe the Trusted Workforce 2.0 personnel vetting reforms are prudently scoped? Would you seek to modify them? How would you accelerate reforms?

I understand the Trusted Workforce 2.0 personnel vetting reforms are effectively scoped and have been successful. If confirmed, I look forward to learning more about its continued implementation and making recommendations for improvement as appropriate.

QUESTION 52: How would you improve reciprocity in the recognition of clearances across the government?

If confirmed, I look forward to assessing the current process to determine what and where improvements need to be made. Standardized clearance policies and procedures, streamlined data sharing, continuous vetting, and accountability are essential tenets of an integrated intelligence community.

QUESTION 53: What are your views on the interagency security clearance process? If confirmed, what changes, if any, would you seek to make to this process?

My understanding is that the Trusted Workforce 2.0 effort, which is a whole of government effort, has driven much needed transformational change across the entire vetting process in the U.S. government. However, further reforms are needed to streamline the process and ensure timely and consistent adjudications across agencies. It simply takes too long to adjudicate a security clearance, and the IC loses access to critical talent because of it.

If confirmed, I would work with the National Security and Counterintelligence Center and the IC elements to continue to identify ways to gain efficiencies in this process. I would encourage leveraging advanced technologies to modernize and automate the process to the maximum extent possible while continuing to safeguard national security.

QUESTION 54: If confirmed, what steps will you take to reduce the time it takes to process security clearances for new hires?

If confirmed, I will prioritize reducing security clearance processing times by encouraging further acceleration on the adoption of the Trusted Workforce 2.0 framework, which incorporates continuous vetting and automated tools to streamline investigations. I would also encourage further use of advanced technologies to automate routine checks, improving clearance reciprocity across agencies, and ensuring adequate resources for investigative agencies. Additionally, I commit to study the IC's progress in this space and, if necessary, establishing clear metrics to monitor progress, identify bottlenecks, and enhance accountability.

QUESTION 55: What priority will you give to security clearance reform, and how will that be reflected in ODNI's efforts as a whole?

If confirmed, security clearance reform will be a top priority, as an efficient, fair, and modernized clearance process is essential to ensuring the IC attracts and retains the best talent while safeguarding national security.

QUESTION 56: Do you believe that cannabis use should ever be the basis for denying an individual eligibility for access to classified information?

An individual's overall judgment, reliability, and ability to safeguard classified information are the overarching considerations in granting a security clearance. As cannabis laws evolve at the state level, the IC must balance adherence to federal law with an understanding of societal changes to ensure the IC attracts and retains the best talent while safeguarding national security.

National Intelligence Priorities Framework (NIPF)

QUESTION 57: The NIPF guides priorities for the IC. Do you believe there is adequate interagency participation in the development of the President's Intelligence Priorities? How would you change or update the current procedures?

Yes, I believe the current procedures are appropriate.

Whistleblowers & The IC Inspector General

QUESTION 58: 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?

Yes; the ICIG provides a critical service to the DNI, the greater intelligence community, and the nation. I will support its statutory mission to promote economy, efficiency, and effectiveness in the administration of intelligence activities. If confirmed, I will establish a strong relationship with the ICIG, urge that ICIG recommendations are addressed appropriately, and ensure the ICIG office is sufficiently resourced and staffed.

QUESTION 59: If confirmed, how would you ensure the IC's IGs maintain their independence?

The ICIG's independence is essential to ensure oversight and accountability in

the IC. I will empower the IG and ensure that ODNI leadership cooperate with ICIG efforts regardless of the political or institutional implications of any audits or investigations.

QUESTION 60: 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?

If confirmed, I commit to ensure that ODNI handles every complaint to the ICIG in accordance with the law and that whistleblowers receive all legal protections.

QUESTION 61: 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. In accordance with the requirements in law, I commit to transmitting reports of "particularly serious or flagrant problems, abuses, or deficiencies relating to programs and activities" within the DNI's responsibility and authority to the congressional intelligence committees within seven days.

QUESTION 62: Will you commit, if confirmed, to protect the identity of IC whistleblowers who seek to remain anonymous?

Yes.

QUESTION 63: 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?

Yes, I agree.

Anomalous Health Incidents

QUESTION 64: Do you commit to taking a fresh look and an objective approach to the question of whether anomalous health incidents (AHIs) can be attributed to a foreign actor and deliberate external mechanism?

Yes; I commit to continuing the administration's important work in this area.

QUESTION 65: Do you commit to providing the congressional intelligence committees with ongoing and timely written and verbal updates on any IC analysis concerning AHIs as well as any specific inquiries on the topic from this Committee?

Yes.

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.

QUESTION 66: Please describe your understanding of the value of Section 702, including to the President's Daily Brief.

Section 702 accounts for 63% of President's Daily Brief (PDB).

Beyond the PDB, the value Section 702 provides in protecting this nation is immense. Section 702 contributed to over 90% of the CIA-enabled synthetic drug disruptions in 2025. Every day, professionals across the IC rely on Section 702 to thwart terrorist activities, safeguard the homeland, protect critical infrastructure and keep our troops safe. It's a critical tool in our fight against the cartel drug trade, which has devastated our communities. Just recently, the administration declassified the fact that Section 702 helped the IC prevent a planned mass casualty terror attack on a sold-out Taylor Swift concert in Vienna, Austria, keeping tens of thousands of individuals out of harm's way. Section 702 of FISA is an indispensable foreign intelligence tool towards understanding the formidable foreign threat environment facing our nation.

QUESTION 67: Do you support the reauthorization of Section 702?

Yes. Section 702 of FISA is a foreign intelligence tool that is critical in understanding the formidable foreign threat environment. It can only be used to target non-U.S. persons, outside the United States, and never a U.S. person anywhere in the world. I fully support Congressional reauthorization of Section 702 and will work tirelessly with my IC partners to implement Section 702 in ways that are consistent with the Constitution and statute.

QUESTION 68: 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 the IC's counternarcotics mission?

I strongly support the provision, which officially recognizes illicit drug trafficking as the national security threat Congress and the American people have known it to be for decades. In establishing the "international production, distribution, or financing of illicit synthetic drugs, opioids, cocaine, or other drugs driving overdose deaths, or precursors" as "foreign intelligence information" under FISA, RISAA paved the way for the U.S. Government to seek, and for the Foreign Intelligence Surveillance Court (FISC) to approve, a certification focused on countering this national security threat outside US borders, enhancing foreign based and foreign focused operations, and ensuring deadly shipments of fentanyl and other illicit drugs never reach our borders

QUESTION 69: 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?

"The right of the people to be secure in their persons, houses, papers, and effects, against *unreasonable* searches and seizures, shall not be violated . . . . " U.S. CONST. amend. IV (emphasis added).

As the plain meaning of the amendment makes clear, the touchstone of the Fourth Amendment is reasonableness. Therefore, the key question in determining whether a warrant should be required before an IC element queries, or searches, through

lawfully collected information already in its possession, is whether such a practice is reasonable. Both the FISC and the FISC-R, independent courts composed of duly appointed and confirmed Article III judges, have considered that question and concluded that such a search is not unreasonable. That conclusion aligns with the practice in criminal law. No prosecutor in SDNY, or anywhere in the nation, needs to obtain a second warrant or seek judicial review to review information already in their lawful possession. As a result, I do not believe a warrant requirement is necessary or appropriate.

While I do not believe that a warrant is constitutionally required, I plan to regularly review the IC's use of Section 702 and ensure that sufficiently protects the privacy and civil liberties of the American public if confirmed as DNI. I expect I will support all reforms necessary to make the IC accountable to the FISC, Congress, and the American in a way that also enables the IC's critical national security work. However, I do not believe that the IC should be subject to a warrant requirement that would restrict it beyond similar restrictions on law enforcement.

QUESTION 70: If a U.S. Person's selector is queried against FISA Section 702 information, and it reveals terrorist connections, what additional steps do the IC and Department of Justice need to take before they can target the U.S. Person's communications?

As you know, the IC cannot target U.S. persons under Section 702. Furthermore, targeting a non-U.S. person to obtain information about a U.S. person, also known as "reverse targeting," is unlawful. Therefore, in rare cases where the IC targets a U.S. person, it must rely on a legal authority other than Section 702. Most often, the IC would need to obtain a probable cause-based order from the FISC and convince the judiciary that the individual was an agent of the terrorist organization before collecting intelligence on a U.S. person. Such legal barriers and procedures are designed to ensure any decisions to target U.S. persons in connection with national security matters are consistent with the Fourth Amendment of the U.S. Constitution.

QUESTION 71: 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.

Section 702 targets must be non-U.S. persons reasonably believed to be located outside the United States and must be expected to possess, communicate, or receive foreign intelligence information. Section 702 collects communications by Section 702 targets with other Section 702 targets, but it also collects communications between Section 702 targets and individuals who are not targeted under Section 702. The communications of individuals who are not Section 702 targets, are referred to as "incidental collection."

Incidental collection may involve innocuous contact with family or friends, or it may, for example, constitute foreign intelligence information that must be acted upon to prevent harm. In the latter case, the incidental collection might be with a witting participant, an unwitting participant, or, as is most often, a potential victim. Identifying these incidental contacts assists the IC in determining which operational acts are necessary to protect national security, warn, or protect an individual from further harm.

Just recently, the administration declassified the fact that Section 702 helped the IC prevent a planned mass casualty terror attack on a sold-out Taylor Swift concert in Vienna, Austria, keeping tens of thousands of individuals out of harm's way. In that case, Ms. Swift, an American, was not a 702 target. However, the IC incidentally collected information about Ms. Swift through valid Section 702 targets. That information was not Ms. Swift's emails, phone calls, or other private electronic communications as is often portrayed. Instead, it was foreign terrorist discussing an attack on her and her fans. That information allowed the IC to take steps to keep them safe.

The IC mitigates the privacy impacts of incidental collection through the application of FISA Court-approved Section 702 minimization and querying procedures. These procedures contain detailed rules regarding who can access Section 702 collection, the length of time collection can be kept by the government, and when information about U.S. persons can be shared and with whom.

QUESTION 72: Please describe the extent of oversight mandated to ensure that the IC is compliant with FISA procedures and requirements.

Section 702 is one of – if not the most – scrutinized intelligence programs conducted by the U.S. Government. In fact, all three branches of government play a major role

in overseeing Section 702 to protect the privacy and civil liberties of the American people.

Since its original enactment in 2008, Congress has regularly amended the authority with updated safeguards and restrictions to ensure compliance with the Constitution. It also regularly receives and reviews compliance-related incidents and numerous reports regarding how the authority is being implemented. No instance of 702 non-compliance information is kept from Congress.

From the judicial branch, an Article III court—the Foreign Intelligence Surveillance Court, which is subject to review by the Foreign Intelligence Surveillance Court of Review and the U.S. Supreme Court— annually reviews the program. The courts must be satisfied that the 702 program meets all constitutional and statutory requirements before the IC can leverage the tool. Like Congress, the IC notifies the courts of every instance of 702 non-compliance.

Within the executive branch, each of the agencies that utilize Section 702 authorities have robust training and compliance programs overseen by attorneys and compliance professionals to ensure that authority is used lawfully. Moreover, the statute requires ongoing legal and programmatic oversight by ODNI and DOJ.

Protecting American's constitutional rights would be my first duty if confirmed as DNI. Therefore, I will never be passively satisfied with the complex oversight mechanisms described above. As DNI, I will regularly review whether the statutory and policy construct of 702 is sufficiently designed to ensure the privacy and civil liberties of U.S. persons and the American people and will inform this committee if I believe further reforms are necessary.

FBI Background Investigations

QUESTION 73: 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?

I believe there should be appropriate vetting of nominees for cabinet positions, but I am not in a position to comment on the necessity of background investigations for all presidential nominees across the executive branch.

QUESTION 74: Have you undergone, or will you undergo, an FBI background investigation as part of the process associated with your nomination?

Yes, I am undergoing an FBI background investigation as part of my nomination process.

QUESTION 75: Do you agree to provide the results of your FBI background investigation to the Chairman and Vice Chairman of this Committee for review?

I have no objection to the Chairman and Vice Chairman of this Committee being briefed about the results of my FBI background investigation.

Workforce Protection

QUESTION 76: 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. I believe it is important that the IC retain its professional and nonpartisan nature.

QUESTION 77: Do you commit to consider professional qualifications in personnel decisions exclusively, without consideration of partisan or political factors?

Yes.

QUESTION 78: 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 79: 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?

The IC must be trusted as a nonpartisan entity, dedicated to providing timely and accurate intelligence information to its customers. This advances U.S. interests and provides the best information for policy makers to use in their decision making. I will provide clear assurances to the IC workforce that personnel decisions will be based on skills and qualifications, performance, and work ethic, and will be made to support the needs and requirements of the IC, without regard to personal political preferences.

QUESTION 80: 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. Seeking to fire or remove IC employees because of their perceived political views impacts the integrity of the IC, degrades mission, and will not be tolerated.

QUESTION 81: 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?

No. The IC must retain its nonpartisan nature and focus on providing the best intelligence to policy makers.

Classification & Declassification

QUESTION 82: In a May 2020 report the Public Interest Declassification Board (PIDB) found that "[t]here is widespread, bipartisan recognition that the Government classifies too much information for too long, at great and unnecessary cost to taxpayers. This problem is getting worse, as the volume of classified information grows at an increasing rate. Current policies, practices, and technologies for managing classified information must be modernized for the digital age." Do you agree with the PIDB's findings? If confirmed, what steps will you take to reform the classification system?

I agree that overclassification is a problem that needs to be addressed. Information should only be classified when necessary, consistent with the applicable Presidential policies and requirements. Overclassification can inhibit information sharing and cost the taxpayers more and more every year. If confirmed, I will examine the IC's classification policies and practices, and determine where reforms are necessary and appropriate in order to modernize the IC's practices and ensure consistency with Presidential direction in the handling of classified information.

QUESTION 83: Please explain your understanding of Section 102A(i) of the National Security Act of 1947 (50 U.S.C. § 3024(g)(1)(G)), which directs the DNI to establish and implement guidelines for the classification of information, and for other purposes.

A. If confirmed, how would you implement this section of the law?

If confirmed, I will ensure that there are guidelines regarding the proper classification of information, consistent with Presidential direction, that promotes the protection of national security information but prevents the overuse and misuse of classification markings. Further, I would examine whether guidelines sufficiently address declassification, where information no longer requires classification protection, in order to encourage transparency of IC activities. Finally, I would ensure there are sufficient oversight mechanisms to examine classification practices comply with requirements and guidelines.

B. What approach would you take to the systematic review and declassification of information in a manner consistent with national security, including the annual disclosure of aggregate intelligence appropriations?

If confirmed, I would ensure that the IC reviews and declassifies information, where appropriate, including when in the public interest and to increase public trust and transparency. I believe developments in AI create opportunities for the IC to streamline some of its declassification processes and will encourage IC elements to explore the possibilities of

this new technology to increase transparency. I will also prioritize the timely annual disclosure of aggregate intelligence appropriations.

QUESTION 84: How would you work to prevent the abuse of classification authorities?

If confirmed, I commit to strengthening oversight and accountability mechanisms so that abuse of classification can be detected and addressed, and the IC can focus on ensuring that classification is properly used for the information that requires protection. I will also encourage IC elements to follow the Principles of Intelligence Transparency.

National Security Threats and Challenges Facing the IC

QUESTION 85: What in your view are the principal threats to national security with which the IC must concern itself in the next five years? In the next twenty years?

The United States continues to face many national security threats including threats of terrorism, strategic competition with other nation states, global economic challenges, and cybersecurity threats. The IC must continue to develop intelligence and provide information to disrupt these threats, while adapting to new technologies. New technology provides both an opportunity for the IC to provide information faster and more efficiently to decision makers, but it also creates risks to national security. Therefore, the IC must continue its work addressing current and near-term threats, while looking ahead and remaining agile to address future challenges.

QUESTION 86: What are the highest priority questions that the IC should address in its intelligence collection activities and analytic assessments?

The highest priority for the IC is to develop the information and intelligence that policy makers need for their decision making. Therefore, it is critically important for ODNI to continue its work to identify for the IC intelligence priorities to ensure that even in a changing world, the IC remains agile and adjusts to the needs of its customers.

QUESTION 87: In your opinion, how has the IC performed in adjusting its policies, resource allocations, planning, training, and programs to address these threats? How will you further adjust?

If confirmed, I will assess the current policies, resources, planning, training, and programs to determine if they are properly aligned to address the highest priority threats. Part of that assessment will be determining where the IC puts its efforts and resources and where we can realize efficiencies to produce critical intelligence that supports the highest national security needs.

Election Security

QUESTION 88: Do you commit to maintain detecting and preventing foreign interference in U.S. elections as a top priority for the IC?

Yes.

QUESTION 89: How would you ensure efforts to detect and prevent foreign interference in U.S. elections are appropriately resourced?

If confirmed, I will evaluate the personnel and resources the IC applies to foreign interference in the U.S. elections and determine if those efforts are appropriately resourced.

QUESTION 90: How would you ensure our intelligence efforts on election security remain apolitical, and avoid the perception or reality of political influence?

Foreign interference in a U.S. election is an apolitical issue, and all Americans should be concerned with a foreign nation's attempts to impact our elections. If confirmed, I will ensure that the IC continues to provide timely and accurate intelligence to its customers on this issue.

QUESTION 91: Do you commit to provide the congressional intelligence committees with complete and timely information regarding foreign threats to U.S. elections?

Yes.

QUESTION 92: Do you believe Russia, the PRC, or other foreign adversaries presents a continuing interference threat with respect to the U.S. political system?

Foreign adversaries represent a continuing threat to the United States and our political system. Our political system should be free from foreign adversaries.

QUESTION 93: Do you commit to immediately notifying policymakers and the public of foreign attempts to meddle in U.S. democratic processes, to include our elections?

If confirmed, I commit to providing as much information as possible, consistent with classification requirements and the protection of intelligence sources and methods. I will work to ensure that as much information as possible is available to the American people regarding any foreign attempts to meddle in U.S. democratic processes.

Detention, Interrogation and Rendition

QUESTION 94: Will you commit, if confirmed, not to permit the CIA to use any interrogation technique or approach or treatment related to interrogation that is not authorized by the U.S. Army Field Manual?

Yes, if confirmed, I commit to exercising the DNI's oversight authorities to ensure all IC elements, including CIA, follow U.S. law and policy, including with respect to interrogation as described in the U.S. Army Field Manual.

Analytic Integrity

QUESTION 95: How would you protect and improve the quality of IC analytic products?

The IC's responsibility is to produce intelligence, and as such the quality of IC analytic products is of vital importance so that policy makers have the best information available for their decision making. If confirmed, I will examine existing IC policies and the resources and training available to IC analysts to determine where there may be issues and how we can best enable our IC analysts to produce the highest quality products.

QUESTION 96: Do you believe 50 U.S.C. § 3024(g) and ICD 203 (regarding analysis and analytic standards) need to be strengthened and its implementation made more vigorous? In what ways?

I believe the authorities provided to the DNI regarding oversight of IC analysis and the principles and standards found in ICD 203 provide a solid foundation for the IC to produce timely and accurate intelligence. If confirmed, I will look deeper into IC analytic processes and determine if any policy updates are needed to strengthen those analytic processes and the production of analysis.

QUESTION 97: How do you view the importance of intelligence analysts' freedom to present their assessments objectively to decision makers in both the executive and legislative branches, regardless of what a particular policy might be, even if their assessments may be unwelcome or inconvenient?

I believe it is critically important to enable analysts to utilize their skills and expertise to provide the best and most accurate intelligence to decision makers. They should be enabled to do that without any fear or concern regarding the popularity of that opinion. Instead, they should use their knowledge, skills, and training to produce the best and most accurate intelligence, consistent with the analytic requirements found in ICD 203.

QUESTION 98: What is your view of the place and importance of challenging existing assessments, especially when new intelligence reporting is inconsistent with such assessments?

I believe it is vital that the IC can continue to develop information and determine if past assessments remain accurate or not, especially if those assessments are still being used for policy decisions. A structure built on static analysis, that once made can never be questioned, is not sustainable in the production of intelligence. Instead, the IC must analyze new information and determine if that new information supports a prior assessment or raises questions and that require an adjustment or a new assessment.

QUESTION 99: How do you propose enhancing the IC's objectivity and independence to maintain its insulation from political influence? How would you ensure that bias among the analytic cadre does not impair their analysis?

The IC should continue to follow its processes and the requirements of ICD 203, and ensure that its analysts are trained, equipped, and enabled to develop products based on facts and IC analytic techniques and requirements. By focusing on processes and training, as well as encouraging the analytic community to debate and express opposing views, the IC can mitigate potential bias and ensure that products have taken into account various views in order to develop the best possible intelligence.

QUESTION 100: If confirmed, would you ever request, encourage, or support an intelligence professional's adjusting his/her assessment to avoid criticism from the White House or political appointees? Would you ever change or remove content in an intelligence assessment for political reasons, or at the behest of political leadership? Would you ever condone such actions by anyone on your staff?

No. The IC is charged with developing intelligence and presenting it to policy makers. To be effective, IC analysts must be free to provide their assessment, consistent with analytic standards, without fear of political pressure. It is up to the policy makers to decide what to do with the information. I believe it is vital that the IC enable its analysists to continue to provide accurate and reliable intelligence.

QUESTION 101: If intelligence agencies or analysts are discouraged from providing objective foreign intelligence reporting or analytic assessments, how would this harm national security?

Policymakers depend on the IC for its focus on providing objective, unbiased intelligence assessments. Discouraging analysts from following the standards inherent in the profession would have a profoundly negative impact on national security by preventing our senior-most leaders from taking decisions that impact the wellness and security of all Americans based on verifiable, objective facts.

QUESTION 102: What recourse should intelligence analysts have if they believe their objective assessments have been downplayed, diminished, or overruled? How would you ensure that career IC professionals have protected channels to address

their concerns that objective assessments may have been downplayed, diminished, or overruled?

The Analytic Ombudsman serves as a confidential resource and provides protected channels for analysts to address their concerns that objective assessments may have been downplayed, diminished, or overruled. The Ombudsman works closely with the Inspector General, who also has protected channels in which analysts, or any member of the IC, can raise similar concerns.

QUESTION 103: Do you believe the DNI has an obligation to address analysts' concerns that objective assessments may have been downplayed, diminished, or overruled, because a peer or a policy maker may disagree with the analysis or conclusions being presented? Please provide examples from your career of times when you have told the truth, even when that position was uncomfortable or unpopular.

Yes. The DNI has an obligation to address analysts concerns if objective assessments are being dismissed or altered due to disagreement or external pressures and I commit to taking such allegations seriously. I have demonstrated a commitment to the truth, even if that message was uncomfortable or unpopular, throughout my professional career. I recognize that such actions are among the most challenging that our IC professionals must make every day and I commit to ensuring that they have the freedom to do so.

QUESTION 104: How would you approach communicating IC analytic conclusions to the public if the analysis and conclusions did not align with the President's views and political objectives?

The IC informs senior policy makers, not the public. However, whether a public disclosure is necessary should be based solely on the importance of informing the American public of critical national security matters and the need to protect sensitive sources and methods.

QUESTION 105: If confirmed, do you intend to provide, and do you intend for the IC to provide, timely and objective analysis that is independent of political considerations, based on all available sources of intelligence and implemented in accordance with analytic tradecraft standards?

Yes.

QUESTION 106: Is it ever appropriate for the DNI, or senior leaders in the IC, to substitute their own analytic assessments for those of career analysts? Why or why not?

No. Career analysts possess the expertise, tradecraft training, and access to intelligence necessary to produce objective, high-quality assessments.

QUESTION 107: Do you commit, if confirmed, to notifying the congressional intelligence committees if you, or senior leaders who are not career analysts, substitute their own analytic assessments for those of career analysts?

Yes, and I further commit to take all necessary steps to ensure that this does not occur.

Questions from Senator Warner

QUESTION 108: What do you understand to be the DNI's role in domestic law enforcement investigations into election-related activity?

I understand that the DNI, as head of the Intelligence Community, has substantial statutory authority to address national intelligence threats to U.S. elections. In particular, the Director is responsible for the integration of national intelligence, which may include foreign intelligence threats to U.S. election activity. I also understand that Intelligence Community elements are authorized to cooperate with and provide appropriate intelligence and technical support to law enforcement agencies and that as head of the Intelligence Community, the DNI has oversight of those activities.

QUESTION 109: If confirmed, will you commit to provide the Inspector General of the Intelligence Community with final approval of all personnel decisions, except for security-based determinations, concerning personnel assigned to the Office of the Inspector General, as required by 50 USC § 3033(j)(3)?

Yes.

QUESTION 110: If confirmed, will you ensure that intelligence analysts and other intelligence professionals are protected from adverse personnel actions for producing intelligence analysis that you, or other policy makers, may disagree with?

Yes.

QUESTION 111: If confirmed, will you commit to notify the congressional intelligence committees of criminal referrals to the Department of Justice before notifying the media?

If confirmed, I commit to keeping the congressional intelligence committees fully and currently informed of all intelligence activities in accordance with Title V of the National Security Act and in accordance with investigative needs.

QUESTION 112: If confirmed, will you commit to provide security guidance to whistleblowers who have notified you of their intent to contact the congressional intelligence committees directly within seven days of receiving such notice?

If confirmed, I commit to affording all protections required by law to IC whistleblowers.

QUESTION 113: If confirmed, will you commit to notify the congressional intelligence committees of any declassification of information or intelligence pursuant to section 3.1(c) of Executive Order 13526 before public release of the information or intelligence?

If confirmed, I commit to keeping the congressional intelligence committees fully and currently informed of all intelligence activities in accordance with Title V of the National Security Act.

QUESTION 114: If confirmed, will you commit to maintaining robust governance of artificial intelligence applications in the intelligence community, including full compliance with 50 USC 3334m and complementary provisions in Public Law 119-60?

Yes.

QUESTION 115: If confirmed, will you commit to implementing a robust test and evaluation regime for artificial intelligence applications in the Intelligence Community, particularly for context where an output from an AI model serves as the primary basis for decisions or actions with significant effect on privacy, civil liberties, or loss of life?

Yes; consistent with applicable law and policy.

QUESTION 116: If confirmed, will you commit not to penalize or otherwise retaliate against providers of artificial intelligence services based on the political or ideological viewpoints of the provider or its employees?

Yes; consistent with applicable law and policy.

QUESTION 117: How important is the National Counterintelligence and Security Center (NCSC) to ensuring that the DNI's role as the Security Executive Agent (SecEA) is implemented regarding security clearance reform for the Intelligence Community? What are its key functions in your view?

I understand that the National Counterintelligence and Security Center provides the important staffing and expertise necessary to enable the DNI's role as Security Executive Agent (SecEA) and advance the DNI's security reform priorities. In reviewing the SecEA's responsibilities, I understand the key functions to involve policymaking and oversight of personnel security programs to ensure U.S. Government departments and agencies develop and maintain efficient, effective, and secure programs for determining and maintaining personnel eligibility to access to classified information or hold a sensitive position.

QUESTION 118: If the NCSC were to be disestablished or significantly reduced in size, how would this affect the ability of the ODNI to perform its SecEA functions? Is there any other element of the IC that would be able to fulfill these functions?

If confirmed as DNI, I will take a close look at how to optimize the agency's organization and the performance of its functions, including the SecEA functions.

QUESTION 119: How important is Security Clearance reform, including the implementation of the Trusted Workforce 2.0 initiative and the National Background Investigative Services (NBIS) system, to the IC's ability to rapidly vet, clear and hire IC talent, as well as to ensure the nation's secrets are secure?

I understand that the U.S. Government's security reform efforts, including Trusted Workforce 2.0, intend to modernize the personnel security vetting process, including by integrating systems and introducing continuous vetting. It is critical that the Intelligence Community, and the rest of the U.S. Government with cleared personnel, have the capabilities, information, and processes in place to enable a speedy, but thorough hiring process. The Intelligence Community needs agility and efficiency in its hiring processes, including personnel security vetting, in order to meet evolving mission needs and compete with the private sector for talent, while ensuring a thorough and reliable check so that our classified national security information and other sensitive information is not jeopardized by insider threats. I understand that the security reform efforts already underway advance these objectives and if confirmed as DNI, I commit to continuing to support improvements.

Questions from Senator Bennet

IC Independence

QUESTION 120: How will you ensure intelligence assessments remain objective and free from political influence – especially when the assessments conflict with the current Administration's messaging/policy?

The IC operates on the principles of objectivity, integrity, and independence. Ensuring that intelligence assessments are free from political influence is essential to upholding these values. Analytic objectivity is the cornerstone of effective intelligence. Analysts must be empowered to provide their assessments without fear of reprisal or pressure to align with policy preferences. This objectivity ensures decision-makers in both the executive and legislative branches are equipped with unvarnished facts and well-reasoned assessments. As such, I commit that intelligence assessments should remain rooted in the facts and must function to advance and protect U.S. national security interests.

QUESTION 121: How will you specifically protect leaders in the IC from political blowback for contrarian assessments?

The IC must remain apolitical to fulfill its essential national security function. If confirmed as DNI, I will cultivate an environment where leaders understand that their integrity, independence, and professionalism are needed to carry out the IC's mission objectively and effectively.

Iran

QUESTION 122: According to credible press reports, some senior U.S. officials may have accepted Israeli assessments about how a war with Iran would evolve – to include the likelihood of regime change – and appear to have disregarded what, in retrospect, were reportedly far more accurate and nuanced assessments by the U.S. intelligence community. What measures would you implement as DNI to ensure sufficient scrutiny of foreign intelligence assessments going forward?

If confirmed, I would ensure that significant foreign-partner assessments are explicitly evaluated for sourcing, access, assumptions, and potential bias, and that analysts clearly distinguish between what an ally assesses, what the United States can independently verify, and where the IC's own view differs. I would review whether existing interagency procedures are sufficient to vet foreign intelligence used in major policy deliberations, and would reinforce a culture in which analysts are expected to challenge outside assessments, including those from close partners, when the evidence warrants it.

QUESTION 123: Do you concur with the U.S. IC assessment that Iran was complying with its obligations under the Joint Comprehensive Plan of Action (JCPOA) at the time that President Trump unliterally withdrew the United States from the agreement in May 2018?

I have not personally seen the underlying intelligence to render an informed opinion. If confirmed, I will study this issue and provide my feedback to this Committee once I can provide an informed response.

Asia

QUESTION 124: How do you intend to improve intelligence integration between the IC and operational military intelligence organizations, particularly in the Indo-Pacific, to ensure decision-makers receive timely actionable intelligence during a crisis, and our troops as well as our strategic intelligence entities are operating on the most up to date information?

If confirmed, I look forward to working with OUSW(I&S), the Defense Intelligence Enterprise, and the White House to ensure that the IC is exploring available mechanisms for providing military commanders and warfighters with the information they need to protect the United States and to provide decision-makers with a strategic advantage during a crisis.

QUESTION 125: What lessons from U.S. intelligence support to and work within Ukraine can be applied to deterrence and coalition-building in the Indo-Pacific?

If confirmed, I look forward to learning more about what insights the IC has developed from the conflict in Ukraine and working with the relevant experts within the IC to explore which of those lessons could be applied to efforts to deter conflict and build coalitions in the Indo-Pacific.

QUESTION 126: What is your understanding of the IC's assessment as to how the war with Iran has affected perceptions of the effectiveness of the U.S. deterrence vis-à-vis China?

Though I have not yet had the opportunity to examine the IC's classified assessments on this issue, if confirmed, I look forward to gaining a deeper understanding of the IC's assessment of the global perceptions of the Iran conflict.

QUESTION 127: How can the IC better support multilateral initiatives such as the Quad and AUKUS?

By statute, the DNI provides strategic oversight and ensures coordination of the IC's relationships with foreign intelligence and security services. The DNI, as head of the IC, ensures that these engagements align with national intelligence priorities and broader U.S. foreign policy objectives, to include support to

multilateral initiatives such as the Quad and AUKUS, avoiding duplication or conflicting efforts across IC elements.

In addition, the DNI and the Secretary of State collaborate to ensure that intelligence activities within the Department of State (DOS), particularly through the Bureau of Intelligence and Research (INR), align with national security priorities. Through alignment of INR as part of the IC, the DNI is able to assist in ensuring that INR's intelligence efforts are effectively coordinated with other IC elements, enhancing the IC's ability to address global threats and support U.S. diplomatic initiatives.

Europe

QUESTION 128: Do you commit to ensuring that Ukraine has the intelligence support required to apply sufficient pressure on Russia to achieve U.S. national security goals?

If confirmed as DNI, my priority would be to ensure that the President has the critical information he needs to support his efforts toward Russia and Ukraine ending the war. My role as DNI would be to arm the President, other national security policy makers, and – to the extent directed by the President – foreign partners like Ukraine with critical information and analysis that accurately illuminates Russia's plans and intentions.

QUESTION 129: How do you see Ukraine as contributing to U.S. and European deterrence of Russia?

While I have not had the opportunity to examine the Intelligence Community's classified assessments on this issue, I credit the views expressed in the IC's Annual Threat Assessment released publicly earlier this year, which stated that NATO and EU member states are eager to see the war in Ukraine resolved in a way that not only preserves Ukrainian sovereignty, but also deters future Russian aggression in Europe. I further understand from the Annual Threat Assessment that a durable settlement to the war in Ukraine could open the door for a thaw in U.S.-Russia relations and an improved bilateral geostrategic and commercial relationship.

IC Workforce

QUESTION 130: What is your assessment as to the operational and national security implications, including to mission readiness, resulting from the workforce reductions (including terminations, early retirements, buyouts) carried out during DNI Gabbard's tenure?

I am not in a position to assess the operational and national security implications resulting from the workforce reductions at ODNI at this time. I do not have access to the organizational review that provided for the reductions, nor have I had the opportunity to assess the implications of the reductions. As such, I would be careful not to draw conclusions on the impact of workforce reductions at this point; large changes to a workforce can take a significant amount of time to take hold. If confirmed, I will review the workforce reductions to ensure they support the ODNI's core mission.

QUESTION 131: How would you react if the Trump Administration sought to further reduce the IC workforce?

I do not currently have an inside view of the IC's workforce. If confirmed, and if the President sought to further reduce the IC workforce, I would review the IC's staffing needs. That review would consider the IC's mission requirements, statutory responsibilities, and the need to recruit and retain a highly capable workforce, as well as the impact of any such proposals on the IC's ability to carry out its mission effectively.

DNI Role in U.S. Elections and Foreign Efforts to Influence and Interfere in U.S. Elections.

QUESTION 132: What lessons has the IC learned from past foreign efforts to influence U.S. elections? How would you apply those lessons to protect the upcoming midterm elections in November 2026? What more do you believe needs to be done?

If confirmed, I will review the IC's work on foreign influence in prior U.S. elections to determine how the IC can be optimally postured for the November 2026 midterms.

QUESTION 133: If confirmed, how would you ensure the public remains informed about efforts by foreign actors to influence or interfere in U.S. elections? For example, would you continue the practice of past DNIs issuing public statements informed by objective IC analysis of credible intelligence reporting?

It is critical that the public has faith in the U.S. election system, including that it is free from interference from foreign actors. If confirmed, I will continue to keep the public informed, as appropriate, while protecting sensitive intelligence sources and methods, including by leveraging existing outreach and notification frameworks.

QUESTION 134: What do you see as the DNI's role in supporting CISA and the security of our homeland?

The DNI, as head of the IC, is responsible for leading the IC in collecting, analyzing, producing and disseminating intelligence on foreign threats to critical infrastructure. If confirmed as DNI, I look forward to working closely with CISA and the IC on foreign threats to critical infrastructure, and how best to provide intelligence to non-IC partners while protecting sources and methods. CISA plays an integral part in protecting our nation's critical infrastructure via its coordination between the government and private sector.

QUESTION 135: Please explain your understanding of the DNI's role as pertains to the administration of U.S. elections.

As head of the IC, I understand the DNI to be responsible for serving as the principal advisor to the President on intelligence matters related to national security and integrating information to provide timely, objective national intelligence to the President, Executive Branch leadership, and to other appropriate recipients. These key responsibilities extend to national security threats to the administration of U.S. elections. I understand that this may include addressing foreign government interference and foreign malign influence in the conduct of elections, physical and cyber threats to U.S. election campaigns and infrastructure by foreign powers and international terrorists, and vulnerabilities of election infrastructure to exploitation by such foreign adversaries.

QUESTION 136: Do you agree it would be inappropriate for a DNI to comment publicly about unsubstantiated claims regarding mail-in-ballots and election fraud?

If confirmed as DNI, any representations I make to the public, including about elections, will be informed by timely, objective national intelligence.

AI

QUESTION 137: What do you see as the role of AI in intel collection? Intel analysis? Intel use?

This Administration is focused on accelerating the responsible adoption of AI in mission areas where it can enhance effectiveness. If confirmed, I would approach the use of AI with discipline and caution. In my view, AI has the potential to be a significant force multiplier for intelligence collection and analysis. However, AI tools can reflect bias, generate hallucinations, or create a false sense of confidence if they are not rigorously tested, validated, and continuously evaluated. Used appropriately, AI can help process, triage, and tag large volumes of information, identify patterns and anomalies, surface relevant connections across datasets, and flag developments that may otherwise be missed in a fast-moving threat environment. Effective use of AI enables analysts to concentrate on their highest priority requirements and produce sound assessments for policy and decisionmakers.

From my perspective, AI should be viewed as an aid, not a replacement for insight, experience, and sound tradecraft that human analysts bring to the mission. If confirmed, I would support the responsible use of AI where it can improve speed, scale, analytic capability and ensure that it is implemented in a manner consistent with law and policy, protective of civil liberties and privacy, and anchored in human accountability.

QUESTION 138: How do you plan to bring the IC IT and administrative systems up to speed with AI?

AI is one of the most transformative technologies to emerge in recent decades. If confirmed as DNI, I will continue to build on and encourage the work the IC elements have done to determine how AI can best be leveraged to enhance and

integrate core IC functions, while enabling its secure and efficient adoption across the IC Information Environment.

Questions from Senator Wyden

Expansion of the ODNI

QUESTION 139: Do you believe that the ODNI should be expanded by establishing offices in agencies and departments that are not elements of the Intelligence Community? If so, which agencies and departments?

If confirmed as DNI, I would examine the IC's capacity to provide sufficient intelligence support to departments and agencies without IC elements. I believe it is important for the national intelligence capabilities of the IC to be deployed to address the national security threats faced across the Executive Branch, and would seek to understand whether existing models of support are adequate or need to be replaced through the establishment of additional offices in agencies or departments.

QUESTION 140: The January 20, 2025, Executive Order ("Protecting the American People Against Invasion") directs that Homeland Security Task Forces (HSTFs) be established in every state and that they "shall include representation from any other Federal agencies with law enforcement officers, or agencies with the ability to provide logistics, intelligence, and operational support to the HSTFs." What role, in any, do you believe the Intelligence Community should play in the HSTFs, and which elements of the IC do you believe should play that role?

The IC should play a critical role in supporting the Homeland Security Task Forces (HSTFs) in the counter-cartel fight. In my role as U.S. Attorney, I have seen firsthand the vital efforts of federal law enforcement agencies to address foreign drug trafficking cartels and gangs. These organizations are complex, evolving threat actors, and it is imperative that the U.S. Government use all the tools at its disposal to degrade and disrupt them. The IC must continue to provide foreign intelligence support to the HSTFs and ensure that intelligence information can be shared and actioned by law enforcement partners. I support Director Gabbard's direction to the National Counterterrorism Center (NCTC) to stand up an NCTC Interagency Fusion Cell to further this work by leveraging law enforcement and IC

information to identify and assess Foreign Terrorist Organization (FTO) cartel and gang actors and provide leads to operational agencies. The acute, relentless threat to Americans from fentanyl and other synthetic opioids trafficked by these violent groups is a national security priority. If confirmed, I look forward to seeking out additional ways the IC can support the HSTFs.

QUESTION 141: In December 2025, then-NCTC Director Joe Kent testified that the NCTC Intelligence Fusion Center (NIFC)'s "main goals" are sharing information among law enforcement agencies and the Intelligence Community (IC) on FTO-designated cartels and gangs, to include identifying, vetting, and providing "an intelligence driven prioritization of high-impact targets" and providing "new operational leads for law enforcement as discovered via correlated data analysis." Do you agree with this level of involvement by NCTC in domestic law enforcement? What limits, if any, do you believe elements of the Intelligence Community should adhere to with regard to domestic law enforcement?

I support the NCTC Interagency Fusion Cell providing intelligence support with a foreign nexus to help disrupt and degrade FTO cartels and gangs. These nefarious organizations' illegal activities have killed thousands of Americans in recent years. NCTC was stood up in the wake of the 9/11 attacks, the gravest act of terrorism on our shores. NCTC must continue to focus on the threat posed by international terrorist groups that threaten Americans and U.S. interests, from al-Qaeda, ISIS, HAMAS, Hizballah, IRGC, Sinaloa Cartel, CJNG, Tren de Aragua, and others. For these efforts, and more broadly across the IC, it is important to draw a distinction between intelligence support, such as providing intelligence leads on threat actors with a foreign nexus, and engaging in domestic law enforcement activities, which is the role of law enforcement agencies. If confirmed, I will ensure the IC's intelligence support to law enforcement is conducted with respect for the privacy and civil liberties of all Americans.

Classification, Declassification and Transparency

QUESTION 142: 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?

I commit to share significant interpretations of law in accordance with Section 510 of the National Security Act of 1947.

QUESTION 143: If confirmed, will you ensure that the March 17, 2026, FISA Court opinion related to Section 702 is declassified and released to the public prior to congressional action on reauthorization?

I understand that the government has already made the full unredacted opinion available to all members of Congress for their consideration during the reauthorization process. I also understand that the government is working arduously to expeditiously declassify the opinion in a way that responsibly protects sources and methods and, if confirmed, commit to continue efforts towards its declassification.

QUESTION 144: 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 making public any modifications, superseding policies and procedures, or significant interpretations?

Yes.

Detention, Interrogation and Rendition

QUESTION 145: 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 of law absolutely binding on the Intelligence Community and the President?

I believe you are referring to Section 2000dd-2(a)(2) of Title 42. I would defer to appropriate legal experts on this specific section, but my general understanding is that this provision is binding on the IC and the President.

QUESTION 146: 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 prohibition? If yes, how would you define "short-term" and "transitory"?

The specific definitions of "short-term" and "transitory" require careful consultation with legal and policy experts to ensure compliance with the Executive Order and alignment with national security objectives as well as the United States' commitment to lawful and ethical detention practices. If confirmed, I would consult the ODNI General Counsel and other IC and government-wide legal subject matter experts to ensure that careful balance is met.

QUESTION 147: 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?

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

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

I understand that the necessity and reliability of written "diplomatic assurances" must be carefully evaluated on a case-by-case basis, particularly when dealing with countries with records of torture. If accepted, such assurances should be subject to rigorous verification and monitoring mechanisms to ensure compliance with U.S. obligations under the Convention Against Torture. The U.S. Government as a whole, not just the IC, has a shared obligation under the Convention Against Torture. The IC will support our federal counterparts in line with that obligation.

QUESTION 148: 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.

QUESTION 149: Section 1045 states that "[t]he 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?

I believe you are referring to Section 2000dd-2(b)(1) of Title 42. I would defer to appropriate legal experts on this specific section, but my general understanding is that this provision is binding on the IC and the President.

QUESTION 150: 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.

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

The terms "effective control" and "owned, operated, or controlled" involve legal and operational considerations that are evaluated on a case-by-case basis, taking into account factors such as the degree of authority or influence exercised by U.S. personnel and the nature of the facility's management. These determinations require careful legal analysis to ensure compliance with statutory requirements and international obligations. If confirmed, I would work closely with the ODNI General Counsel and other legal experts at relevant agencies to ensure any actions involving detainees align with U.S. laws, policies, and ethical standards.

Counterterrorism

QUESTION 151: In a September 22, 2025, Executive Order, Donald Trump purported to designate "Antifa" as a "domestic terrorist organization." Do you agree that there is no basis in law for designating "domestic terrorist organizations"?

Under Section 219 of the Immigration and Nationality Act, the Secretary of State may designate a foreign organization as an FTO if it engages in terrorist activity that threatens the United States. While I agree there is no statutory corollary for designating domestic organizations as terrorist groups, I understand the President's designation of Antifa in that Executive Order of 22 September 2025, which directed all relevant executive departments and agencies to utilize all applicable authorities to investigate, disrupt, and dismantle any and all illegal operations by or on behalf of Antifa, was done pursuant to his authorities under Article II of the U.S. Constitution.

QUESTION 152: In November 2025, the Department of State designated "Antifa Ost, along with three other violent Antifa groups" as Foreign Terrorist Organizations (FTOs). The Secretary of State's announcement stated that the designation "supports President Trump's National Security Presidential Memorandum-7," which is titled "Countering Domestic Terrorism and Organized Political Violence." Please describe your understanding of how the foreign "Antifa" designation "supports" domestic terrorist investigations. Do you believe that the intelligence tools, programs and authorities available to the government in the international counterterrorism context can be used against suspected domestic terrorists?

Domestic terrorism is a domestic law enforcement concern, not a foreign intelligence matter. I understand the Secretary of State designated Antifa Ost, Informal Anarchist Federation/International Revolutionary Front, Armed Proletarian Justice, and Revolutionary Class Self-Defense as FTOs that threaten the United States by directing, enabling, or inspiring U.S.-based actors to engage in acts of terrorism. If confirmed, I will look further into the threat posed by these FTOs and how they may interact with domestic groups such as Antifa.

QUESTION 153: If confirmed, to what extent would you prioritize counterterrorism operations against cartels and gangs designated as FTOs, as compared to more traditional terrorist organizations such as ISIS and al Qa'ida? To what extent do you believe counterterrorism resources and personnel should be shifted toward the designated cartels and gangs?

The illicit narcotics and other drugs that FTO cartels and gangs traffic into the United States kill thousands of Americans. I fully support the President's direction for a whole-of-government effort to degrade and disrupt these organizations. I also understand the President expects the IC to remain laser-focused on the threats of other terrorist actors such as ISIS, al-Qaeda, HAMAS, Hizballah, and the IRGC. While our counterterrorism efforts over the last 25 years have been exemplary and, no doubt, prevented American deaths, we cannot be complacent in the face of terrorists who seek to harm Americans. If confirmed, I will prioritize the counterterrorism fight as needed to protect the Homeland and U.S. interests.

Surveillance

QUESTION 154: Former NSA Director 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." Should the same requirement apply to the U.S. person queries of other data collected and retained under the Executive Order by other elements of the Intelligence Community? If not, why not?

Under Executive Order 12333, IC elements must operate in accordance with Attorney General-approved procedures that set forth the circumstances and limits under which elements may lawfully collect, retain, and disseminate information concerning U.S. persons. It is my understanding that, among other things, these guidelines were drafted to ensure that lawful intelligence activities are carried out in a manner that provides protection for the privacy and civil liberties of Americans while also accounting for the individual mission sets and authorities of each of the 18 IC elements. If confirmed, I would work with DOJ and IC element heads to ensure that IC elements comply with these Attorney General-approved procedures. In doing so, I will have the opportunity to consider how NSA's SIGINT-focused procedures work in practice, whether any additional requirements

or other changes would be appropriate, and whether similar requirements should be placed on other intelligence disciplines.

QUESTION 155: Do you agree that the Intelligence Community cannot request that a foreign entity conduct any activity that the IC is not authorized to undertake itself? If yes, do you agree that this prohibition applies to requests from administration officials outside the Intelligence Community as well as to implicit or indirect (including via public statement) requests?

Yes.

QUESTION 156: 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 a 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?

I am not familiar with how the IC identifies incidents of reverse targeting.

My general understanding is that regular oversight conducted by DOJ and ODNI of 702 activities includes fact-specific examinations of whether reverse-targeting may have occurred, and that if and when any reverse targeting is identified, it is reported to the FISC and Congress consistent with applicable law. If confirmed, I will ensure that ODNI remains closely involved in these oversight activities, to include reporting potential violations. If I encounter such issues, I will work with the appropriate departments to identify root causes and implement effective solutions.

Lethal Operations

QUESTION 157: 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?

Even if rare, targeting or knowingly killing a U.S. person in a U.S. Government lethal operation is a grave action that raises serious constitutional, legal, and policy implications. If confirmed as DNI, I will ensure that such actions adhere to Constitutional due process guarantees. Consistent with the need to protect classified or otherwise sensitive information, I would advocate for maximum public transparency about such operations to both build public trust about such actions and safeguard national security.

Commercially Available Information

QUESTION 158: Do you believe that 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 obtaining the information through incidental collection? If yes, should there be any limitations on the Intelligence Community's use, retention, or dissemination of the information?

The IC must comply with all applicable U.S. law and policies regarding the collection, retention, dissemination, and use of information about U.S. persons. If confirmed, I look forward to learning more about the current laws and policies regarding location information and what limitations are necessary to protect the privacy of U.S. persons while enabling the national security mission.

QUESTION 159: Do you support Intelligence Community Policy Memorandum (ICPM) 504 (01) ("Intelligence Community Policy Framework for Commercially Available Information"), updated February 6, 2025? Please elaborate on any aspects you do or do not support.

Yes.

QUESTION 160: Do you commit 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.

QUESTION 161: Section (g)(3) of ICPM 504 (01) 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. Do you support this requirement? If confirmed, do you commit to providing these reports to the public, starting no later than February 2027?

I understand that ODNI already provided Congress with the first classified report and commit to providing public reports as required by ICPM 504(01).

Chief of Mission Authorities

QUESTION 162: 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?

I understand that Chiefs of Station are required to keep Chiefs of Mission fully and currently informed about any and all IC programs and activities carried out in their countries of accreditation, with very limited exceptions. Should an intelligence activity not have the approval of the Chief of Mission, but continue to be supported by the Chief of Station, my understanding is that that activity is referred back to Washington for resolution.

Encryption

QUESTION 163: During her confirmation process, Director Gabbard wrote: "Mandating mechanisms to bypass encryption or privacy technologies undermines user security, privacy, and trust, and poses significant risks of exploitation by malicious actors." Do you agree? If confirmed, would you support mandated

mechanisms to allow the government to bypass encryption or other privacy technologies?

I agree with Director Gabbard's statement.

Whistleblowers

QUESTION 164: 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 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; the IC Whistleblower Protection Act provides the means for reporting "urgent concerns" to Congress with appropriate protections for classified information.

QUESTION 165: Do you agree that any monitoring of Intelligence Community personnel for purposes of detecting insider threats must protect the confidentiality of protected whistleblower communications? If yes, how should that protection be assured?

Yes. If confirmed, I look forward to reviewing ODNI whistleblower procedures and protections, in order to determine whether any changes are necessary or appropriate.

QUESTION 166: Do you believe that appropriately cleared attorneys representing Intelligence Community whistleblowers should have access to classified information related to the complaint and that, as a general matter, whistleblowers should have access to cleared attorneys?

I agree that whistleblowers should have access to cleared counsel where appropriate and consistent with due process and applicable laws and regulations.

The extent to which cleared counsel may receive classified information related to their complaints will necessarily be fact-specific.

Inspector General

QUESTION 167: Will you ensure that the Intelligence Community Inspector General (ICIG) has full access to the activities, programs and operations of the Intelligence Community? Will you ensure that the ICIG is notified of new programs and policies or significant changes in existing programs and policies?

I will ensure the ICIG has access to all information necessary permitted by the National Security Act of 1974 to enable their activities.

Workforce protections

QUESTION 168: Will you commit to submitting to the Committee all ODNI guidelines and regulations relating to employment status and protections and any modifications thereto, as well as any CIA guidelines and regulations that apply to ODNI personnel pursuant to 50 U.S.C. § 3024(m)?

If confirmed, I will determine what guidelines and regulations fall within the scope of the Committee's request and can be appropriately provided. I will work in good faith to ensure the Committee receives responsive information.

QUESTION 169: Do you believe the DNI can ever take adverse actions against personnel without regard to such guidelines and regulations? If yes, do you commit to notifying the Committee whenever doing so?

My understanding is that because of the unique nature of the agency and the inherent sensitivity of working with classified information, the DNI has certain broad authorities with respect to personnel, including the authority to terminate the employment of an employee when necessary or advisable in the interests of the United States. My understanding is also that such authorities may, in at least some circumstances, be exercised without regard to procedural steps otherwise set forth in agency regulations.

I am committed to ensuring that ODNI meets its obligation to keep the congressional intelligence committees fully and currently informed.

QUESTION 170: Will you commit to notifying the Committee when exercising authorities to convert positions in the competitive service to the excepted service or create new excepted service positions under 50 U.S.C. § 3024(u)?

I am committed to ensuring that ODNI meets its obligation to keep the congressional intelligence committees fully and currently informed.

Congress

QUESTION 171: 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 investigations 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."

A. 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, how would you respond to a proposal to collect such records in a similar situation?

Separation of powers is one of the bedrock principles of our Constitution, and I agree with the OIG's concerns that collecting congressional Members and staff communication records based solely on their exercise of their oversight duties raises constitutional concerns. As I've demonstrated during my time serving as a U.S. Attorney, the executive branch's use of law enforcement authorities and use of compulsory process should be used carefully and judiciously, and in a matter consistent with the Constitution, to protect the roles and independence of our co-equal branches in the government.

B. Do you support the policy changes described in the OIG Review? Do you believe further policy changes should be made?

Yes, I support policy changes meant to ensure that such Constitutional concerns are considered and respected.

C. Do you agree that Congress should be notified prior to any such collection? If yes, who in Congress should be notified?

Yes, I believe that Congress should be notified, when appropriate; although the details of who will be notified and when will depend on the nature of the investigation.

D. 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?

Yes, I agree it is important to inform the judge issuing an order of the pertinent facts, including if targets are congressional Members or staff and whether the information sought involves their official duties so that the judge can consider the Constitutional implications of such an order.

Watchlisting

QUESTION 172: During her confirmation process, DNI 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. These measures would ensure watchlisting programs balance national security concerns with the protection of individual rights and provide fair avenues for redress."

Do you agree, and do you commit to the same reforms?

Yes.

Espionage Act

QUESTION 173: 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."

During his confirmation process, ODNI General Counsel Dever agreed with Director Gabbard's concerns. Do you also agree?

I agree with Director Gabbard's general concerns about infringing on constitutionally protected rights. However, I have full confidence that the U.S. judicial system can properly adjudicate those concerns.

Competitive Advantage

QUESTION 174: 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 or of its allies or partners."

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

Yes, I support the principle that the IC should focus its collection efforts on national security objectives.

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

I understand that amendments to Executive Orders would very likely be made public. With respect to any modifications to other IC element implementing policies, those modifications should be communicated to Congress and, when consistent with national security interests, the public.

QUESTION 175: How will you ensure that authorized economic intelligence activities (e.g., identifying trade or sanctions violations or government influence or direction) are not undertaken in such a way as to advantage certain companies over others?

If confirmed, I would enforce strict adherence to the existing legal frameworks that limit collection and dissemination of intelligence to meet national security objectives, such as Executive Order 12333 and Executive Order 14086. I will also

have the opportunity to consider whether current oversight mechanisms are adequate, and will consider whether any additional requirements are necessary. Finally, I would ensure that the ODNI continues to support and maintain clear policies governing the IC's unbiased intelligence mission, and would prevent any activities that unfairly benefit specific companies or sectors.

QUESTION 176: How would you guard against the use of the Intelligence Community's collection or analytic capabilities to afford a competitive advantage to particular companies or business sectors?

If confirmed, I would enforce strict adherence to the existing legal frameworks that limit collection and dissemination of intelligence to meet national security objectives, such as Executive Order 12333 and Executive Order 14086. I will also have the opportunity to consider whether current oversight mechanisms are adequate, and will consider whether any additional requirements are necessary. Finally, I would ensure that the ODNI continues to support and maintain clear policies governing the IC's unbiased intelligence mission, and would prevent any activities that unfairly benefit specific companies or sectors.

Foreign National Fugitives

QUESTION 177: 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 Saudi efforts to undermine the U.S. judicial process a collection and analytic priority?

If confirmed, I would support making this a priority where the facts justify it and in consultation with the President, while ensuring that intelligence is shared appropriately with those agencies responsible for law enforcement, diplomacy, and accountability.

QUESTION 178: Section 6715 of the Fiscal Year 2026 National Defense Authorization Act required the FBI Director, in coordination with the DNI, to complete a review for declassification of any information relating to whether any foreign government official has assisted or facilitated any citizen or national of their country in departing the United States while the citizen or national was under

investigation or awaiting trial or sentencing for a criminal offense committed in the United States. Upon completion of the review, the FBI Director shall make appropriately declassified information available to the public. The statute requires that the review be completed this month. If confirmed, will you ensure that the IC's contribution to the declassification process is completed within a month and will you report to the Committee on any hold-ups in making the information public?

If confirmed, I will ensure the FBI Director receives timely and effective support from the IC with respect to this effort, and will keep this Committee informed of any obstacles related to public disclosure.

Jeffrey Epstein

QUESTION 179: On November 14, 2025, Donald Trump posted that he would be asking Attorney General Bondi and the Department of Justice to investigate what he referred to as the "Epstein Hoax, involving Democrats, not Republicans" and listed a set of names and institutions. The Attorney General responded by thanking Trump and stating that she had asked you to "take the lead" in the investigation.

A. Please detail your role in the investigation.

At this time, I was serving as the U.S. Attorney for the Southern District of New York, where I have continued to serve, and this position reports to the Deputy Attorney General. Longstanding Justice Department policy and practice prevent me from confirming or denying the existence or status of an investigation.

B. Who were the specific targets of the investigation and did they correspond with the names listed by Donald Trump?

As stated above, I cannot comment on the existence or status of an investigation.

C. What is the current status of the investigation?

As stated above, I cannot comment on the existence or status of an investigation; while working at DOJ, however, I have consistently welcomed engagement with the victims and their counsels.

QUESTION 180: Please describe your connections to Leon Black, through Sullivan & Cromwell or Apollo Global Management. Black paid Jeffrey Epstein $170 million over five years, purportedly for tax and estate planning advice, and an additional $62.5 million as part of a settlement to avoid criminal prosecution in the U.S. Virgin Islands related to his dealings with Epstein. As U.S. attorney, did you initiate or participate in any investigations into Leon Black regarding his dealings with Jeffrey Epstein?

Longstanding Justice Department policy and practice prevent me from confirming or denying the existence or status of an investigation.

QUESTION 181: Please detail your role in the public release of Epstein file documents.

A. Please describe specific decisions to release or withhold documents and your reasons for those determinations.

The Department of Justice detailed the bases for redactions and withholdings in letters from Deputy Attorney General Blanche to Congress on January 30, 2026, and February 14, 2026. I respectfully refer the Committee to the information there.

B. What role, if any, did you play with regard to the public release of documents that included identifying information on victims?

I cannot comment on the deliberative process involved in particular document redaction decisions. While working at DOJ, however, I have consistently welcomed engagement with the victims and their counsels and worked alongside DOJ professionals to protect them. Numerous updates were provided to the presiding District Judge in *United States v. Ghislaine Maxwell*, 20 Cr. 330 (PAE), which were publicly filed in the interest of full transparency and public disclosure.

QUESTION 182: In January, you argued that a judge lacked the authority to appoint a neutral expert to oversee the public release of documents related to Epstein and Ghislaine Maxwell. What were your reasons for opposing such an appointment?

I cannot comment on the deliberative process.

U.S. Elections

QUESTION 183: With regard to recent elections in California, you stated: "On the integrity side, we're doing an absolutely terrible job, and the American people are right to question it." Do you have any evidence of fraud related to the elections? If not, do you consider it appropriate to encourage Americans to question the integrity of elections that are not fraudulent?

Upholding the integrity of our elections is of paramount importance. If I have the honor of being confirmed, I will work tirelessly to ensure that the IC's mission to thwart election threats is upheld.

QUESTION 184: You have been critical of mail-in voting, asserting that it presents an "opportunity for fraud," even when no fraud has been demonstrated. You have also said: "Is mail-in voting being used by one group and not another, whether it's being used honestly or honestly and dishonestly? It's a question now everyone is asking and it's a question that can be eliminated." Do you have any evidence that mail-in voting is "being used by one group and not another" in a fraudulent manner? If not, do you believe it is appropriate to encourage Americans to question the integrity of elections that are not fraudulent?

Upholding the integrity of our elections is of paramount importance. If I have the honor of being confirmed, I will work tirelessly to ensure that the IC's mission to thwart election threats is upheld.

QUESTION 185: Do you believe DNI Gabbard's appearance at the FBI's January raid of the Fulton County, Georgia, election office was appropriate?

As U.S Attorney, I know that application of law is often fact-specific, so I do not have enough information to speak directly to how ODNI's authorities applied to that occasion. If confirmed as DNI, I commit that any of ODNI's work to address the national security threats to our election infrastructure will be conducted in close coordination with the Office of General Counsel and in full compliance with applicable law.

QUESTION 186: Director Gabbard testified that President Trump directed her to appear at the Fulton County raid. If you are confirmed and President Trump directs you to participate in or or attend a raid of a local election office, will you do it?

I'm not going to speculate on a hypothetical situation. But I reaffirm the commitment I've demonstrated throughout my career to the Constitution and the rule of law.

QUESTION 187: Who won the 2020 U.S. presidential election?

Joseph Biden was certified as President by the electors presenting before Congress in January 2021.

QUESTION 188: Do you believe it was appropriate for DNI Gabbard to obtain and examine voting machines from Puerto Rico?

As U.S. Attorney, I recognize that these questions are often fact-specific, and I do not want to speculate on the authorities ODNI previously invoked to engage in specific activities. If confirmed as DNI, I commit that any of ODNI's work to address the national security threats to our election infrastructure will be conducted in close coordination with the Office of General Counsel and in full compliance with applicable law.

The "Settlement Agreement"

QUESTION 189: You have stated that the "Settlement Agreement" in *Trump v. IRS*, and specifically the decision to immunize Donald Trump and his family from a tax audit, was "pretty good for the government." Do you see the decision as fair to American taxpayers, who do not enjoy any such immunity?

As I understand it, there is ongoing activity in that litigation regarding a pending motion to reopen the case. Consistent with longstanding Justice Department policy, it would be inappropriate for me comment on the case under these circumstances. In general, though, nobody should have their tax records inappropriately and illegally disclosed and should have recourse available to them.

QUESTION 190: Do you believe it was appropriate to create a $1.8 billion fund for payments, including potentially to people convicted of crimes related to the January 6, 2021, attack on the U.S. Capitol?

As noted above, there is ongoing activity in that litigation regarding a pending motion to reopen the case. Consistent with longstanding Justice Department policy, it would be inappropriate for me comment on the case under these circumstances. I do not condone attacks on law enforcement.

QUESTION 191: Do you support President Trump's decision to pardon individuals convicted of assaulting law enforcement officers on January 6, 2021?

I have not reviewed the evidence in those cases.

Other

QUESTION 192: What was your position with regard to the firing of Maurene Comey and what actions did you take, if any, with regard to the firing?

I will not disclose private Executive Branch deliberations. However, if confirmed as DNI, I commit to you and the IC workforce that I will exclusively consider professional qualifications in all personnel decisions.

QUESTION 193: What role did you play, if any, in deciding to prosecute former New York City Comptroller and congressional candidate Brad Lander for allegedly blocking an elevator while seeking access to immigrant detention facilities?

Mr. Lander and a group of others were issued citations by Federal Protective Services for said violation; the Justice Department offered everyone involved the same disposition: If they would agree to not commit a federal crime on federal property for a period of six months, the citation would be dismissed. Everyone except Mr. Lander agreed. Instead, he proceeded to trial, as is his right. We respect the findings of the Court and we are proud of the professionalism and care that the women and men of this Office take with every single case, every single day.

SELECT COMMITTEE ON INTELLIGENCE

UNITED STATES SENATE

Post-Hearing Questions for the Record for Walter Clayton

upon his nomination to be Director of National Intelligence

From the Chairman

Agricultural Security

1. China's growing footprint in global agriculture is a deliberate, strategic effort to dominate food production and supply chains in ways that threatens American farmers and food security. Chinese state-backed money is remaking western hemisphere ports and reshaping grain routes to Asia. For states like Arkansas, where agriculture is the number one industry, the consequences are real. Chinese state-owned companies now have direct access to Brazilian farmers, purchasing their soybeans and overseeing the entire commercialization chain, including storage and transport to China, effectively locking in a supply chain that bypasses American producers entirely. Brazil's climate compounds the threat. A second annual corn crop, planted right after soybean harvest, lets Brazilian farmers spread land and equipment costs across two harvests instead of one. This allows Brazil to undercut U.S. prices, giving China an increasingly attractive alternative to American grain. Do you commit to working with the committee to monitoring and countering this growing threat?

   Yes.

Artificial Intelligence Data Center Foreign Influence

2. Mr. Clayton, in recent weeks there have been more and more public reports documenting efforts by our adversaries in China, Russia, and Iran to inflame the domestic debate over data center construction. As you know, artificial intelligence will be a bedrock capability for 21st century militaries and the nations with ample access to compute will enjoy tangible advantages on the battlefield. Last month, I sent a letter to Acting Attorney General Todd Blanche to investigate the allegations in these reports and, if necessary, hold the foreign agents conducting this malign influence campaign accountable.

   A. Do you agree that it is plausible, if not probable, that Chinese Communists and other adversaries are undertaking a campaign to discourage AI data center construction in the United States?

      As I have not been confirmed, I am not aware whether there is any

Intelligence Community (IC) reporting on the topic.

B. If confirmed, do you commit to directing our intelligence agencies to monitor agents of foreign propaganda and work with this committee on needed reforms to contain this threat?

Yes.

From Senator Wyden

Journalists

3. 28 CFR § 50.10(c)(1) generally requires that "members of the Department must obtain the authorization of the Attorney General to issue a subpoena to a member of the news media." Did Acting Attorney General Blanche authorize the issuance of subpoenas to multiple *New York Times* journalists on July 10, 2026? If so, when did Acting Attorney General Blanche do so? If not, why did Acting Attorney General Blanche not do so?

As I mentioned during my confirmation hearing, the Southern District of New York (SDNY) followed all appropriate procedures to issue the subpoenas at issue. I defer to Main Justice to provide information about any actions taken by the Acting Attorney General.

4. 28 CFR § 50.10(c)(4)(iii)(A) states that "[t]he government should have pursued negotiations with the affected member of the news media, unless the Attorney General determines that such negotiations would pose a substantial threat to the integrity of the investigation, risk grave harm to national security, or present an imminent risk of death or serious bodily harm." Did you pursue negotiations with the affected members of the news media prior to issuing subpoenas? If so, when did these negotiations occur? If not, why not?

As I mentioned during my confirmation hearing, SDNY followed all appropriate procedures to issue the subpoenas at issue. I defer to Main Justice to provide information about any actions taken by the Acting Attorney General.

5. Under what circumstances, if any, could the government conduct queries

of Section 702 collection for the communications of U.S. person journalists in a leak investigation?

Section 702 only authorizes collection of foreign intelligence information from non-U.S. Persons outside the United States.

My understanding is that, in rare circumstances where a U.S. person is in contact with a valid foreign intelligence target or such a target is talking about a U.S. Person, the Foreign Intelligence Surveillance Court (FISC) has reviewed and authorized procedures that the government must follow to retrieve, or query, information about U.S. persons. Those procedures ensure that those retrievals comport with the Constitution and are focused on foreign intelligence.

If confirmed, I will ensure that the IC adheres to all FISC-approved procedures.

Elections

6. Under what circumstances, if any, could the government conduct queries of Section 702 collection for the communications of U.S. person journalists in a leak investigation?

Section 702 only authorizes collection of foreign intelligence information from non-U.S. Persons outside the United States.

My understanding is that, in rare circumstances where a U.S. person is in contact with a valid foreign intelligence target or such a target is talking about a U.S. Person, the Foreign Intelligence Surveillance Court (FISC) has reviewed and authorized procedures that the government must follow to retrieve, or query, information about U.S. persons. Those procedures ensure that those retrievals comport with the Constitution and are focused on foreign intelligence.

If confirmed, I will ensure that the IC adheres to all FISC-approved procedures.

7. On the June 8, 2026, Squawk Box show on CNBC, you said: "Is mail-in voting being used by one group and not another, whether it's being used honestly or dishonestly? It's a question now everyone is asking." Please

identify the "group" that is using mail-in voting "dishonestly."

Based on the quote provided, I stated that individuals are *asking* whether groups are using mail-in voting honestly or dishonestly.

Domestic terrorism

8. In responses to written questions, you wrote that, while you agree that there is no statutory basis for the designation of domestic organizations as terrorist groups, "I understand the President's designation of Antifa in that Executive Order of 22 September 2025, which directed all relevant executive departments and agencies to utilize all applicable authorities to investigate, disrupt, and dismantle any and all illegal operations by or on behalf of Antifa, was done pursuant to his authorities under Article II of the U.S. Constitution."

   A. Please cite sections of Article II that you believe grant the President the authority to designate domestic terrorist organizations.

   B. Please cite any jurisprudence to support this view.

   C. Please describe the practical implications of the designation. For example, does the designation make "membership" in or association with Antifa a predicate for an investigation? Should a determination that a defendant is acting "by or on behalf of Antifa" add to the severity of the punishment for the underlying crime?

   D. What limitations, if any, do you believe exist with regard to the President's Article II authorities to designate political, advocacy or protest organizations and movements as domestic terrorist organizations and what congressional or judicial guardrails should there be with regard to such designations?

   If confirmed as DNI, my role would not be to provide legal counsel to the President. That role belongs to the White House Counsel's Office and the Attorney General. Rather, my role would be to ensure that IC elements operate in a manner consistent with their solemn obligation to protect and defend the constitutional rights of all Americans, including their First Amendment rights. I commit to doing so.

The "Settlement Agreement"

9. On May 21, 2026, on CNBC, you defended the decision to immunize Donald Trump and his family from a tax audit and stated it was a "pretty good deal for the government." On July 13, 2026, a district court found that the "matter was brought for an improper purpose – to gain the imprimatur of judicial legitimacy for a 'settlement' that had no viable basis in law or fact." The court further found that the government had "abdicat[ed] its responsibility to zealously defend the interests of the United States…" Do you stand by your view that the "settlement" was a "pretty good deal for the government?"

   The statement was made in reaction to news that a legal controversy had been settled. That matter is now the subject of litigation and I defer further comment to Main Justice.

Chatrie v. United States

10. On June 29, 2026, the Supreme Court held in *Chatrie v. United States* that an individual maintains a reasonable expectation of privacy in their cell-phone location information and that the government's access of such information constitutes a Fourth Amendment search. Does this ruling from *Chatrie* apply to the Intelligence Community?

    Yes.

11. The *Chatrie* Court sharply limited the third-party doctrine, stating that "a cell-phone user is not to be viewed as sharing private information with third parties—which then can be freely passed on to the government—just by doing the ordinary things cell-phone users do." The Court specifically rejected the argument that individuals lose their Fourth Amendment rights in data by affirmatively choosing to use a cell-phone app and thereby disclosing personal information to an app provider. Does the decision in *Chatrie* affect or limit the Intelligence Community's access of Commercially Available Information pertaining to United States persons and persons in the United States? If so, how so? If not, why not?

    If confirmed, I look forward to reviewing how the IC collects or accesses

Commercially Available Information pertaining to United States persons and persons in the United States to fully answer this question.

Leon Black

12. Please describe your connections to Leon Black, through Sullivan & Cromwell and/or Apollo Global Management.

From March 1, 2021 to April 2025, I was lead director and independent chairman of Apollo Global Management. Mr. Black retired from the board of Apollo in March 2021. After leaving the board of Apollo, Mr. Black remained Apollo's largest shareholder. I was a partner at Sullivan & Cromwell from January 2001 to April 2015 and of counsel from March 2021 to April 2025. I did not represent Mr. Black.

From Senator King

Elections

13. Who won the 2024 presidential election?

Donald J. Trump was certified as President in January 2025 by the electors presenting before Congress.

14. In questions 183 and 184 of your Additional Prehearing Questions (APQ), and during your confirmation hearing, you were given opportunities to provide any evidence you have of election fraud, opportunities for fraud, and ballot audit trails that don't sufficiently protect election integrity. You did not provide evidence for these claims in your APQ responses or during your hearing.

    A. Given the foundational importance of election integrity in the United States, do you have evidence of significant fraud or opportunities for fraud that have impacted, or threaten to impact, election integrity or electoral outcomes in the United States?

As I explained during the hearing, I believe there are two fundamental components of election operations in the United States: (1) access to the ballot; and (2) integrity of ballot collection, tabulation and recording. I firmly believe that we can both expand access to the

ballot for our citizens—something that both this body and ordinary Americans have strived towards for generations—and increase the efficacy of the collection and tabulation of ballots, including addressing threats from foreign interests. This belief is informed by my experience with controls, cybersecurity, and audit systems for large-scale reporting systems in our public and private sectors.

I also believe efforts to improve these two fundamental components of election operations, including, without limitation, improving control systems, cybersecurity, and audit processes, will increase public confidence in our elections. If confirmed, I will work tirelessly to ensure that the IC plays its role in election security by identifying and reporting foreign threats with the aim of enabling policymakers and those responsible for conducting our elections to take appropriate action to improve the security of U.S. elections.

From Senator Bennet

Ukraine

15. The conflict between Russia and Ukraine is in a new phase, with Kyiv less dependent on U.S. assistance and increasingly capable of taking the fight to Moscow. There is an overwhelming bipartisan consensus on this Committee and in Congress that U.S. intelligence support is vital to these Ukrainian successes. In May 2026, the Committee approved legislation to ensure this intelligence support is sustained and evolves to match the circumstances on the ground.

    A. Do you support this legislation, which every Republican Member of the Committee voted to advance?

    B. If confirmed, do you pledge to work with the Committee to help enact and implement this legislation?

If confirmed, I look forward to reviewing this proposed legislation and working with this Committee on how to appropriately implement its goals.

Asia Pacific

16. The Intelligence Authorization Act this committee passed on a bipartisan basis in May 2026 includes legislation requiring the DNI to bolster intelligence cooperation between the United States and our Indo-Pacific allies and partners, including by encouraging intelligence-sharing with Taiwan and improving multilateral collaboration.

    A. What is your understanding of ongoing intelligence work in this area, and what more do you think the United States should do?

    As I am not yet in the role of DNI, I do not have sufficient information to answer this question. If confirmed, I look forward to working with this Committee on appropriate measures.

    B. How do you assess Japan's ongoing intelligence reforms?

    As I am not yet in the role of DNI, I do not have sufficient information to answer this question.

    C. If confirmed and if this legislation becomes law, can you commit to briefing me and my team on your work to implement it?

    If confirmed, I look forward to working with this Committee on how to appropriately implement the goals of this proposed legislation.

Subpoenas to New York Times Reporters

17. Subsequent to your appearance before the Committee, and during his separate confirmation hearing on July 15, 2026, Acting Attorney General Todd Blanche testified that he personally authorized the subpoenas that the Southern District of New York (SDNY) issued to several *New York Times* reporters following the publication of an article regarding the defenses on an airplane gifted by Qatar that was retrofitted by the U.S. military to serve as Air Force One.

    A. Did you or any other officials at SDNY propose to Acting AG Blanche that these subpoenas be issued – or were you and the career prosecutors at SDNY directed by Acting AG Blanche or another Department of Justice (DOJ) official to issue these subpoenas? If the latter, please specify which official(s) provided

SDNY with direction.

As I mentioned during my confirmation hearing, SDNY followed all appropriate procedures to issue the subpoenas at issue. I defer to Main Justice to provide information about any actions taken by the Acting Attorney General.

18. The Associated Press reported that the subpoenas that SDNY issued to several *New York Times* reporters "were issued after FBI Director Kash Patel and other Justice Department officials met at the White House on Friday [July 10] to talk about the matter, according to a person familiar with the discussions who was not authorized to discuss the issue publicly and spoke on the condition of anonymity."

    A. Were you aware of this alleged meeting or alleged discussions at the White House regarding the *New York Times* article on the Qatari jet?

    As I mentioned during my confirmation hearing, SDNY followed all appropriate procedures to issue the subpoenas at issue. I cannot comment on ongoing investigations.

    B. Did you or anyone from SDNY call into or otherwise participate in these alleged discussions at The White House?

    As I mentioned during my confirmation hearing, SDNY followed all appropriate procedures to issue the subpoenas at issue. I cannot comment on ongoing investigations.

19. You testified to the Committee that the appropriate DOJ procedures were followed in issuing these subpoenas.

    A. Please elaborate as to the specific steps that you understand the DOJ took to obtain this information from *The New York Times* prior to resorting to subpoenas.

    As I mentioned during my confirmation hearing, SDNY followed all appropriate procedures to issue the subpoenas at issue. I defer to Main Justice to provide information about any actions taken by the Acting Attorney General.

20. Acting AG Blanche testified on July 15 that the DOJ's investigation focuses on the release of classified information. On July 2, the Associated Press (AP) reported on the modifications done to the 747 gifted by Qatar. The AP cited the Air Force as acknowledging that "several highly complex engineering modifications required for the final aircraft were intentionally excluded from the Bridge aircraft." Therefore, it seems that *The New York Times* was not the first news organization to publish a news report describing the alleged shortcomings of the airplane gifted by Qatar. To the best of your knowledge, has the DOJ subpoenaed any Associated Press reporters as part of its ongoing investigation?

    I cannot comment on ongoing investigations. I will defer to the Department of Justice for any further information.

Foreign Efforts to Interfere in U.S. Elections

21. If confirmed, do you pledge that that your public statements as DNI would be based on the intelligence community's (IC's) credible intelligence reporting regarding foreign threats to U.S. elections, as opposed to claims that the IC repeatedly assessed are not credible?

    If confirmed, as the President's principal intelligence advisor, my public statements will always reflect current IC intelligence assessments.

22. If a senior Administration official made inaccurate claims about foreign efforts to influence or interfere in U.S. elections (i.e., claims that are not supported by any credible intelligence reporting and/or that contradict the IC's own assessments) would you seek to correct the record?

    The DNI's role is to ensure that the President, policymakers, senior military commanders, and this body receive accurate intelligence that is timely, objective, and independent of political considerations. As such, if confirmed, I commit to ensuring that those individuals are presented with the IC's assessments.

23. The IC publicly said it found no indications that *any* foreign actor altered any technical aspect of our voting processes in 2020, including voter registration, casting ballots, vote tabulation, or reporting results. With this background in mind: if a senior Administration official made public

statements suggesting that Venezuela, China, or any other country rigged or otherwise affected the voting tabulations in the 2020 U.S. election, would you publicly clarify there is no credible intelligence reporting to support those false claims and reaffirm the IC's consensus analysis on this topic?

If confirmed as DNI, my role would be to provide the President, policymakers, senior military commanders, and this body with accurate intelligence that is timely, objective, and independent of political considerations, which I commit to doing.

24. Are you aware of any legal basis for the President to declare a "state of emergency" regarding a U.S. election, including based on U.S. intelligence information or assertions of a "national security threat" or "foreign threat"?

    A. If you believe there is a legal basis for the President to declare a state of emergency, please explain your understanding of the role of the DNI and IC in such a scenario.

    If confirmed as DNI, my role would not be to provide legal counsel to the President. That role belongs to White House Counsel's Office and the Attorney General. Rather, my role would be to ensure that IC elements operate in a manner consistent with their solemn obligation to protect and defend the constitutional rights of all Americans, including their First Amendment rights. I commit to doing so.

25. Have you ever discussed matters related to U.S. elections with Kurt Olsen, a known "election denier" who recently served as a White House official responsible for "elections security" issues?

    No.

26. If confirmed, would you direct IC employees and officials to not interact with or engage with Mr. Olsen or members of his team, in view of his obvious political agenda and record of false statements about the 2020 election?

    The DNI's role is to ensure that the President, policymakers, senior

military commanders, and this body receive accurate intelligence that is timely, objective, and independent of political considerations. If confirmed, I commit to ensuring that any intelligence produced by the IC conforms with proper analytical standards, including the requirements of Intelligence Community Directive 203.

27. Relatedly, do you believe it is an inappropriate use of IC resources and detrimental to U.S. national security for IC agencies to disclose sensitive national security information to individuals who are known "election deniers" seeking to advance disproven claims about the 2020 U.S. elections?

If confirmed as DNI, my role would be to ensure that the President, policymakers, senior military commanders, and this body receive accurate intelligence that is timely, objective, and independent of political considerations. Moreover, I would ensure that the IC's provision of such intelligence properly protects sources and methods.

Artificial Intelligence (AI)

28. You testified about the importance of ensuring that our adversaries not benefit from U.S. AI technologies. In that spirit, legislation that the Committee advanced on a bipartisan basis in May would ensure that the IC's analysis of how U.S. adversaries seek to use advanced AI models and related technologies to undermine U.S. national security is shared with Congress and the relevant Executive Branch decisionmakers on a timely basis. Do you commit to work with the Committee to enact and implement this legislation?

If confirmed, I commit to working with this Committee to ensure the IC has the necessary authorities, and the Executive Branch and Congress have the best possible intelligence, to ensure our adversaries cannot use advanced AI models and other emerging technologies to undermine U.S. national security.

DNI Reforms

29. Should any further reductions in the DNI's workforce be driven by a "bottom up" review of the ODNI's missions and the resources that ODNI reasonably requires to accomplish those missions?

As I discussed during my hearing, it is my view that ODNI's mission and statutory requirements must drive any review of (and action with respect to) ODNI workforce levels, combined with a consideration of what organizational structures best serve those goals.

30. If confirmed, will you restore and renew the National Intelligence Council (NIC), including by appointing a qualified chairperson and recruiting capable and qualified National Intelligence Officers (NIOs) and Deputy National Intelligence Officers (DNIOs), including from across the IC?

    A. If no, please explain why you believe the NIC can perform all its required functions – including responding to various Committee directions – at its present depleted staffing levels.

As I am not yet in the role as DNI, I am not privy to specific details about the current composition of the NIC. If confirmed, I commit to reviewing the NIC's composition and effectiveness and taking appropriate steps to ensure it meets its statutory mandates and furthers the mission of the ODNI.

31. At your confirmation hearing, you testified about the importance of economic and financial intelligence. With that in mind, do you pledge to reverse former DNI Gabbard's decision to abolish the NIC's Strategic Futures Group, which among other missions was responsible for assessing dynamics regarding technology, demographics, economics, issues that our adversaries such as the People's Republic of China are continuing to study and which have significant implications for U.S. national security?

As I am not yet in the role as DNI, I am not privy to specific details about DNI Gabbard's changes to ODNI. If confirmed, I commit to continuously reviewing ODNI's effectiveness and taking appropriate steps to ensure that it leads the IC's provision of timely and objective intelligence to policy makers, including on economic and financial matters.

From Senator Rounds

Israel

32. ODNI, through multiple U.S. intelligence agencies, provided significant assistance to Israeli intelligence agencies in mapping underground Hamas tunnels in Gaza.

    A. To help further contain and neutralize Hamas, what is your view on potential IC support for Gaza stabilization efforts, to include support for Palestinian security forces trained by the United States in coordination with the Palestinian Authority and the International Stabilization Force?

As I am not yet in the role as DNI, I do not have insight into current or potential Intelligence Community efforts that may support Gaza stabilization. If confirmed, I look forward to reviewing such efforts and discussing them with this Committee.

Unidentified Aerial Phenomena

33. On February 19, 2026, President Trump said in a Truth Social post, "I will be directing the Secretary of War, and other relevant Departments and Agencies, to begin the process of identifying and releasing Government files related to alien and extraterrestrial life, unidentified aerial phenomena (UAP), and unidentified flying objects (UFOs)..." This post has been referred to by the Secretary of War and other senior officials as a "directive," and the Department of War has since issued four batches of UAP-related videos and documents, with more to come. In addition, on June 8 a spokesperson for the ODNI released a statement to several journalists regarding establishment of an interagency "UAP Governance Board" by ODNI, the FBI and the DOW "to support the President's directive on UAP transparency."

    A. What is your thinking on the role that the Director of National Intelligence will play in the developing "UAP transparency" efforts, to include the UAP Governance Board?

As I have not yet been confirmed, I am not aware of what steps may have been taken to advance UAP transparency efforts.

    B. With whom at the Executive Office of the President will the ODNI

coordinate on this matter?

As I have not yet been confirmed, I am not aware of what steps may have been taken to advance UAP transparency efforts or with whom ODNI is coordinating on this matter.

C. What is the role of the All-domain Anomaly Resolution Office (AARO) created by Congress to investigate UAP?

My understanding is that AARO is a DoW component charged with addressing UAPs using a scientific framework and a data-driven approach.

From Senator Kelly

34. Please share with the committee the sources you routinely use to stay informed of domestic and international affairs.

I consume a wide variety of news sources to stay informed of domestic and international affairs, including from the *Wall Street Journal*, *New York Times*, *New York Post*, *Financial Times*, Fox News, CNN, Fox Business, and CNBC. I also speak regularly with various public officials and private sector leaders and consume issue-specific data and analysis on a regular basis.

35. During your confirmation hearing, you indicated you could make significant contributions to the ICs production of economic intelligence. What new questions would you seek to answer through increased economic intelligence? How will those answers help policymakers take action on US interests? Please be specific.

As I have not yet had the honor of confirmation, I am not privy to specific details about the IC's current production of economic intelligence. However, given my background, including participating in the provision of economic analysis to the Executive Branch and to Congress, I believe I am very well qualified to strengthen this area of intelligence in order to bolster U.S. economic security and national security more generally.

New Mexico Department of Justice

June 30, 2026

VIA CERTIFIED MAIL
The Honorable Todd Blanche
Acting Attorney General
of the United States
United States Department of Justice
950 Pennsylvania Avenue NW
Washington, D.C. 20530

VIA ELECTRONIC MAIL
Diego Pestana
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Re: Urgent Law Enforcement Request — Access to Unredacted Epstein Records Necessary to Prevent Irreparable Harm to New Mexico's Criminal Investigation

Dear Acting Attorney General Blanche and Associate Deputy AG Pestana,

The New Mexico Department of Justice ("NMDOJ") writes with urgent purpose. Without complete and prompt access to relevant unredacted records held by the United States Department of Justice ("USDOJ"), survivors of serious criminal conduct at Jeffrey Epstein's Zorro Ranch in New Mexico are being denied justice. That harm is a direct consequence of the USDOJ's continued failure to comply with the NMDOJ's outstanding records request.

Heavily redacted open-source records already establish that multiple survivors were brought to Zorro Ranch in Santa Fe County, New Mexico, on numerous occasions, where they were subjected to sexual abuse and exploitation. The redacted records show that, under those redactions, records in the USDOJ's custody contain the names of survivors, witnesses, co-conspirators, and other individuals whose identities are essential to the NMDOJ's ability to fulfill its obligation to investigate and prosecute criminal conduct occurring within this State. The NMDOJ's efforts to obtain these materials through cooperative means have been extensive and, to date, unsuccessful:

I. **February 13, 2026** — Written correspondence to then-Deputy Attorney General Blanche requesting access to a specific EFTA document and all related Zorro Ranch investigative materials.
II. **March 13, 2026** — Formal letter to Attorney General Bondi identifying five illustrative redacted EFTA documents and requesting access to complete, unredacted versions of all pertinent records.
III. **April 1, 2026** — Telephone conference with Associate Deputy Attorney General Diego Pestana, in which the USDOJ affirmed its commitment to cooperation

and directed the NMDOJ to submit a formal Touhy letter through standard channels.

IV. **May 3, 2026** — Comprehensive Touhy letter submitted to First Assistant U.S. Attorney Ryan Ellison and FBI Albuquerque Special Agent in Charge Justin Garris, identifying specific EFTA document examples and requesting access to all relevant unredacted records. This letter sought a response from the USDOJ by May 11, 2026.

V. **May 29, 2026** — Written follow-up to Acting Attorney General Blanche and Associate Deputy AG Pestana renewing the request after receiving no substantive response to the Touhy submission.

VI. **June 4–5, 2026** — Meeting requests directed to your office seeking an in-person conference during Attorney General Torrez's visit to Washington, D.C. No response was received.

Despite verbal assurances of cooperation from the USDOJ, access to the requested records has not been granted, no substantive response has been provided, and more than 130 days have now elapsed since the NMDOJ's initial request. The NMDOJ views this length of time as an unreasonable delay under any rule of reason.

The NMDOJ's urgent need for this information is a direct result of actions by the USDOJ. In 2019, the NMDOJ opened an investigation into criminal conduct at Zorro Ranch, gathering witness accounts, generating investigative reports, and engaging in regular coordination with federal prosecutors. That investigation was halted at the express request of the U.S. Attorney's Office for the Southern District of New York, which sought to consolidate New Mexico's investigative materials into its federal prosecution of Epstein's co-conspirators. In good faith, the NMDOJ complied.

On September 17, 2019, then-Chief Deputy Attorney General Clara Moran transmitted to AUSA Maurene Comey the entirety of the NMDOJ's investigative file — including police reports, recorded witness interviews, and materials related to Epstein's use of New Mexico public lands — and specifically requested that the USDOJ notify the NMDOJ should the federal investigation reveal additional survivors of crimes occurring in New Mexico. That notification never came. The NMDOJ continued to reach out — on October 15, 2019, requesting asset seizure of Zorro Ranch; on July 2, 2020, following the arrest of Ghislaine Maxwell, again offering assistance; and on July 8, 2020, renewing the request for federal forfeiture action against Epstein's New Mexico properties. Each outreach was met with acknowledgment and nothing more. The NMDOJ's investigation was effectively suspended by federal request in 2019, its file released to federal authorities, and its survivors left without an accounting of what occurred in New Mexico. The USDOJ now holds in its possession the very records that would allow the NMDOJ to resume what federal intervention interrupted.

The NMDOJ's criminal investigation is once again active and is ongoing. The USDOJ's continued withholding of unredacted records is causing real and escalating

harm to the NMDOJ's criminal investigation. Without unredacted records, the identities of those who suffered abuse at the hands of Epstein's network in New Mexico remain hidden behind government redactions — survivors who may not know that New Mexico is actively seeking to find them, hear them, and pursue justice on their behalf. Investigators cannot identify corroborating witnesses — the staff, the associates, the individuals present at Zorro Ranch — whose accounts are essential to substantiating survivor testimony and constructing the evidentiary foundation any prosecution requires. The NMDOJ is also prevented from following the investigative leads that the redacted records plainly suggest, pursue the subpoenas and warrants those leads would support, authenticate the documents and records those leads would uncover, or assess the full scope of criminal liability. Every avenue of investigation that begins with a redacted name, a blacked-out face, or an obscured date is an avenue that ends before it begins.

Every day that the USDOJ withholds these records, the foundation upon which a New Mexico prosecution could be built erodes. Witnesses relocate and become unreachable. Memories, already strained by years of trauma, fade further. Physical and documentary evidence degrades, is lost, or is rendered more difficult to authenticate with the passage of time.

Beyond the evidentiary impacts, continued delay creates legal hurdles related to statutes of limitation and due process. Significant pre-indictment delay also affects judicial and jury perceptions of a case in ways that favor defendants and disadvantage the prosecution, regardless of the strength of the underlying evidence.

Balanced against the weighty interests of the administration of justice for serious crimes that are prejudiced by the USDOJ's delay in producing documents, the burden of production on the USDOJ is not significant. First, the USDOJ could minimize the administrative burden by granting the NMDOJ's request for access to the database. Second, even if the USDOJ were to elect to conduct its own review for all information relevant or potentially relevant to a criminal investigation and prosecution in New Mexico, the USDOJ has already reviewed these documents to comply with the Epstein Files Transparency Act. This previous review reduces any administrative impact. Further, Congress specified in the Epstein Files Transparency Act that the document review take place within thirty days of its enactment, thereby providing a reasonable timeframe for this comparable task. The delay at this point far exceeds that timetable.

The NMDOJ therefore reiterates its *Touhy* request for all documents and information relevant to its criminal investigation and further requests an explanation for the delay to this point. Access to the database or production of all relevant documents and information previously redacted should be provided no later than July 31, 2026. Should the NMDOJ not receive access to all relevant records by that date, the request will be considered denied. The NMDOJ reiterates its willingness to abide by reasonable security protocols and confidentiality conditions the USDOJ deems

appropriate, and remains prepared to enter into appropriate protective agreements governing the NMDOJ's use of the records. Further, although a state court subpoena will not compel federal compliance, the NMDOJ will secure one without delay if the USDOJ would prefer to have one issued as part of this request.

The NMDOJ's request is reasonable and necessary to secure justice for those who have suffered sexual abuse inflicted by Epstein. We remain hopeful that the USDOJ will grant this request and demonstrate its commitment to justice for these survivors. Thank you for your prompt consideration of this matter.

Respectfully,



Raúl Torrez
Attorney General of New Mexico

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