

UNITED STATES SENATE
COMMITTEE ON THE JUDICIARY
QUESTIONNAIRE FOR NON-JUDICIAL NOMINEES

PUBLIC

1. **Name**: State full name (include any former names used).

Christopher Charles Fonzone

2. **Position**: State the position for which you have been nominated.

Assistant Attorney General, Office of Legal Counsel, U.S. Department of Justice

3. **Address**: List current office address. If city and state of residence differs from your place of employment, please list the city and state where you currently reside.

Office:

Office of the Director of National Intelligence
1500 Tysons McLean Drive
McLean, VA 22102

Residence:

Arlington, VA

4. **Birthplace**: State date and place of birth.

1975; Allentown, PA

5. **Education**: List in reverse chronological order each college, law school, or any other institution of higher education attended and indicate for each the dates of attendance, whether a degree was received, and the date each degree was received.

Harvard Law School, 2004-2007
J.D. – June 2007

Cornell University, 1994-1998
B.A. – June 1998

6. **Employment Record**: List in reverse chronological order all governmental agencies, business or professional corporations, companies, firms, or other enterprises, partnerships, institutions or organizations, non-profit or otherwise, with which you have been affiliated as an officer, director, partner, proprietor, or employee since graduation

from college, whether or not you received payment for your services. Include the name and address of the employer and job title or description.

June 2021 – Present
General Counsel
Office of the Director of National Intelligence
1500 Tysons McLean Drive
McLean, VA 22102
Paid

November 2017 – June 2021
Partner
Sidley Austin LLP
1501 K. St.
Washington, DC 20005
Paid

August 2020 – January 2021
Volunteer
PT Fund, Inc.
2201 Wisconsin Ave. NW, Suite 320
Washington, DC 20007
Unpaid

February 2017 – May 2019
Member
Fulbright Foreign Scholarship Board, State Department
301 4th Street SW, #664
Washington, DC 20547
Paid

March 2017 – April 2017
Self-employed (one consulting project between time at Counsel's Office and Sidley)
2800 Clarendon Blvd., Apt. W523
Arlington, VA 22201
Paid

January 2013 – January 2017
Deputy Assistant to the President, Deputy Counsel to the President, National Security Council (NSC) Legal Adviser
White House Counsel's Office / NSC
Eisenhower Executive Office Building
1600 Pennsylvania Ave. NW
Washington, DC 20520
Paid

January 2012 – December 2012
Attorney-Adviser
Department of Justice, Office of Legal Counsel
950 Pennsylvania Ave. NW
Washington, DC 20530
Paid

August 2010 – January 2012
Special Counsel
Department of Defense, Office of the General Counsel
1600 Defense Pentagon
Washington, DC 20301
Paid

July 2009 – July 2010
Law Clerk
Chambers of Justice Stephen Breyer, U.S. Supreme Court
1 First Street NE
Washington, DC 20543
Paid

October 2008 – July 2009
Attorney
Department of Justice, Civil Division, Appellate Staff
950 Pennsylvania Ave. NW
Washington, DC 20530
Paid

June 2007 – June 2008
Law Clerk
Chambers of Judge J. Harvie Wilkinson III, U.S. Court of Appeals for the Fourth Circuit
255 West Main St.
Charlottesville, VA 22902
Paid

September 2006 – January 2007
Teaching Fellow
Professor Richard H. Fallon, Harvard Law School
1563 Massachusetts Ave.
Cambridge, MA 02138
Paid

July 2006 – August 2006
Summer Law Intern
Department of Justice, Civil Division, Appellate Staff

950 Pennsylvania Ave. NW
Washington, DC 20530
Paid

June 2006 – July 2006
Summer Associate
Gibson, Dunn & Crutcher
1050 Connecticut Ave. NW
Washington, DC 20036
Paid

June 2005 – February 2006
Research Assistant
Professor Arthur R. Miller, Harvard Law School
1563 Massachusetts Ave.
Cambridge, MA 02138
Paid

May 2000 – August 2004
Principal
Novantas
100 Park Avenue
New York, NY 10017
Paid

April 1999 – April 2000
Assistant Portfolio Manager
Watch Hill Investment Partners
1865 Palmer Ave.
Larchmont, NY 10538
Paid

September 1998 – April 1999
Analyst
First Manhattan Consulting Group
90 Park Avenue
New York, NY 10016
Paid

7. **Military Service and Draft Status:** Identify any service in the U.S. Military, including dates of service, branch of service, rank or rate, serial number (if different from social security number) and type of discharge received, and whether you have registered for selective service.

I have not served in the U.S. military. I have registered for selective service.

United States Court of Appeals for the Seventh Circuit (2008)
United States Court of Appeals for the Ninth Circuit (2008)
United States Court of Appeals for the Tenth Circuit (2009)
United States Court of Appeals for the Eleventh Circuit (2009)
United States Court of Appeals for the District of Columbia Circuit (2008)

Many of these admissions were based on my representation of the United States and the others may have lapsed because I have had limited occasion to practice before these courts since I left Civil Appellate in 2009.

11. Memberships:

- a. List all professional, business, fraternal, scholarly, civic, charitable, or other organizations, other than those listed in response to Questions 9 or 10 to which you belong, or to which you have belonged, since graduation from law school. Provide dates of membership or participation, and indicate any office you held. Include clubs, working groups, advisory or editorial boards, panels, committees, conferences, or publications.

American Society of International Law (2017-2020)

Hostage US (2019-2021)

Member, Advisory Council (2019-2021)

Just Security (2019-2021)

Member, Advisory Board (2019-2021)

National Task Force on Election Crises (2020)

NYU School of Law, Reiss Center on Law and Security (2018-2021)

Non-Resident Senior Fellow (2018-2021)

In addition, I have made financial contributions to charitable organizations over the years. Such organizations may list me as a member by virtue of my financial contribution. I have not listed above any organization to which I gave funds and did not otherwise participate in programmatic activities.

- b. Indicate whether any of these organizations listed in response to 11a above currently discriminate or formerly discriminate on the basis of race, sex, religion or national origin either through formal membership requirements or the practical implementation of membership policies. If so, describe any action you have taken to change these policies and practices.

To my knowledge, none of these organizations discriminates or formerly discriminated on the basis of race, sex, religion or national origin, either through formal membership requirements or the practical implementation of membership

policies.

12. **Published Writings and Public Statements:**

- a. List the titles, publishers, and dates of books, articles, reports, letters to the editor, editorial pieces, or other published material you have written or edited, including material published only on the Internet. Supply four (4) copies of all published material to the Committee.

I have done my best to identify all books, articles, letters to the editor, editorial pieces and other published material, including through a review of my personal files and searches of publicly available electronic databases. Despite my searches, there may be other materials that I have been unable to identify, find, or remember. I have located the following:

Congress Must Protect American's Treaties, FOREIGN AFFAIRS (July 17, 2020), <https://www.foreignaffairs.com/articles/2020-07-17/congress-must-protect-americas-treaties> (with Scott R. Anderson).

Trump Could Lose and Not Leave. But Cabinet Members Who Try to Help Face Prison., WASHINGTON POST OUTLOOK (July 9, 2020), <https://www.washingtonpost.com/outlook/2020/07/09/peaceful-transition-power-trump/> (with Joshua A. Geltzer and Laurence Tribe).

Senate v. President: A Moot Court on Treaty Withdrawal Powers, 113 PROCEEDINGS OF THE AMERICAN SOCIETY OF INTERNATIONAL LAW ANNUAL MEETING 141 (2019) (with Ginger Anders, Scott Anderson, Curtis Bradley, Catherine Powell and Donald Verilli, Jr.).

United States, in THE PRIVACY, DATA PROTECTION, AND CYBERSECURITY LAW REVIEW (2019), <https://www.sidley.com/-/media/publications/united-states-2019.pdf?la=en> (with Alan Charles Raul and Snezhana Stadnik Tapia).

The Irony of "White House Warriors", LAWFARE (Aug. 15, 2019), <https://www.lawfaremedia.org/article/irony-white-house-warriors>.

Carpenter and Everything After: The Supreme Court Nudges the Fourth Amendment into the Information Age, AMERICAN BAR ASSOCIATION INFRASTRUCTURE AND REGULATED INDUSTRIES JOURNAL (Summer 2019), <https://www.americanbar.org/groups/infrastructure-regulated-industries/publications/infrastructure/2018-2019/summer/carpenter-and-everything-after-supreme-court-nudges-fourth-amendment-the-information-age/> (with Kate Heinzelman and Michael R. Roberts).

"This Could Be Heaven or This Could Be Hell": Getting Ready for the (Hotel) California Consumer Privacy Act of 2018, 3 INT'L J. DATA

PROTECTION OFFICER, PRIVACY OFFICER & PRIVACY COUNS. 18 (2019) (with Clayton Northouse).

What About When the Best View is the Best View?, 31 GEO. J. OF LEGAL ETHICS 305 (2018) (with Dana Remus).

Carpenter v. United States: A Revolution in Fourth Amendment Jurisprudence?, 4 PRATT'S PRIVACY & CYBERSECURITY LAW REPORT 283 (Nov./Dec. 2018) (with Kate Heinzelman and Michael R. Roberts).

The More Things Stay the Same: Why the Trump Administration's Counterterrorism Strategy is Surprisingly Conventional, JUST SECURITY (Nov. 13, 2018), <https://www.justsecurity.org/61452/stay-same-trump-administrations-counterterrorism-strategy-surprisingly-conventional/> (with Luke Hartig).

The Trump Administration's Approach to Data Privacy, and Next Steps, LAW360 (Sept. 27, 2018), <https://www.law360.com/articles/1086945/the-trump-admin-approach-to-data-privacy-and-next-steps> (with Alan Charles Raul).

Why it's Unconstitutional for Politicians — including the President — to Block People on Social Media, WASHINGTON POST OUTLOOK (Sept. 26, 2018), <https://www.washingtonpost.com/outlook/2018/09/26/why-its-unconstitutional-politicians-including-president-block-people-social-media/> (with Joshua A. Geltzer).

After LabMD, Questions Remain for the Healthcare Sector, DIGITAL HEALTH LEGAL (July 2018) (with Kate Heinzelman).

What Congress's First Steps Into AI Legislation Portend, BLOOMBERG LAW (May 15, 2018), <https://news.bloomberglaw.com/business-and-practice/what-congresss-first-steps-into-ai-legislation-portend> (with Kate Heinzelman).

What the Law of Military Obedience Can (and Can't) Do — What Happens if a President's Orders are Unlawful?, JUST SECURITY (May 4, 2018), <https://www.justsecurity.org/55743/law-military-obedience-mattis-military-orders/> (cross-posted at ACS EXPERT FORUM, <https://www.acslaw.org/expertforum/what-the-law-of-military-obedience-can-and-cant-do-what-happens-if-a-presidents-orders-are-unlawful/>).

What the Military Law of Obedience Does (and Doesn't) Do, AMERICAN CONSTITUTION SOCIETY ISSUE BRIEF (Mar. 2018), https://www.acslaw.org/wp-content/uploads/2018/04/What_The_Military_Law_of_Obedience_Does_and_Doesnt_Do_0.pdf.

Should the Government Regulate Artificial Intelligence? It Already Is, THE HILL (Feb. 26, 2018), <http://thehill.com/opinion/technology/375606-should-the-government-regulate-artificial-intelligence-it-already-is> (with Kate Heinzelman).

DFARS Cyber Compliance and Potential for FCA Risk, LAW360 (Dec. 18, 2017), <https://www.law360.com/cybersecurity-privacy/articles/994933/dfars-cyber-compliance-and-potential-for-fca-risk> (with Colleen Brown and Robert Conlan).

For Quick and Strong Justice, Look to the Courts – Not Guantanamo, JUST SECURITY (Nov. 1, 2017), <https://www.justsecurity.org/46610/quick-strong-justice-courts-not-guantanamo/> (with Joshua Geltzer).

Can Trump Refuse to Fill Key Jobs?, THE HILL (July 31, 2017), <http://thehill.com/blogs/pundits-blog/the-administration/344606-can-president-trump-refuse-to-fill-key-jobs> (with Joshua Geltzer).

Can President Trump Just Leave Key Executive Branch Offices Unfilled?, LAWFARE (July 5, 2017), <https://www.lawfaremedia.org/article/can-president-trump-just-leave-key-executive-branch-offices-unfilled> (with Joshua A. Geltzer).

Delegating Commander-in-Chief Powers – Where to Strike the Balance, JUST SECURITY (May 30, 2017), <https://www.justsecurity.org/41486/delegating-commander-in-chief-powers-where-strike-balance/> (cross-posted as *How Much Should Trump Delegate to His Generals?*, NEWSWEEK, <http://www.newsweek.com/how-much-should-trump-delegate-his-generals-617643>).

How Trump's Team Can Use Obama's Counterterrorism Playbook to Defeat al-Qa'ida and ISIL, JUST SECURITY (Feb. 21, 2017), <https://www.justsecurity.org/37970/guide-obamas-playbook-fighting-terrorism-and-trumps-team-win/> (with Stephen Pomper).

Note, *Dissent, Corporate Cartels, and the Commercial Speech Doctrine*, 120 HARV. L. REV. 1892 (2007).

Case Comment, *The Supreme Court, 2005 Term – Leading Cases*, 120 HARV. L. REV. 125, 283 (2006) (discussing *Randall v. Sorrell*, 126 S. Ct. 2479 (2006)).

Recent Cases, *Capital Sentencing – Juror Prejudice – Colorado Supreme Court Holds Presence of Bible in Jury Room Prejudicial – People v. Harlan*, 109 P.3d 616 (Colo.), cert. denied 126 S. Ct. 399 (2005), 119 HARV. L. REV. 646 (2005).

It's Not Easy Being Green. A Young Industry Faces Its Biggest Test, FINANCIAL SERVICES MARKETING (Sept./Oct. 2001) (with Sherief Meleis).

In addition to the publications listed above, during my time at Sidley Austin, I contributed pieces to Data Matters, the firm's blog focused on privacy and cybersecurity matters. My contributions to the blog were as follows:¹

East Coast Meets West Coast: Enter the Virginia Consumer Data Protection Act (Mar. 4, 2021) (with Colleen Theresa Brown, Lauren Kitces and Alan Charles Raul).

Third Time's the Charm: CCPA Regulations Finally Approved With Limited Substantive Changes from June 2020 Version (Aug. 20, 2020) (with Colleen Theresa Brown, Alan Charles Raul, Sheri Porath Rockwell and Michael R. Roberts).

Historic Charges: First Enforcement Action Filed by New York Department of Financial Services Under Cybersecurity Regulation (Aug. 19, 2020) (with Colleen Theresa Brown, Ellen M. Dunn, Joan M. Loughnane, Michael D. Mann, Alan Charles Raul, Michael R. Roberts and Laura Sorice).

The Return of the Mac: CCPA 2.0 Qualifies for California's November 2020 Ballot and Could Usher In Sweeping Changes to CCPA (June 26, 2020) (with Colleen Theresa Brown, Kate Heinzelman, Alan Charles Raul, Sheri Porath Rockwell and Christopher D. Joyce).

CCPA Enforcement Date Rapidly Approaching: California Attorney General Proposes Regulations for Final Review With July 1, 2020 Less Than One Month Away (June 4, 2020) (with Colleen Theresa Brown, Kate Heinzelman, Alan Charles Raul, Sheri Porath Rockwell and Michael R. Roberts).

In Midst of COVID-19 Pandemic, Senators Propose Privacy Bill Aimed At Businesses' Use of Consumer Data (May 7, 2020) (with Colleen Theresa Brown, Kate Heinzelman and Michael R. Roberts).

*Stay At Home Orders May Have Killed California's Ballot Initiative to Expand CCPA [**Update – But Californians for Consumer Privacy Say Maybe Not**]* (May 4, 2020) (with Sheri Porath Rockwell and Christopher D. Joyce).

¹ It is possible that some of these blog posts were simultaneously released as a Sidley client alert; I do not separately list such alerts. I also do not list blog posts that simply cross-posted writings mentioned above.

CCPA Marches On: California Attorney General Proposes Further Revisions to CCPA Regulations, Industry Pleads for Enforcement Delay Amid COVID-19 Crisis (Apr. 10, 2020) (with Colleen Theresa Brown, Kate Heinzelman, Alan Charles Raul, Sheri Porath Rockwell and Michael R. Roberts).

Coronavirus Risks – U.S. and European Employment and Privacy Law Issues (Mar. 5, 2020) (with Susan Fanning, Wendy M. Lazerson, John G. Levi, Katherine A. Roberts, Colleen Theresa Brown, Kate Heinzelman, William RM Long and Alan Charles Raul).

DoD Issues Cybersecurity Maturity Model Certification Version 1.0 (Feb. 24, 2020) (with Colleen Theresa Brown and Robin Wright Cleary).

A February 2020 Surprise: California Attorney General Proposes Significant Revisions to CCPA Regulations (Feb. 12, 2020) (with Colleen Theresa Brown, Kate Heinzelman, Alan Charles Raul, Sheri Porath Rockwell and Michael R. Roberts).

Comments Submitted on California Consumer Privacy Act of 2020—Initiative 19-0021 (Nov. 12, 2019) (with Alan Charles Raul and Colleen Theresa Brown).

CCPA In-Depth Series: Draft Attorney General Regulations on Verification, Children’s Privacy and Non-Discrimination (Oct. 24, 2019) (with Alan Charles Raul, Colleen Theresa Brown and Sheri Porath Rockwell).

CCPA In-Depth Series: Draft Attorney General Regulations on Consumer Requests (Oct. 23, 2019) (with Alan Charles Raul, Colleen Theresa Brown and Sheri Porath Rockwell).

CCPA In-Depth Series: Draft Attorney General Regulations on Consumer Notice (Oct. 22, 2019) (with Alan Charles Raul, Colleen Theresa Brown and Sheri Porath Rockwell).

Final California Consumer Privacy Act Amendments Bring Practical Changes (But Your Business May Now Be a California “Data Broker”) (Sept. 17, 2019) (with Alan Charles Raul, Colleen Theresa Brown and Sheri Porath Rockwell).

The CCPA Ripple Effect: Nevada Passes Privacy Legislation (June 11, 2019) (with Colleen Theresa Brown and Elizabeth MacGill).

NYC Automated Decision-Making Task Force Forum Provides Insight Into Broader Efforts to Regulate Artificial Intelligence (May 29, 2019) (with Shay Banerjee).

The New Congress Turns to an Old Issue – The Possibility of Comprehensive Federal Privacy Legislation (Mar. 18, 2019) (with Kristen Bartolotta).

FTC Seeks Comment on Proposed Changes to its GLBA Safeguards and Privacy Rules (Mar. 12, 2019) (with Seferina Berch and Snezhana Stadnik Tapia).

Takeaways From CCPA Public Forums (Feb. 12, 2019) (with Sheri Porath Rockwell).

U.S. Department of Transportation Issues Third Round of Guidance on Automated Vehicles (Nov. 5, 2018) (with Colleen Theresa Brown, Michael Mallow, Edward R. McNicholas, Matthew J. Warren, Kate Heinzelman, Elizabeth MacGill and Rachel Straus).

FERC Approves NERC's Supply Chain Risk Management Reliability Standards and Directs NERC to Expand Their Scope (Oct. 29, 2018) (with Gina S. Khanna).

California and Preemption (Oct. 10, 2018) (with Alan Charles Raul).

White House and Pentagon Announce New Cyber Strategies (Oct. 5, 2018) (with Feola Odeyemi).

Senate Hearing on Federal Privacy Law: Question is Not Whether But What Form (Sept. 28, 2018) (with Alan Charles Raul, Clayton G. Northouse and Stephen McInerney).

Movement Towards a Comprehensive U.S. Federal Privacy Law: Witnesses Prepare to Testify in Senate Hearing (Sept. 25, 2018) (with Alan Charles Raul, Clayton G. Northouse and Stephen McInerney).

Clean-Up Bill Advances to Amend the New California Consumer Privacy Act (Sept. 5, 2018) (with Alan Charles Raul, Colleen Theresa Brown, Kate Heinzelman and Sheri Porath Rockwell).

Coalition Groups Weigh In on CCPA Clean Up Legislation (Aug. 16, 2018)

South Carolina Becomes the First State to Enact the National Association of Insurance Commissioners (NAIC) Insurance Data Security Model Law (July 30, 2018) (with Stephen McInerney).

California Enacts Broad Privacy Laws Modeled on GDPR (June 29, 2018) (with Alan Charles Raul, Edward R. McNicholas, Colleen Theresa Brown, Cameron F. Kerry, Michael Mallow, Amy Lally and Ash Nagdev).

A Flurry of Recent Cybersecurity Activity from the Trump Administration (June 25, 2018) (with Michael R. Roberts and Laura Sorice).

11th Circuit Vacates LabMD Enforcement Order; Casts Doubt on Decades of FTC Cybersecurity Enforcement Practices (June 12, 2018) (with Timothy J. Muris, Alan Charles Raul, Cameron F. Kerry, Colleen Theresa Brown and Elizabeth MacGill).

Amid Growing Threats, White House Dismantles Top Cybersecurity Post (May 29, 2018) (with Cameron F. Kerry, Michael R. Roberts and Laura Sorice).

Supreme Court Finds Expectation of Privacy for Rental Car Driver (May 22, 2018).

DFAR Cybersecurity FAQs Provide Practical Guidance Highlighting Expansive Scope of Contractor Requirements (May 15, 2018) (with Colleen Theresa Brown).

Potential Congressional Action on Cross Border Data? A Primer on the CLOUD Act (Mar. 13, 2018) (with Cameron F. Kerry and Edward R. McNicholas).

National Academy of Sciences Encryption Study (Feb. 21, 2018).

Movement on Section 702 of the Foreign Intelligence Surveillance Act (FISA) (Jan. 22, 2018) (with Kate Heinzelman, Cameron F. Kerry and Alan Charles Raul).

Privacy and Cybersecurity Top 10 for 2018 (Jan. 2, 2018) (with Alan Charles Raul, Edward R. McNicholas, Cameron F. Kerry, Colleen Theresa Brown, Wim Nauwelaerts, William RM Long, Clayton G. Northouse, Isvari Mohan, Gabrielle Whitehall and Maarten Meulenbelt).

During my time at Sidley Austin, in addition to the Data Matters blog, I also contributed to Sidley Updates, including the following:²

COVID-19 U.S. Employment Law Update and Guidance for Employers (May 11, 2020), <https://www.sidley.com/en/insights/newsupdates/2020/03/covid->

² Sidley Updates only list as contacts the attorneys still employed at the firm; nonetheless, I believe I worked on the updates listed. Also, the website *Lexology* often cross-posts Sidley Austin content, and, when doing so, may note a number of individuals from the firm (e.g., members of the firm's privacy and cybersecurity practice) alongside a piece, regardless of whether those individuals are authors of the piece. I do not list these *Lexology* cross-postings, as I believe the pieces I co-authored are already listed.

[19-us-employment-law-update-and-guidance-for-employers](#) (with Wendy M. Lazerson, John G. Levi, Marketa Lindt, Katherine A. Roberts, Colleen Theresa Brown, Alan Charles Raul, Julie O'Donnell Allen, Eric G. Hoffman, Galit A. Knotz, Abigail Hudson and Katie Sreenan).

COVID-19 – Privacy and Cybersecurity: An Action Plan For Businesses (Apr. 3, 2020), <https://www.sidley.com/en/insights/newsupdates/2020/04/privacy-and-cybersecurity-an-action-plan-for-business> (with Colleen Theresa Brown, William RM Long and Alan Charles Raul).

In Landmark Case, Illinois Supreme Court Sets Low Bar For Claims Under Illinois' Biometric Information Privacy Act (Jan. 30, 2019), <https://www.sidley.com/en/insights/newsupdates/2019/01/privacy-in-landmark-case> (with Colleen Theresa Brown, Geeta Malhotra, Alan Charles Raul, Daniel C. Craig and Stephen W. McInerney).

In addition to the published materials listed above, while working on the Harvard Law Review, I edited pieces written by others, but I do not have a record of the specific pieces on which I worked. My records also show me as having co-authored a piece on “Life Sciences and the AI Revolution” in 2018, and I also remember posting a couple of blog posts on *Talking Points Memo* while I was in law school, but I could not readily locate any record of these writings.

- b. Supply four (4) copies of any reports, memoranda or policy statements you prepared or contributed in the preparation of on behalf of any bar association, committee, conference, or organization of which you were or are a member. If you do not have a copy of a report, memorandum or policy statement, give the name and address of the organization that issued it, the date of the document, and a summary of its subject matter.

I have done my best to identify any reports, memoranda, or policy statements I have prepared or contributed to, including through a review of my personal files and searches of publicly available electronic databases. I have located the following:

Artificial Intelligence & Machine Learning: Emerging Legal and Self-Regulatory Considerations: Part One, AMERICAN BAR ASSOCIATION, ANTITRUST SECTION (Sept. 30, 2019), <https://www.nera.com/content/dam/nera/publications/2017/Artificial%20Intelligence%20and%20Machine%20Learning%20Emerging%20Legal%20and%20Self-Regulatory%20Considerations.pdf>

- c. Supply four (4) copies of any testimony, official statements or other communications relating, in whole or in part, to matters of public policy or legal interpretation, that you have issued or provided or that others presented on your behalf to public bodies or public officials.

I have done my best to identify any testimony, official statements, or other communications related, in whole or in part, to matters of public policy or legal interpretation, including through a review of my personal files and searches of publicly available electronic databases. I have located the following:

Oversight of Section 702 of the Foreign Intelligence Surveillance Act and Related Surveillance Authorities Before the S. Judiciary Comm., 118th Cong. (June 13, 2023), <https://www.judiciary.senate.gov/oversight-of-section-702-of-the-foreign-intelligence-surveillance-act-and-related-surveillance-authorities>.

Public Forum on Foreign Intelligence Surveillance Act Section 702 Before the Privacy and Civil Liberties Oversight Board (Jan. 12, 2023), <https://www.pclob.gov/EventsPress>.

Nomination of Christopher C. Fonzone to be the General Counsel of the Office of the Director of National Intelligence Before the S. Select Intelligence Committee, 117th Cong. (May 18, 2021), <https://www.intelligence.senate.gov/hearings/open-hearing-nomination-christopher-c-fonzone-be-general-counsel-office-director-national>.

Statement by Former U.S. Government Officials on the Use of Force (Mar. 10, 2017), <https://humanrightsfirst.org/library/statement-by-former-u-s-government-officials-on-use-of-force/>.

- d. Supply four (4) copies, transcripts or recordings of all speeches or talks delivered by you, including commencement speeches, remarks, lectures, panel discussions, conferences, political speeches, and question-and-answer sessions. Include the date and place where they were delivered, and readily available press reports about the speech or talk. If you do not have a copy of the speech or a transcript or recording of your remarks, give the name and address of the group before whom the speech was given, the date of the speech, and a summary of its subject matter. If you did not speak from a prepared text, furnish a copy of any outline or notes from which you spoke.

I have done my best to identify records of all speeches or talks delivered, including through a review of my personal files and searches of publicly available electronic databases. I frequently speak without notes or speak from outlines, which I do not always retain. Despite my searches, there may be other materials I have been unable to identify, find, or remember, and the list below does not include briefings or remarks I provided in classified settings as a government employee. I have located the following:

Panelist, “Section 702: Current Operation and Challenges”
Georgetown Law Center on National Security and American Bar Association
Standing Committee on Law and National Security, FISA and the

Future of Section 702
Washington, DC
April 26, 2023
A video of this panel is available at <https://www.law.georgetown.edu/national-security-center/publications/events/>.

Speaker, “Capstone: An Intelligence Community Perspective on Cyber”
CYBERCOM Legal Conference
Joint Base Andrews, MD
April 19, 2023
A video of my remarks is available at <https://www.dvidshub.net/video/880303/capstone-intelligence-community-perspective-cyber>.

Guest Speaker, Law School Class
University of Virginia Law School
Charlottesville, VA
November 3, 2022
The class was focused on intelligence law, including the Foreign Intelligence Surveillance Act. I have no notes, transcript, or recording. The address of the University of Virginia Law School is 580 Massie Rd., Charlottesville, VA 22903.

Speaker, Lunch Discussion
University of Virginia Law School, National Security Student Group
Charlottesville, VA
November 3, 2022
The discussion was focused on national security lawyering and my career path. I have no notes, transcript, or recording. The address of the University of Virginia Law School is 580 Massie Rd., Charlottesville, VA 22903.

Guest Speaker, Law School Class
Harvard Law School (by videoconference)
Cambridge, MA
October 20, 2022
The class was focused on cross-border data flows, including the European Union-U.S. Data Privacy Framework and Executive Order 14086 of October 7, 2022. I have no notes, transcript, or recording. The address of Harvard Law School is 1585 Massachusetts Ave., Cambridge, MA 02138.

Panelist, “The Patriot Act Turns 20: Taking Stock and Rethinking Surveillance Powers”
Center for Democracy and Technology (by videoconference)
Washington, DC
October 5, 2021
A video of this panel is available at <https://www.youtube.com/watch?v=xaUIvxLdGCQ&feature=youtu.be>.

Guest Speaker, Law School Class
New York University Law School (by videoconference)
New York, NY
September 1, 2020

The class was focused on the role of the national security lawyer. I have no notes, transcript, or recording. The address of NYU Law School is 40 Washington Square South, New York, NY 10012.

Panelist, “Nuclear Command and Control”
Congressional Study Group on Foreign Relations and National Security (by videoconference)
Washington, DC
May 7, 2020

A description of this panel is available at <https://www.brookings.edu/articles/nuclear-command-and-control/>.

Co-Presenter, “The CCPA Has Kicked In: What to Do Now?”
Sidley Austin, California Consumer Privacy Act (CCPA) Webinar Series (by videoconference)
Washington, DC
January 22, 2020

The webinar was focused on the fact that the California Consumer Privacy Act had become effective on January 1, 2020. I have no notes, transcript, or recording. The address for Sidley Austin LLP’s Washington, DC office is 1501 K St. NW, Washington, DC 20005.

Co-Presenter, “The Final Countdown: What You Need to Know About the CCPA and its Draft Regulations Before January 1”
Sidley Austin, CCPA Webinar Series (by videoconference)
Washington, DC
November 5, 2019

The webinar was focused on the California Consumer Privacy Act, before it was slated to become effective on January 1, 2020. I have no notes, transcript, or recording. The address for Sidley Austin LLP’s Washington, DC office is 1501 K St. NW, Washington, DC 20005.

Guest Speaker, Law School Class
Harvard Law School
Cambridge, MA
October 30, 2019

The class was focused on the presidency, and I spoke based on my experience as a national security lawyer. I have no notes, transcript, or recording. The address of Harvard Law School is 1585 Massachusetts Ave., Cambridge, MA 02138.

Speaker, “Constitution Day! (or how to talk about things that aren’t residency-related at parties)”

George Washington Hospital Residency Program
Washington, DC
September 16, 2019

I have attached the slides I used for this talk.

Speaker, “Questions of Liberty and Security”
National Committee on U.S.-China Relations, 2019 U.S. Foreign Policy
Colloquium
Washington, DC
May 30, 2019

I spoke on the way that the United States protects its national security while also protecting civil liberties. I have no notes, transcript, or recording. The address for the National Committee on U.S.-China Relations is 6 East 43rd St., 24th Floor, New York, NY 10017.

Panelist, “‘Trumping’ International Law? The Administration at the Half-Term”
American Bar Association, Section of Litigation & Solo, Small Firm and
General Practice Division, CLE Conference
New York, NY
May 3, 2019

The panel was focused on key trends and developments in international law after two years of a new Presidential administration. I have no notes, transcript, or recording. The address of the Washington, DC office of the American Bar Association is 1050 Connecticut Ave. NW, Suite 400, Washington, DC 20036.

Speaker (counsel for the Senate in moot court), “Senate v. President: A Moot
Court on the President's Treaty Withdrawal Powers”
American Society of International Law, Annual Meeting
Washington, DC
March 28, 2019

A video of this event is available at <https://www.youtube.com/watch?v=BN8khPdN0Kw&feature=youtu.be>.

Co-Presenter, “California, Here We Come: Getting Ready for the California
Consumer Privacy Act”
Sidley Austin, CCPA Webinar Series (by videoconference)
Washington, DC
March 27, 2019

The webinar was focused on steps companies could take to prepare for the impending effective date of the California Consumer Privacy Act. I have no notes, transcript, or recording. The address for Sidley Austin LLP's Washington, DC office is 1501 K St. NW, Washington, DC 20005.

Moderator, “Persistent Engagement & Domestic Law Roundtable”
CYBERCOM Legal Conference

Joint Base Andrews, MD

March 5, 2019

I moderated a panel on the domestic legal implications of cyber operations and, in particular, the doctrine of persistent engagement. I have no notes, transcript, or recording. U.S. Cyber Command is located at Fort George G. Meade, MD 20755.

Panelist, “Data Governance and Consumer Privacy under GDPR, APEC, China, and U.S. Frameworks”

Berkeley Center for Law and Technology, Privacy and Cybersecurity Law
Developments in China, the EU, and the U.S.

Berkeley, CA

March 1, 2019

The panel focused on comparative privacy frameworks, and I focused on the United States’ approach. I have no notes, transcript, or recording. The address for the Berkeley Center for Law and Technology is 1995 University Ave., Suite 460, UC Berkeley, School of Law, Berkeley, CA 94704.

Moderator, “Presidential Emergency Powers, Former Executive Branch Officials”

Brennan Center Symposium on Emergency Powers

Washington, DC

January 16, 2019

A video of this panel is available at <https://www.c-span.org/video/?457012-3/presidential-emergency-powers-executive-branch-officials&event=457012&playEvent>.

Speaker

Fulbright Foreign Language Teaching Assistants Mid-Year Conference

Washington, DC

December 12, 2018

I provided short remarks on the Fulbright Foreign Scholarship Board’s perspective on the Fulbright Program at a regular conference for teaching assistants affiliated with the Program. I have no notes, transcript, or recording. The address for the Fulbright Foreign Scholarship Board is 301 4th Street SW, #664, Washington, DC 20547.

Panelist, “Reflections on a National Security Lawyer’s Role in Times of Crisis:
Why the Best View of the Law May Not be the Best View”

Georgetown Law Center on National Security and Center for the Study of the
Legal Profession

Washington, DC

November 28, 2018

The panel was focused on a series of law review articles concerning how national security lawyers should practice during times of crisis, including the article I co-authored with Dana Remus mentioned above. I have no notes, transcript, or recording. The address for the Georgetown Law Center on National Security is 600 New Jersey Ave. NW, Gewirz 308, Washington, DC 20001.

Guest Speaker, Law School Class
Georgetown University Law Center
Washington, DC
November 28, 2018

The class was focused on the role of law in confronting foreign policy challenges, and I spoke about my experience as a national security lawyer. I have no notes, transcript, or recording. The address for the Georgetown Law Center is 600 New Jersey Ave. NW, Gewirz 308, Washington, DC 20001.

Panelist, “Refole Me Once, Shame on Who? The United States and Non-
refoulement under the Convention Against Torture in Armed Conflict”
American Society of International Law, International Law Weekend Conference
New York, NY
October 19, 2018

The panel discussed the legal rules established by the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment. I have no notes, transcript, or recording. The address of the American Society of International Law is 2223 Massachusetts Ave. NW, Washington, DC 20008.

Co-Presenter, “Getting Ready for the California Consumer Privacy Act”
Sidley Austin, CCPA Webinar Series (by videoconference)
Washington, DC
September 25, 2018

The webinar was focused on steps companies could take to prepare for the impending effective date of the California Consumer Privacy Act. I have no notes, transcript, or recording. The address for Sidley Austin LLP’s Washington, DC office is 1501 K St. NW, Washington, DC 20005.

Guest Speaker, Law School Class
New York University Law School
New York, NY
September 11, 2018

The class was focused on the role of the national security lawyer. I have no notes, transcript, or recording. The address of NYU Law School is 40 Washington Square South, New York, NY 10012.

Panelist, “Managing Legal Risk in the Information Era – Emerging Trends in
Data Privacy and Cybersecurity Litigation and Enforcement”
Association of Corporate Counsel
Washington, DC Metro Area
July 18, 2018

The slides for this presentation are available at <https://www.acc.com/sites/default/files/2019-03/7-18-18-Trends.pdf>.

Moderator, “A Conversation on Security-Based Investment Restrictions”

The Society of International Economic Law 2018 Global Conference
Washington, DC
July 13, 2018

A video of this panel is available at <https://media.wcl.american.edu/Mediasite/Play/669379b409d447f1bc6988aaebd78ee21d>.

Co-Presenter, “Law on the Cutting Edge: Emerging Legal Issues in Cybersecurity and Artificial Intelligence”

11th Annual Sidley MCLE Mini Marathon
Chicago, IL
June 14, 2018

The presentation focused on providing legal practitioners awareness of emerging cybersecurity and artificial intelligence issues that might affect their practice. I have no notes, transcript, or recording. The address for Sidley Austin LLP’s Chicago office is 1 South Dearborn St., Chicago, IL 60603.

Co-Presenter, “The CLOUD Act & Other Government Access Programs vs. Customer Privacy”

Massachusetts Technology Leadership Council Privacy and Policy Series
Boston, MA
May 1, 2018

The presentation provided a general overview of the law concerning government access to information, with a focus on the CLOUD Act. I have no notes, transcript, or recording. The address of the Massachusetts Technology Leadership Council is 420 Bedford St., Suite 250, Lexington, MA 02420.

Panelist, “Panel 4: Deterrence”

Woodrow Wilson School of Public and International Affairs, Defending Democracy: Civil and Military Responses to Weaponized Information, Princeton, NJ
April 7, 2018

A video of this panel is available at http://www.kaltura.com/index.php/extwidget/preview/partner_id/1449362/uiconf_id/14292362/entry_id/1_lu0wfyd6/embed/aut?&flashvars%5BstreamerType%5D=auto.

Panelist, “The Future of Privacy and Cybersecurity Enforcement”

Sidley Austin Privacy and Cybersecurity Roundtable
Washington, DC
March 26, 2018

The panel was focused on making practitioners aware of general privacy and cybersecurity trends that might be relevant to their practice. I have no notes, transcript, or recording. The address for Sidley Austin LLP’s Washington, DC office is 1501 K St. NW, Washington, DC 20005.

Moderator, “Artificial Intelligence in Pathology: Raising the Bar for Medicine's Ground Truth”

Sidley Austin Life Sciences College: Fostering Innovation Within the Regulatory Landscape

New York, NY

March 20, 2018

I moderated a panel with experts on the use of artificial intelligence in pathology, with a focus on identifying legal issues that might arise. I have no notes, transcript, or recording. The address for Sidley Austin LLP's New York office is 787 Seventh Ave., New York, NY 10019.

Guest Speaker, Law School Class

Yale Law School

New Haven, CT

February 1, 2018

The class was focused on presidential war powers, and I spoke about my experience as a national security lawyer. I have no notes, transcript, or recording. The address of Yale Law School is 127 Wall St., New Haven, CT 06511.

Panelist, "Tech Policy in an Age of Regulatory Uncertainty"

Sidley Austin LLP Tech Forum

Washington, DC

January 24, 2018

The panel was focused on making practitioners who deal with emerging technologies aware of key legal developments, and I provided a privacy and cybersecurity perspective. I have no notes, transcript, or recording. The address for Sidley Austin LLP's Washington, DC office is 1501 K St. NW, Washington, DC 20005.

Speaker, "The Trump Administration's National Security Law Policies: A Nine-Month Assessment"

Council on Foreign Relations, International and National Security Law Roundtable Series

Washington, DC

November 2, 2017

I have attached "as prepared" notes, although I don't remember if they were delivered precisely as written.

Speaker, "Fulbright Afghanistan Fall Enrichment Seminar"

University of Arkansas

Fayetteville, AK

October 12, 2017

I have attached "as prepared" remarks, although I don't remember if they were delivered precisely as written.

Guest Speaker, Law School Class

New York University Law School

New York, NY

September 12, 2017

The class was focused on the role of the national security lawyer. I have no notes, transcript, or recording. The address of NYU Law School is 40 Washington Square South, New York, NY 10012.

Speaker, Lunch Discussion

New York University Law School, National Security Law Reading Group
New York, NY

September 12, 2017

The discussion was focused on national security lawyering and my career path. I have no notes, transcript, or recording. The address of NYU Law School is 40 Washington Square South, New York, NY 10012.

Guest Speaker, Class

George Washington, Elliott School of International Affairs
Washington, DC

September 6, 2017

I have attached “as prepared” notes, although I don’t remember if they were delivered precisely as written.

Speaker, “Fulbright Gateway Orientation”

George Mason University
Fairfax, VA

August 15, 2017

I have attached “as prepared” remarks, although I don’t remember if they were delivered precisely as written.

Participant, “National Security Council Simulation”

University of Pennsylvania, Perry World House
Philadelphia, PA

April 11, 2017

I participated in a simulation of a National Security Council (NSC) meeting, adding perspective based on my time as NSC Legal Adviser. I have no notes, transcript, or recording. The address of the Perry World House is 3803 Locust Walk, Philadelphia, PA 19104.

Speaker, Lunch Discussion

Harvard Law School, National Security & The Law Association
Cambridge, MA

April 5, 2017

The discussion was focused on national security lawyering and my career path. I have no notes, transcript, or recording. The address of Harvard Law School is 1585 Massachusetts Ave., Cambridge, MA 02138.

Speaker, “IHL’s Role in the Policy-Making Process: Now and Looking Forward”

Harvard Law School, Conference on Challenges in the Application of IHL to

Contemporary Armed Conflicts
Cambridge, MA

April 1, 2017

I have attached “as prepared” notes, although I don’t remember if they were delivered precisely as written.

Guest Speaker, Law School Class

Harvard Law School

Cambridge, MA

February 2, 2017

The class was focused on presidential war powers, and I spoke about my experience as a national security lawyer. I have no notes, transcript, or recording. The address of Harvard Law School is 1585 Massachusetts Ave., Cambridge, MA 02138.

Speaker

CYBERCOM Legal Conference

Washington, DC Metro Area

October 2015

I have attached “as prepared” remarks, although I don’t remember if they were delivered precisely as written.

- e. List all interviews you have given to newspapers, magazines or other publications, or radio or television stations, providing the dates of these interviews and four (4) copies of the clips or transcripts of these interviews where they are available to you.

I have done my best to identify all interviews given, including through a review of my personal files, and searches of publicly available electronic databases. Despite my searches, there may be other materials that I have been unable to identify, find, or remember. I have located the following:

Podcasts

FISA Section 702 Reauthorization, THE JUST SECURITY PODCAST (May 17, 2023), <https://www.justsecurity.org/86636/the-just-security-podcast-fisa-section-702-reauthorization/>.

Cyber Leadership at ODNI with Chris Fonzone and Laura Galante, THE LAWFARE PODCAST (Apr. 18, 2023), <https://shows.acast.com/lawfare/episodes/cyber-leadership-at-odni-with-chris-fonzone-and-laura-galant>.

Is The Fight Against ISIS Legal?, NATIONAL CONSTITUTION CENTER PODCAST (Nov. 10, 2017), <https://constitutioncenter.org/news-debate/podcasts/podcast-is-the-fight-against-isis-legal> (panelist).

Articles

Samantha Gilbert, *Is a Federal Data Protection Regime Closer Than We Thought?*, LEXOLOGY PRO (June 30, 2020), <https://www.lexology.com/library/detail.aspx?g=21821e38-0a05-4ca5-8d69-3ba2a34ab6f1>.

Matt Fleischer-Black, *CCPA Litigation Risks: How to Avoid Claims Under Other Statutes (Part Two of Two)*, THE CYBERSECURITY LAW REPORT (Feb. 5, 2020).

Jill Abitbol, *Lessons and Trends from FTC's 2017 Privacy and Data Security Update: Workshops and Guidance (Part Two of Two)*, THE CYBERSECURITY LAW REPORT (Feb. 14, 2018).

Jill Abitbol, *Lessons and Trends from FTC's 2017 Privacy and Data Security Update: Enforcement Actions (Part One of Two)*, THE CYBERSECURITY LAW REPORT (Jan. 31, 2018).

Meghan Tribe, *Sidley Snags Five Laterals on Two Continents*, LAW.COM (Nov. 29, 2017), <https://www.law.com/americanlawyer/2017/11/29/sidley-snags-three-laterals-on-two-continents/?slreturn=20230707211312>.

Ryan Goodman, *Congratulations and Tribute to Commander Michael J. Adams— from Current and Former Senior Government Attorneys*, JUST SECURITY (Feb. 17, 2017), <https://www.justsecurity.org/37885/congratulations-tribute-michael-j-adams-from-current-senior-government-attorneys/>.

Suddenly in Vogue; Parkland Grad Draw on Post-College Experience for First Novel, MORNING CALL (Apr. 14, 2003).

13. Public Office, Political Activities and Affiliations:

- a. List chronologically any public offices you have held, other than judicial offices, including the terms of service and whether such positions were elected or appointed. If appointed, please include the name of the individual who appointed you. Also, state chronologically any unsuccessful candidacies you have had for elective office or unsuccessful nominations for appointed office.

I have not run for public office.

Special Assistant and Associate Counsel to the President, Deputy NSC Legal Adviser, White House Counsel's Office / NSC, 2013-2017
I was appointed by President Obama.

Deputy Assistant and Counsel to the President, NSC Legal Adviser, White House Counsel's Office / NSC, 2017

I was appointed by President Obama.

Member, Fulbright Foreign Scholarship Board, State Department, 2017-2019
I was appointed by President Obama.

General Counsel, Office of the Director of National Intelligence, 2021-present
I was appointed by President Biden.

- b. List all memberships and offices held in and services rendered, whether compensated or not, to any political party or election committee. If you have ever held a position or played a role in a political campaign, identify the particulars of the campaign, including the candidate, dates of the campaign, your title and responsibilities.

I have never been employed by a political campaign. I volunteered as an informal policy advisor for the Biden-Harris campaign in 2020 and was a member of the Biden-Harris Transition Team.

14. **Legal Career:** Answer each part separately.

- a. Describe chronologically your law practice and legal experience after graduation from law school including:

- i. whether you served as clerk to a judge, and if so, the name of the judge, the court and the dates of the period you were a clerk;

I clerked for Judge J. Harvie Wilkinson III of the U.S. Court of Appeals for the Fourth Circuit from June 2007 to June 2008 and for Justice Stephen Breyer of the U.S. Supreme Court from July 2009 to July 2010.

- ii. whether you practiced alone, and if so, the addresses and dates;

I have not practiced alone.

- iii. the dates, names and addresses of law firms or offices, companies or governmental agencies with which you have been affiliated, and the nature of your affiliation with each.

June 2021 – Present
General Counsel
Office of the Director of National Intelligence
1500 Tysons McLean Drive
McLean, VA 22102
Paid

November 2017 – June 2021

Partner
Sidley Austin LLP
1501 K. St.
Washington, DC 20005
Paid

January 2013 – January 2017
Deputy Assistant to the President, Deputy Counsel to the President, NSC
Legal Adviser
White House Counsel's Office / National Security Council (NSC)
Eisenhower Executive Office Building
1600 Pennsylvania Ave. NW
Washington, DC 20520
Paid

January 2012 – December 2012
Attorney-Adviser
Department of Justice, Office of Legal Counsel
950 Pennsylvania Ave. NW
Washington, DC 20530
Paid

August 2010 – January 2012
Special Counsel
Department of Defense, Office of the General Counsel
1600 Defense Pentagon
Washington, DC 20301
Paid

October 2008 – July 2009
Attorney
Department of Justice, Civil Division, Appellate Staff
950 Pennsylvania Ave. NW
Washington, DC 20530
Paid

September 2006 – January 2007
Teaching Fellow
Professor Richard H. Fallon, Harvard Law School
1563 Massachusetts Ave.
Cambridge, MA 02138
Paid

July 2006 – August 2006
Summer Law Intern
Department of Justice, Civil Division, Appellate Staff

950 Pennsylvania Ave. NW
Washington, DC 20530
Paid

June 2006 – July 2006
Summer Associate
Gibson, Dunn, & Crutcher
1050 Connecticut Ave. NW
Washington, DC 20036
Paid

June 2005 – February 2006
Research Assistant
Professor Arthur R. Miller, Harvard Law School
1563 Massachusetts Ave.
Cambridge, MA 02138
Paid

- iv. Whether you served as a mediator or arbitrator in alternative dispute resolution proceedings and, if so, a description of the 10 most significant matters with which you were involved in that capacity.

I have not served as a mediator or arbitrator.

b. Describe:

- i. the general character of your law practice and indicate by date when its character has changed over the years.

From 2021 to the present, I have served as the General Counsel of the Office of the Director of National Intelligence (ODNI). In this role, I provide advice and counsel to the Director of National Intelligence and other senior ODNI leaders on the full range of legal issues facing the agency, including issues involving intelligence law, employment matters, administrative matters, and budgetary and fiscal issues. As necessary, I also integrate and coordinate Intelligence Community (IC) legal views on issues that affect multiple IC elements.

From 2017 to 2021, I was a partner at Sidley Austin. In this role, my practice primarily focused on providing advice and counsel to clients on privacy and cybersecurity matters, including data breach response, compliance with relevant privacy laws, and other matters involving the governance of emerging technologies.

From 2013 to 2017, I was the Deputy National Security Council (NSC) Legal Adviser and then the NSC Legal Adviser. In this role, I provided

advice and counsel to the President, National Security Advisor, Homeland Security Advisor, and other senior White House and NSC officials on the full range of matters before the NSC, to include matters involving the use of military force, intelligence, foreign affairs, cybersecurity, and relevant administrative matters. I also supported and then chaired the interagency lawyers group responsible for coordinating legal views on national security issues.

In 2012, I was an attorney-adviser in the Department of Justice's Office of Legal Counsel (OLC). In this position, I participated in multiple aspects of the Office's work, including review of pending legislation and proposed Executive Orders and counseling officials from the Department of Justice and other Executive Branch entities on a range of issues. My work at OLC focused on national security, but also touched on a number of other areas, to include administrative matters and issues of statutory interpretation.

From 2010 to 2012, I was Special Counsel to the General Counsel of the Department of Defense. In this role, I provided advice and counsel to the General Counsel on a range of issues, including the use of military force, personnel matters, and other key issues affecting the Department.

From 2008 to 2009, I was an attorney on the Appellate Staff of the Department of Justice's Civil Division. In this role, I litigated civil matters before the U.S. Courts of Appeals, primarily concerning claims against the United States or issues of administrative law or statutory interpretation.

- ii. your typical clients and the areas at each period of your legal career, if any, in which you have specialized.

As a partner of Sidley Austin LLP from 2017 to 2021, my clients consisted primarily of corporations and other business entities and institutions, and I specialized in privacy and cybersecurity. As indicated in my response to Question 23, I also performed *pro bono* work.

All of my other roles were in the federal government, such that my only client in those roles was the United States. During my time at the Office of the Director of National Intelligence (2021-present), the National Security Council (2013-2017), the Department of Justice's Office of Legal Counsel (2012), and the Department of Defense (2010), I generally specialized in national security law, although, as noted above, in many of the roles, my work touched on a number of other areas of practice. When I was on the Department of Justice's Civil Appellate staff (2008-2009), I focused on appellate litigation involving the federal government.

- c. Describe the percentage of your practice that has been in litigation and whether you appeared in court frequently, occasionally, or not at all. If the frequency of

your appearances in court varied, describe such variance, providing dates.

During my time as a national security lawyer at the Office of the Director of National Intelligence, the National Security Council, and the Department of Defense, and as an attorney-adviser at the Department of Justice's Office of Legal Counsel, the majority of my legal work did not directly involve litigation and I did not appear in court.

At Sidley Austin, my practice consisted largely of regulatory and advisory work, and, much like with the roles discussed in the last paragraph, the majority of this work did not directly involve litigation. I did appear before a court (e.g., by filing an appearance or submitting an *amicus* brief) a small handful of times, all I believe with respect to *pro bono* representations.

When I was an attorney on the Department of Justice's Civil Appellate staff from 2008 to 2009, my practice was almost exclusively focused on appellate litigation before the U.S. Courts of Appeals, as follows:

- i. Indicate the percentage of your practice in:
 - 1. federal courts: 100%
 - 2. state courts of record: 0%
 - 3. other courts: 0%
 - 4. administrative agencies: 0%
- ii. Indicate the percentage of your practice in:
 - 1. civil proceedings: 100%
 - 2. criminal proceedings: 0%
- d. State the number of cases in courts of record, including cases before administrative law judges, you tried to verdict, judgment or final decision (rather than settled), indicating whether you were sole counsel, chief counsel, or associate counsel.

I have never tried a case to verdict, judgment, or final decision.

- i. What percentage of these trials were:
 - 1. jury: _____%
 - 2. non-jury: _____%

N/A

- e. Describe your practice, if any, before the Supreme Court of the United States. Supply four (4) copies of any briefs, amicus or otherwise, and, if applicable, any oral argument transcripts before the Supreme Court in connection with your practice.

I have not argued orally before, or submitted a brief or petition for a writ of certiorari to, the Supreme Court.

15. **Litigation:** Describe the ten (10) most significant litigated matters which you personally handled, whether or not you were the attorney of record. Give the citations, if the cases were reported, and the docket number and date if unreported. Give a capsule summary of the substance of each case. Identify the party or parties whom you represented; describe in detail the nature of your participation in the litigation and the final disposition of the case. Also state as to each case:
- a. the date of representation;
 - b. the name of the court and the name of the judge or judges before whom the case was litigated; and
 - c. the individual name, addresses, and telephone numbers of co-counsel and of principal counsel for each of the other parties.

During my time at the Office of the Director of National Intelligence, Sidley Austin, the National Security Council, the Department of Defense, and the Department of Justice's Office of Legal Counsel, I have provided advice and counsel on issues related to disputes and litigation, by, for example, discussing matters within my areas of expertise, reviewing filings, and participating in moot arguments in order to prepare counsel for appearances in court. But, as noted above in response to Question 14.c, these roles generally did not involve me appearing in court or personally handling litigated matters.³

In contrast, when I was on the Department of Justice's Civil Appellate staff, I represented the United States in litigation before the U.S. Courts of Appeals and the most significant matters I personally handled were as follows:

1. *Solis v. Local 234, Transport Workers Union*
585 F.3d 172
United States Court of Appeals for the Third Circuit
Before: Barry, Fisher, and Jordan, Circuit Judges
2009

I represented the United States in this case concerning whether the federal courts could consider a complaint brought by the Secretary of Labor under the Labor

³ When I was at Sidley, I did, alongside co-counsel, submit *amicus* briefs in a small number of cases, including *T.R. v. School District of Philadelphia*, No. 20-2084 (3rd Cir. 2021) (submitted brief alongside co-counsel on behalf of *amicus curiae* advocacy organizations); *Heindel v. Andino*, No. 19-1204 (4th Cir. 2019) (submitted brief alongside co-counsel on behalf of *amicus curiae* national security professionals); *Davison v. Randall*, No. 17-2002 & 17-2003 (4th Cir. 2019) (submitted brief alongside co-counsel on behalf of *amicus curiae* First Amendment legal scholars).

Management Reporting and Disclosure Act (LMDRA). The Secretary brought this civil enforcement action after investigating an administrative complaint brought by a union member who was a candidate for president of Local 234. The district court dismissed the complaint for lack of subject matter jurisdiction, however, on the grounds that the administrative complaint had not been timely filed. I provided recommendations to the Solicitor General on seeking review and was the principal drafter of the Government's brief, arguing that the district court erred in dismissing the complaint. Although I left the Department of Justice before the case was argued, the Third Circuit agreed with our position and reversed.

Co-Counsel:

Michael P. Abate
Michael F. Hertz
Laurie Magid
Thomas M. Bondy
Michael S. Blume
Virginia A. Gibson
U.S. Department of Justice
950 Pennsylvania Ave., N.W.
Washington, DC 20530-0001
(202) 305-1754

Counsel for Intervenor-Plaintiff (filer of administrative complaint):

Claiborne S. Newlin
Meranze & Katz
121 South Broad Street
The North American Building, 13th Floor
Philadelphia, PA 19107
(Note: Mr. Newlin now appears to be employed by Markowitz & Richman, <https://www.markowitzandrichman.com/attorney/claiborne-s-newlin/>.)

Opposing Counsel:

Bruce Bodner
Kaufman, Coren & Ress, P.C.
1717 Arch Street - #3710
Philadelphia, PA 19103
(Note: Mr. Bodner no longer appears to be employed by Kaufman, Coren & Ress, which now appears to be known as Coren & Ress. Coren & Ress's current address is Two Commerce Square, Suite 3900, 2001 Market Street, Philadelphia, PA 19103, and its phone number is (215) 735-8700.)

2. *Abington Crest Nursing and Rehabilitation Center v. Sebelius*
575 F.3d 717
United States Court of Appeals for the District of Columbia Circuit
Before: Garland and Griffith, Circuit Judges, and Edwards, Senior Circuit Judge
2009

I represented the United States in this case concerning skilled nursing facilities' challenge to the Secretary of the Department of Health and Human Services' decision to deny them certain bad debt costs. The facilities argued that the Secretary's decision violated both the Medicare statute and agency regulations. I presented oral argument for the Government, arguing that the Secretary's decision violated neither the statute nor the Department's regulations. The D.C. Circuit agreed with the Government's position and upheld the lower court.

Co-Counsel:

Gregory G. Katsas
Barbara C. Biddle
Jeffrica Jenkins Lee
U.S. Department of Justice
950 Pennsylvania Ave., NW
Washington, DC 20530
(202) 305-1754

Opposing Counsel:

Daniel F. Miller
Barbara J. Janaszek
John R. Jacob
Whyte Hirschboeck Dudek S.C.
555 East Wells Street
Suite 1900
Milwaukee, WI

(Note: Whyte Hirschboeck Dudek has merged with, and is now part of, Husch Blackwell LLP, and the counsel on this case do not appear to be with the firm. The address for Husch Blackwell's Milwaukee office is 511 North Broadway, Suite 1100, Milwaukee, WI 53202, and the office's phone number is (414) 273-2100.)

3. *Hays v. Sebelius*
589 F.3d 1279
United States Court of Appeals for the District of Columbia Circuit
Before: Tatel and Kavanaugh, Circuit Judges, and Randolph, Senior Circuit Judge
2009

I represented the United States in this case concerning a Medicare B beneficiary's challenge to a decision to reimburse a particular drug only up to the price of its least costly alternative. The district court agreed with the claimant, and I provided recommendations to the Solicitor General on seeking review and then was the principal drafter of the Government's brief, which argued that the decision to reimburse only up to the least costly alternative was a reasonable construction of the statute. I left the Department of Justice before the case was argued, and the D.C. Circuit ultimately affirmed the district court.

Co-Counsel:

Samantha L. Chaifetz
Mark B. Stern
U.S. Department of Justice
950 Pennsylvania Ave., NW
Washington, DC 20530
(202) 305-1754

Opposing Counsel:

Stuart M. Gerson
Robert E. Wanerman
Epstein, Becker, & Green PC
1227 25th St. NW #700
Washington, DC 20037
(202) 861-0900

16. **Legal Activities:** Describe the most significant legal activities you have pursued, including significant litigation which did not progress to trial or legal matters that did not involve litigation. Describe fully the nature of your participation in these activities. List any client(s) or organization(s) for whom you performed lobbying activities and describe the lobbying activities you performed on behalf of such client(s) or organizations(s). (Note: As to any facts requested in this question, please omit any information protected by the attorney-client privilege.)

From 2021 through the present, I have been the General Counsel of the Office of the Director of National Intelligence (ODNI). In this role, I provide advice and counsel to the Director of National Intelligence and other senior ODNI leaders on the full range of legal issues facing the agency. I also oversee ODNI's Office of General Counsel and integrate and coordinate Intelligence Community (IC) legal views on issues that affect multiple IC elements. During this period, I have provided advice and counsel in support of the negotiation of the European Union-United States Data Privacy Framework and the United States' implementation of its commitments under the Framework and on legal issues that include the IC's collection, processing, and safeguarding of intelligence through authorities such as the Foreign Intelligence Surveillance Act. I have also represented ODNI at the National Security Council and in interagency meetings on a

range of issues that implicate intelligence law.

From 2017 to 2021, I was a Partner of Sidley Austin LLP and member of its Privacy and Cybersecurity Practice. In this role, my practice primarily focused on counseling clients on crisis management and incident response, with a particular emphasis on data breaches and other cybersecurity matters and providing advice and counseling on a range of regimes regulating information. I also advised clients on the privacy and cybersecurity aspects of corporate transactions and on a range of disputes and investigations, generally involving privacy and cybersecurity matters.

From 2013 to 2017, I was the Deputy National Security Council (NSC) Legal Adviser and then the NSC Legal Adviser. In this role, I provided advice and counsel to the President, National Security Advisor, Homeland Security Advisor and other senior White House and NSC officials on the full range of matters before the NSC and supported and eventually chaired the interagency lawyers group of General Counsels responsible for coordinating legal views on national security matters. During this period, significant issues on which I provided advice and counsel included the framework guiding the United States' use of military force and related national security operations and the framework under which the United States conducts signals intelligence activities. I also provide advice and counsel regarding the United States' crisis response to a wide range of risks and incidents—from terrorist threats to cyberattacks to geopolitical crises.

In 2012, I was an attorney-adviser in the Department of Justice's Office of Legal Counsel. In this position, I participated in multiple aspects of the Office's work, with a focus on national security matters, including matters involving the use of military force.

From 2010 to 2012, I was Special Counsel to the General Counsel of the Department of Defense. As Special Counsel, I provided advice and counsel on a range of matters, with a focus on the United States' use of military force, particularly during counterterrorism and detention operations.

From 2008 to 2009, I was an attorney on the Appellate Staff of the Department of Justice's Civil Division. My practice in this focused almost exclusively on civil litigation before the U.S. Courts of Appeals, to include not only representing the United States in appellate matters, but also assisting other attorneys in the office with their cases (by, for example, appearing on moot courts for their arguments) and making recommendations whether the United States should appeal adverse litigation results.

17. **Teaching:** What courses have you taught? For each course, state the title, the institution at which you taught the course, the years in which you taught the course, and describe briefly the subject matter of the course and the major topics taught. If you have a syllabus of each course, provide four (4) copies to the committee.

I have not taught any courses on a full-time basis. From time to time, I have been asked to serve as a guest lecturer at educational institutions on various topics. I have described those lectures in response to Question 12(d) above.

18. **Deferred Income/ Future Benefits**: List the sources, amounts and dates of all anticipated receipts from deferred income arrangements, stock, options, uncompleted contracts and other future benefits which you expect to derive from previous business relationships, professional services, firm memberships, former employers, clients or customers. Describe the arrangements you have made to be compensated in the future for any financial or business interest.

As detailed on my OGE Form 278, I continue to participate in retirement plans offered by Novantas and Sidley Austin LLP, although the sponsors will make no further contributions to the plans.

19. **Outside Commitments During Service**: Do you have any plans, commitments, or agreements to pursue outside employment, with or without compensation, during your service? If so, explain.

No.

20. **Sources of Income**: List sources and amounts of all income received during the calendar year preceding your nomination and for the current calendar year, including all salaries, fees, dividends, interest, gifts, rents, royalties, licensing fees, honoraria, and other items exceeding \$500 or more (if you prefer to do so, copies of the financial disclosure report, required by the Ethics in Government Act of 1978, may be substituted here).

Please see my SF-278 as provided by the Office of Government Ethics.

21. **Statement of Net Worth**: Please complete the attached financial net worth statement in detail (add schedules as called for).

See attached Net Worth Statement.

22. **Potential Conflicts of Interest**:

- a. Identify the family members or other persons, parties, affiliations, pending and categories of litigation, financial arrangements or other factors that are likely to present potential conflicts-of-interest when you first assume the position to which you have been nominated. Explain how you would address any such conflict if it were to arise.

During the nomination process, I consulted with the Department of Justice's ethics office and Designated Ethics Officer to identify any potential conflicts. If I am confirmed, I will continue to consult with that office and will recuse myself from any matter in which recusal is required.

- b. Explain how you will resolve any potential conflict of interest, including the procedure you will follow in determining these areas of concern.

If I am confirmed, any potential conflict of interest will be resolved in accordance with the terms of an ethics agreement that I have entered with the Department's designated agency ethics official. If confirmed, I will continue to consult with the Department of Justice's ethics office and will recuse myself from any matter in which recusal is required.

23. **Pro Bono Work:** An ethical consideration under Canon 2 of the American Bar Association's Code of Professional Responsibility calls for "every lawyer, regardless of professional prominence or professional work load, to find some time to participate in serving the disadvantaged." Describe what you have done to fulfill these responsibilities, listing specific instances and the amount of time devoted to each. If you are not an attorney, please use this opportunity to report significant charitable and volunteer work you may have done.

During my government service, I did not have the opportunity to represent anyone other than the United States. During my time at Sidley Austin LLP, however, I was committed to maintaining an active *pro bono* practice and thus dedicated a substantial amount of my time to *pro bono* work, including over 100 hours in 2018. My *pro bono* practice was extremely varied. For example, I counseled non-profit organizations on privacy and cybersecurity and other matters, including by drafting incident response protocols. I further represented an individual plaintiff in a matter in which he sought relief under Pennsylvania's sunshine laws. Alongside colleagues, I also helped prepare advocates for oral arguments by serving on moot courts and assisted in the preparation of *amicus curiae* briefs on a number of legal issues, including the First Amendment and election cybersecurity.