

**SELECT COMMITTEE ON
INTELLIGENCE**

UNITED STATES SENATE



**QUESTIONNAIRE FOR COMPLETION BY
PRESIDENTIAL NOMINEES**

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PRESIDENTIAL NOMINEES**

PART A - BIOGRAPHICAL INFORMATION

1. FULL NAME: Christopher Charles Fonzone
OTHER NAMES USED: Chris Fonzone
2. DATE AND PLACE OF BIRTH: October 16, 1975; Allentown, Pennsylvania
CITIZENSHIP: United States
3. MARITAL STATUS: Married
4. SPOUSE'S NAME: Jillian Suzanne Catalanotti
5. SPOUSE'S MAIDEN NAME IF APPLICABLE: Catalanotti
6. NAMES AND AGES OF CHILDREN:

NAME

AGE

Not applicable

7. EDUCATION SINCE HIGH SCHOOL:

| <u>INSTITUTION</u> | <u>DATES ATTENDED</u> | <u>DEGREE RECEIVED</u> | <u>DATE OF DEGREE</u> |
|--------------------|-----------------------|------------------------|-----------------------|
| Cornell University | 1994-1998 | B.A. | 1998 |
| Harvard Law School | 2004-2007 | J.D. | 2007 |

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

| <u>EMPLOYER</u> | <u>POSITION/TITLE</u> | <u>LOCATION</u> | <u>DATES</u> |
|----------------------------------|-----------------------|-----------------|---------------|
| First Manhattan Consulting Group | Analyst | New York, NY | 9/1998-4/1999 |

| | | | |
|--|---|---------------------|-----------------|
| Watch Hill Investment Partners | Assistant Portfolio Manager | Larchmont, NY | 4/1999-4/2000 |
| Novantas | Principal | New York, NY | 4/2000-8/2004 |
| Professor Arthur R. Miller | Research Assistant | Cambridge, MA | 6/2005-2/2006 |
| Gibson, Dunn, & Crutcher | Summer Associate | Washington, DC | 6/2006-7/2006 |
| Department of Justice Civil Division, Appellate Staff | Summer Law Intern | Washington, DC | 7/2006-8/2006 |
| Professor Richard H. Fallon | Teaching Fellow | Cambridge, MA | 9/2006-1/2007 |
| Chambers of Judge J. Harvie Wilkinson III | Law Clerk | Charlottesville, VA | 6/2007-6/2008 |
| Department of Justice Civil Division, Appellate Staff | Attorney | Washington, DC | 10/2008-7/2009 |
| Chambers of Justice Stephen Breyer | Law Clerk | Washington, DC | 7/2009-7/2010 |
| Department of Defense Office of the General Counsel | Special Counsel | Washington, DC | 8/2010-1/2012 |
| Department of Justice Office of Legal Counsel | Attorney-Adviser | Washington, DC | 1/2012-12/2012 |
| White House Counsel's Office / National Security Council (NSC) Staff | Deputy Assistant and Counsel to the President & NSC Legal Adviser | Washington, DC | 1/2013-1/2017 |
| Self-employed (one consulting project between time at White House Counsel's Office and Sidley) | N/A | Washington, DC | 3/2017-4/2017 |
| State Department Fulbright Foreign Scholarship Board | Board Member | Washington, DC | 2/2017-5/2019 |
| Sidley Austin LLP | Partner | Washington, DC | 11/2017-present |
| PT Fund, Inc. | Volunteer: National Security Policy and NSC Agency Review Teams of the Biden Transition (on leave from Sidley Austin LLP) | Washington, DC | 8/2020-1/2021 |

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

See response to Question #8.

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

Much of my legal career has been dedicated to national security and intelligence-related matters. As Special Counsel to the General Counsel of the Department of Defense (DoD), I provided legal advice on a range of national security issues, with a focus on military operations and sensitive litigation matters. This role also afforded me my initial opportunity to participate in legal discussions with lawyers from across departments and agencies and to see how the Executive Branch's interagency legal process works. From DoD, I went to the Department of Justice's Office of Legal Counsel, where much of my work involved the analysis of sensitive national security and intelligence issues. And I then served as the Deputy Legal Adviser and then Legal Adviser to the National Security Council, where I worked closely with lawyers from across the U.S. Government, including the Office of the Director of National Intelligence (ODNI) and elsewhere in the Intelligence Community, and gained substantial experience advising senior clients on a wide range of national security and intelligence-related issues.

During my time in Government, I thus had the opportunity to work closely with lawyers and other officials from the Intelligence Community and developed familiarity with many of the legal frameworks that govern intelligence collection and operations, such as the National Security Act, the Foreign Intelligence Surveillance Act, and key Presidential Directives (e.g., Executive Order 12333). I also counseled senior clients on how these laws are relevant to national security and intelligence activities.

Moreover, since leaving government, a large portion of my practice has focused on cybersecurity and other issues regarding the information economy, topics of current relevance to the Intelligence Community. In particular, I have advised numerous companies on information security and compliance with cybersecurity regulations; data privacy, including cross-border data flows; and the application of legal regimes to new technologies. This experience has kept me abreast of many of the legal developments (at least those that are unclassified) over the past few years.

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).

Intelligence Community Seal Medallion (2017)

Central Intelligence Agency Director's Award (2017)

Office of the Secretary of Defense Award for Excellence (2012)

Harvard Law School: Graduated *magna cum laude*
Articles Committee (ABC) Chair, *Harvard Law Review*
Ames Moot Court Semifinalist (oralist)

Cornell University: Graduated *cum laude* in English and with distinction in all subjects
Phi Beta Kappa

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

| <u>ORGANIZATION</u> | <u>OFFICE HELD</u> | <u>DATES</u> |
|---|----------------------------|--------------|
| American Bar Association | Member | 2017-present |
| American Society of International Law | Member | 2017-2020 |
| District of Columbia Bar | Member | 2018-present |
| Hostage US | Member, Advisory Council | 2019-present |
| Just Security | Member, Advisory Board | 2019-present |
| National Task Force on Election Crises | Member | 2020 |
| NYU School of Law Reiss Center on Law and Security | Non-Resident Senior Fellow | 2018-present |
| Pennsylvania Bar | Member | 2008-present |

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

To the best of my ability, I have identified materials responsive to the question and have provided links where available. In many cases, I spoke without written remarks or with only notes or slides, but I will, of course, provide a copy of any requested publication, text, transcript, or video to the extent one is available.

GENERAL WRITINGS

Publications in Periodicals, on Blogs (other than those specifically noted below), or in Similar Fora

- *United States*, The Privacy, Data Protection, and Cybersecurity Law Review (October 2019), available at <https://www.sidley.com/-/media/publications/united-states-2019.pdf?la=en> (with Alan Charles Raul and Snezhana Stadnik Tapia).
- *Congress Must Protect America's Treaties*, Foreign Affairs (July 17, 2020), available at <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 (July 9, 2020), available at <https://www.washingtonpost.com/outlook/2020/07/09/peaceful-transition-power-trump/> (with Joshua Geltzer and Laurence Tribe).
- *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), available at https://www.sidley.com/-/media/publications/fonzone-et-al-inf_v058n04_summer2019.pdf?la=en (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*, International Journal for the Data Protection Officer (April 2019) (with Clayton Northouse).
- *Carpenter v. United States: A Revolution in Fourth Amendment Jurisprudence?*, Pratt's Privacy & Cybersecurity Law Report, Volume: 4 Number: 9 (November/December 2018), available at <https://www.sidley.com/-/media/publications/pratts-privacy--cybersecurity-law-reportcarpenter-v-united-states-a-revolution-in-fourth-amendment.pdf?la=en> (with Kate Heinzelman and Michael R. Roberts).
- *The Trump Administration's Approach to Data Privacy, and Next Steps*, Law360 (September 28, 2018), available at <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 (September 26, 2018), available at <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 (August 15, 2018) (with Kate Heinzelman).
- *Life Sciences and the AI Revolution*, Chambers and Partners (June 2018) (with Kate Heinzelman).
- *What Congress's First Steps Into AI Legislation Portend*, Bloomberg Law (May 8, 2018), available at <https://news.bloomberglaw.com/business-and-practice/what-congresss-first-steps-into-ai-legislation-portend> (with Kate Heinzelman).
- *What the Military Law of Obedience Does (and Doesn't) Do*, American Constitution Society Issue Brief (March 2018), available at <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 (February 26, 2018), available at <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 (December 18, 2017), available at <https://www.law360.com/cybersecurity-privacy/articles/994933/dfars-cyber-compliance-and-potential-for-fca-risk> (with Colleen Brown and Robert Conlan).

- *Can Trump refuse to fill key jobs?*, The Hill (July 31, 2017), available at <http://thehill.com/blogs/pundits-blog/the-administration/344606-can-president-trump-refuse-to-fill-key-jobs> (with Josh Geltzer).
- *It's Not Easy Being Green. A Young Industry Faces Its Biggest Test*, Financial Services Marketing (September/October 2001) (with Sherief Meleis).

Just Security Blog (see <https://www.justsecurity.org/author/fonzonechristopher/>)

- *The More Things Stay the Same: Why the Trump Administration's Counterterrorism Strategy is Surprisingly Conventional* (November 13, 2018) (with Luke Hartig).
- *What the Law of Military Obedience Can (and Can't) Do – What Happens if a President's Orders are Unlawful?* (May 4, 2018) (cross-posted at ACS Expert Blog, available at <https://www.acslaw.org/expertforum/what-the-law-of-military-obedience-can-and-cant-do-what-happens-if-a-presidents-orders-are-unlawful/>).
- *For Quick and Strong Justice, Look to the Courts – Not Guantanamo* (November 1, 2017) (with Joshua Geltzer).
- *Delegating Commander-in-Chief Powers – Where to Strike the Balance* (May 30, 2017) (cross-posted as *How Much Should Trump Delegate to His Generals?*, Newsweek, available at <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* (February 21, 2017) (with Stephen Pomper).

Lawfare Blog (see <https://www.lawfareblog.com/contributors/cfonzone>)

- *The Irony of "White House Warriors"* (August 15, 2019).
- *Can President Trump Just Leave Key Executive Branch Offices Unfilled?* (July 5, 2017) (with Joshua A. Geltzer).

Sidley Data Matters Blog (see <https://datamatters.sidley.com/author/christopher-fonzone>)

- *East Coast Meets West Coast: Enter the Virginia Consumer Data Protection Act* (March 4, 2021) (with Alan Charles Raul, Colleen Theresa Brown, Richard D. Klingler, Lauren Kitces and Marriam Shah).
- *Third Time's the Charm: CCPA Regulations Finally Approved With Limited Substantive Changes from June 2020 Version* (August 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* (August 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).
- *CCPA Marches On: California Attorney General Proposes Further Revisions to CCPA Regulations, Industry Pleads for Enforcement Delay Amid COVID-19 Crisis* (April 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* (March 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* (February 24, 2020) (with Colleen Theresa Brown and Robin Wright Cleary).
- *A February 2020 Surprise: California Attorney General Proposes Significant Revisions to CCPA Regulations* (February 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* (November 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* (October 24, 2019) (with Alan Charles Raul, Colleen Theresa Brown and Sheri Porath Rockwell).
- *CCPA In-Depth Series: Draft Attorney General Regulations on Consumer Requests* (October 23, 2019) (with Alan Charles Raul, Colleen Theresa Brown and Sheri Porath Rockwell).
- *CCPA In-Depth Series: Draft Attorney General Regulations on Consumer Notice* (October 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")* (September 17, 2019) (with Alan Charles Raul, Colleen Theresa Brown and Sheri Porath Rockwell).
- *Carpenter and Everything After: The Supreme Court Nudges the Fourth Amendment into the Information Age* (September 3, 2019) (with Kate Heinzelman and Michael R. Roberts).

- *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* (March 18, 2019) (with Kristen Bartolotta).
- *FTC Seeks Comment on Proposed Changes to its GLBA Safeguards and Privacy Rules* (March 12, 2019) (with Seferina Berch and Snezhana Stadnik Tapia).
- *Takeaways From CCPA Public Forums* (February 12, 2019) (with Sheri Porath Rockwell).
- *U.S. Department of Transportation Issues Third Round of Guidance on Automated Vehicles* (November 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* (October 29, 2018) (with Gina S. Khanna).
- *California and Preemption* (October 10, 2018) (with Alan Charles Raul).
- *White House and Pentagon Announce New Cyber Strategies* (October 5, 2018) (with Feola Odeyemi).
- *The Trump Administration's Approach to Data Privacy, and Next Steps* (October 2, 2018) (with Alan Charles Raul).
- *Senate Hearing on Federal Privacy Law: Question is Not Whether But What Form* (September 28, 2018) (with Alan Charles Raul, Clayton G. Northouse and Stephen McInerney).
- *Why it's Unconstitutional for Politicians – Including the President – to Block People on Social Media* (September 27, 2018) (with Joshua A. Geltzer).
- *Movement Towards a Comprehensive U.S. Federal Privacy Law: Witnesses Prepare to Testify in Senate Hearing* (September 25, 2018) (with Alan Charles Raul, Clayton G. Northouse and Stephen McInerney).
- *Clean-Up Bill Advances to Amend the New California Consumer Privacy Act* (September 5, 2018) (with Alan Charles Raul, Colleen Theresa Brown, Kate Heinzelman and Sheri Porath Rockwell).
- *Coalition Groups Weigh In on CCPA Clean Up Legislation* (August 16, 2018).
- *After LabMD, Questions Remain for the Healthcare Sector* (August 15, 2018) (with Kate Heinzelman).
- *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 Lilly 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* (March 13, 2018) (with Cameron F. Kerry and Edward R. McNicholas).
- *National Academy of Sciences Encryption Study* (February 21, 2018).
- *Movement on Section 702 of the Foreign Intelligence Surveillance Act* (January 22, 2018) (with Kate Heinzelman, Cam Kerry and Alan Raul).
- *Privacy and Cybersecurity Top 10 for 2018* (January 2, 2018) (with Alan Raul, Ed McNicholas, Cam Kerry, Colleen Brown, Wim Nauwelacerts, William Long, Clay Northouse, Isvari Mohan, Gabrielle Whitehall and Maarten Meulenbelt).
- *DFARS Cyber Compliance and Potential for FCA Risk* (December 18, 2017) (with Colleen Brown and Robert Conlan).

Sidley Updates (see <https://www.sidley.com/en/insights/?keyword=Forzone&articletypes=055f7666-68be-4cfb-9579-8d5cd0f3cd55¤tviewid=c412c0cf-22a6-45ac-974a-c7f6c0417c25&reload=false&scroll=1371.199951171875>)¹

- *COVID-19 U.S. Employment Law Update and Guidance for Employers* (May 11, 2020) (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* (April 3, 2020) (with Colleen Theresa Brown, William RM Long and Alan Charles Raul).

¹ Some of the *Data Matters* blog posts identified above were simultaneously released as a Sidley client alert; I do not separately list such alerts here. (It is also possible that I was listed as a co-author on further alerts, although I am not aware of any.)

- *In Landmark Case, Illinois Supreme Court Sets Low Bar For Claims Under Illinois' Biometric Information Privacy Act* (January 30, 2019) (with Colleen Theresa Brown, Geeta Malhotra, Alan Charles Raul, Daniel C. Craig and Stephen W. McInerney).

In addition to the writings above, I remember submitting a small number of blog posts on *Talking Points Memo* while I was in law school. I could not readily locate these writings on the Internet or in my files.

WRITINGS IN ACADEMIC JOURNALS

- *Senate v. President: A Moot Court on Treaty Withdrawal Powers*, 113 PROCEEDINGS OF THE ASIL ANNUAL MEETING 141 (2019) (with Ginger Anders, Scott Anderson, Curtis Bradley, Catherine Powell and Donald Verilli, Jr.).
- *What About When the Best View is the Best View?*, 31 GEO. J. OF LEGAL ETHICS 305 (2018) (with Dana Remus).
- *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 Case, 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).

SPEECHES AND SIMILAR ACTIVITIES

- Congressional Study Group on Foreign Relations and National Security, *Nuclear Command and Control* (May 7, 2020) (panelist).
- Sidley Austin CCPA Webinar Series – *The CCPA Has Kicked In: What to Do Now?* (January 22, 2020); *The Final Countdown: What You Need to Know About the CCPA and its Draft Regulations Before January 1* (November 5, 2019); *California, Here We Come: Getting Ready for the California Consumer Privacy Act* (March 27, 2019); *Getting Ready for the California Consumer Privacy Act* (September 25, 2018) (co-presenter at all four events).
- George Washington Hospital Residency Program, *Constitution Day! (or how to talk about things that aren't residency-related at parties)* (September 16, 2019) (speaker).
- National Committee on U.S.-China Relations, 2019 U.S. Foreign Policy Colloquium, *Questions of Liberty and Security* (May 30, 2019) (speaker).
- American Bar Association, 2019 Section of Litigation & Solo, Small Firm and General Practice Division CLE Conference, *"Trumping" International Law? The Administration at the Half-Term* (May 3, 2019) (panelist).
- American Society of International Law, 2019 Annual Meeting, *Senate v. President: A Moot Court on the President's Treaty Withdrawal Powers* (March 28, 2019), available at <https://www.youtube.com/watch?v=BN8khPdN0Kw&feature=youtu.be> (counsel for the Senate).

- USCYBERCOM Legal Conference 2019, *Persistent Engagement & Domestic Law Roundtable* (March 5, 2019) (moderator).
- Berkeley Center of Law and Technology, Conference on Privacy and Cybersecurity Law Developments in China, the EU, and the US: Cross Border Alignment and Compliance, *Data Governance and Consumer Privacy under GDPR, APEC, China, and US Frameworks* (March 1, 2019) (panelist).
- Brennan Center Symposium on Emergency Powers, *Presidential Emergency Powers, Former Executive Branch Officials* (January 16, 2019), available at <https://www.c-span.org/video/?457012-3/presidential-emergency-powers-executive-branch-officials&event=457012&playEvent> (moderator).
- American Society of International Law, 2018 International Law Weekend Conference, *Refoule Me Once, Shame on Who? The United States and Non-refoulement under the Convention Against Torture in Armed Conflict* (October 19, 2018) (panelist).
- Association of Corporate Counsel, *Managing Legal Risk in the Information Era – Emerging Trends in Data Privacy and Cybersecurity: Litigation and Enforcement* (July 18, 2018) (panelist).
- The Society of International Economic Law 2018 Global Conference, Moderator, *A Conversation on Security-Based Investment Restrictions* (July 13, 2018), available at <https://media.wcl.american.edu/Mediasite/Play/669379b409d447f1bc6988aaebd78ee21d> (moderator).
- 11th Annual Sidley MCLE Mini Marathon, *Law on the Cutting Edge: Emerging Legal Issues in Cybersecurity and Artificial Intelligence* (June 14, 2018) (co-presenter).
- Massachusetts Technology Leadership Council Privacy and Policy Series, *The CLOUD Act & Other Government Access Programs vs. Customer Privacy* (May 1, 2018) (co-presenter).
- Princeton University, Woodrow Wilson School of Public and International Affairs, *Defending Democracy: Civil and Military Responses to Weaponized Information, Panel 4: Deterrence* (April 7, 2018), available at [http://www.kaltura.com/index.php/extwidget/preview/partner_id/1449362/uiconf_id/14292362/entry_id/1_lu0wfyd6/embed/auto?&flashvars\[streamerType\]=auto](http://www.kaltura.com/index.php/extwidget/preview/partner_id/1449362/uiconf_id/14292362/entry_id/1_lu0wfyd6/embed/auto?&flashvars[streamerType]=auto) (panelist).
- Sidley Privacy and Cybersecurity Roundtable, *The Future of Privacy and Cybersecurity Enforcement* (March 26, 2018) (panelist).
- 2018 Life Sciences College: Fostering Innovation Within the Regulatory Landscape, *Artificial Intelligence in Pathology: Raising the Bar for Medicine's Ground Truth* (March 20, 2018) (moderator).
- Sidley Tech Forum, *Tech Policy in an Age of Regulatory Uncertainty* (January 24, 2018) (panelist).
- National Constitution Center, *Podcast: Is The Fight Against ISIS Legal?* (November 10, 2017), available at <https://constitutioncenter.org/interactive-constitution/podcast/podcast-is-the-fight-against-isis-legal> (panelist).

- Council on Foreign Relations, International and National Security Law Roundtable Series, *The Trump Administration's National Security Law Policies: A Nine-Month Assessment* (November 2, 2017) (speaker).
- Harvard Law School, Conference on Challenges in the Application of IHL to Contemporary Armed Conflicts, *IHL's Role in the Policy-Making Process: Now and Looking Forward* (April 1, 2017) (speaker).
- USCYBERCOM Legal Conference 2015, *Address During Unclassified Day of the Legal Conference* (October 2015) (speaker).

PART B - QUALIFICATIONS

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

I have spent many years working on national security and intelligence legal issues from multiple vantage points – as an agency counsel, attorney at the Department of Justice, National Security Council (NSC) lawyer, and in private practice – and I believe these varied experiences have helped prepare me to serve as the General Counsel for the Office of the Director of National Intelligence (ODNI).

In particular, through my prior experiences, I am familiar with many of the legal regimes that apply to the Intelligence Community, such that I understand many of the substantive issues I would face if confirmed as ODNI's General Counsel. My prior roles also allowed me to work with lawyers from across the U.S. Government, creating relationships and providing experiences that would be very beneficial not only in performing ODNI's essential integrating role, but also in navigating the interagency legal process.

During my time at the NSC, I was also able to lead an Executive Branch legal office – the NSC Legal Adviser's Office – that worked alongside lawyers from the Intelligence Community on a number of time-sensitive and important legal issues. In this role, I managed a team of senior U.S. Government national security lawyers, learning how to support them as they used their expertise to address the many legal issues that came before the office. I also was able to gain substantial experience counseling senior officials on pursuing their national security objectives consistent with the law, being careful to distinguish legal advice from more general counseling on risks and opportunities.

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).

Contributions:

| | |
|---------------------|------------------|
| Biden for President | \$1,000 (9/2020) |
| Biden Victory Fund | \$1,000 (9/2020) |
| Biden for President | \$1,000 (4/2020) |

| | |
|--|-------------------|
| Biden for President | \$1,000 (11/2019) |
| Sidley Austin LLP Good Government Fund | \$500 (3/2019) |
| Friends of Dan Feehan | \$250 (10/2018) |
| Andy Kim for Congress | \$500 (10/2018) |
| Colin Allred for Congress | \$250 (7/2018) |
| Maura Sullivan for Congress | \$500 (3/2018) |
| ActBlue | \$10 (3/2018) |
| Andy Kim for Congress | \$500 (3/2018) |
| Sidley Austin LLP Good Government Fund | \$500 (12/2017) |

Other Activities: In addition to the above contributions, I was a member of the Legal Working Group for the Counterterrorism Policy Committee for the Biden campaign.

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

I have never been a candidate for elective 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.

In 2018, Sidley Austin LLP filed an amicus brief and argued in the Supreme Court on behalf of the Ministry of Commerce of the People's Republic of China in *Animal Science Products, Inc. v. Hebei Welcome Pharmaceutical Co. Ltd.* My sole involvement was participation in a moot court to prepare other advocates for the argument.

In 2019 and 2020, at the request of a partner, I contributed to the U.S. section of a quarterly report on global privacy developments provided to the Hong Kong Trade Development Council, a statutory body based in Hong Kong.

Because it is often unclear whether an entity is foreign government-controlled and because Sidley Austin

does not systematically track clients in that way, it is possible that Sidley Austin may have clients I represented that might be characterized by some as responsive to this question. Accordingly, I have provided my full client list in response to Question #35.

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.

As an international law firm with offices overseas, Sidley Austin has a practice representing foreign government and foreign government-controlled entities. The firm's records, however, do not systematically identify which clients are foreign government or foreign government-controlled entities. I have thus reviewed the list of clients for whom Sidley was registered under the Foreign Agent Registration Act (FARA) and consulted with individuals who I believe have knowledge of our international representations, including in our New Business/Conflicts Department. With respect to FARA, the list of clients for whom Sidley was registered since I joined the firm is as follows:

- beIN Media Group LLC
- Department for International Trade, Government of the United Kingdom (current)
- Government of Israel (current)
- Hong Kong Trade Development Council
- JSC/VTB Bank (current)
- TENEX, Joint Stock Company (current)

In an effort to be as transparent as possible, I have also reviewed and am disclosing the firm's filings under the Lobbying Disclosure Act (LDA), which are publicly available at <https://lda.senate.gov/system/public/>. LDA registration can serve as an exemption from the need to register under FARA in certain circumstances.

Based on my consultations, I also understand that Sidley represents foreign government and foreign government-controlled entities in engagements that would not be required to be reflected in a FARA or LDA registration. Sidley undertakes these engagements in a number of practice areas, including global arbitration, trade, and advocacy, U.S. litigation and disputes, investment funds, capital markets, global finance, energy, immigration, and many other fields. These engagements have led to Sidley representing a number of foreign governments (at times through their ministries) and foreign government-controlled entities, including those from Bhutan, Canada, China, Colombia, Costa Rica, Guyana, Israel, Mexico, Peru, Qatar, Senegal, Singapore, and the United Kingdom.

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. I do share in the income of Sidley's partnership and that income has been derived in part from engagements with foreign governments and entities controlled by foreign governments as described above.

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

No.

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

I am not and never have been a registered lobbyist. Since joining Sidley in 2017, a portion of my practice has consisted of advising clients on legal matters involving federal law or public policy. Outside of litigation, I do not recall appearing before the federal government during these engagements.

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.

During the nominations process, I have consulted with the Designated Ethics Official at the Office of the Director of National Intelligence, who has, in turn, consulted with the Office of Government Ethics, to identify potential conflicts of interest. As a result of this process, potential conflicts with Sidley Austin LLP, PT Fund, Inc., the NYU Reiss Center on Law and Security, and my spouse's employers have been identified in an Ethics Agreement, which has been provided to the Committee. More broadly, I will follow the advice of ethics officials to address any potential conflicts of interest identified, in order to resolve them in a manner that is consistent with the conflicts of interest statutes, applicable standards of conduct, and the terms of my aforementioned Ethics Agreement.

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.

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.

If confirmed, I will resign from Sidley Austin LLP. As described on my OGE 278e, Sidley will make a lump-sum payment of my capital account and final partnership share after I withdraw, with the total amount of the payment calculated as of the date of my withdrawal. I will also continue to participate in Sidley's Savings and Investment Plan, Retirement Plan for Partners, and Cash Balance Retirement Plan for Partners, although the firm will not make further contributions after my separation.

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.

If confirmed, I do not have plans for what I would do after serving in the Government again. I have no agreements or understandings, written or unwritten, concerning employment after leaving government service.

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

Not applicable.

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

My spouse is employed and her employment is not related to the position to which I have been nominated.

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

| <u>NAME OF ENTITY</u> | <u>POSITION</u> | <u>DATES HELD</u> | <u>SELF OR SPOUSE</u> |
|-----------------------|-----------------|-------------------|-----------------------|
|-----------------------|-----------------|-------------------|-----------------------|

INFORMATION REDACTED

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

I am not certain if I have received any gifts in the past five years that are responsive to this question, although I note the following:

On a few occasions, colleagues from Sidley Austin have taken me to dinner (sometimes with my spouse) and, on one occasion, to a Capitals playoff game; it is possible that the value of one or more of these events may have exceeded \$100. In 2017, when I was interviewing with law firms, a couple of firms took me, in one case with my spouse, to lunch and/or dinner, and it is also possible that the value of one of these meals may have exceeded \$100.

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

| <u>DESCRIPTION OF PROPERTY</u> | <u>VALUE</u> | <u>METHOD OF VALUATION</u> |
|--------------------------------|--------------|----------------------------|
|--------------------------------|--------------|----------------------------|

Please refer to my OGE 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.)

| <u>NATURE OF OBLIGATION</u> | <u>NAME OF OBLIGEE</u> | <u>AMOUNT</u> |
|-----------------------------|------------------------|---------------|
|-----------------------------|------------------------|---------------|

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

INFORMATION REDACTED

Note: This includes my individual income and the taxable income from all bank and investment accounts held jointly with my spouse. My spouse and I have not yet worked with our tax preparer to finalize our 2020 tax returns, so the 2020 information in the table above is preliminary, although it should be close to or at the forthcoming final totals.

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

Yes.

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

In addition to our federal taxes, we also file returns in Virginia and California (the latter due to my Sidley partnership). I have also participated in composite returns filed by Sidley Austin LLP in multiple jurisdictions.

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.

In 2007, I moved to Charlottesville, VA for a clerkship while my spouse was finishing her medical residency in Boston, MA. With the assistance of a tax preparer, my spouse and I filed returns in Massachusetts and Virginia, but did not include my Virginia wages on my Massachusetts return. In 2010, Massachusetts informed us that my Virginia wages should have been included on my Massachusetts return (since I was working in Virginia as a non-resident), and we immediately corrected the return (with our tax preparer offering free assistance).

35. GIVEN YOUR ROLE AS AN ATTORNEY, PLEASE LIST ALL CLIENTS AND CUSTOMERS WHOM YOU BILLED MORE THAN \$200 WORTH OF SERVICES DURING THE PAST FIVE YEARS. ALSO, LIST ALL JURISDICTIONS IN WHICH YOU ARE LICENSED TO PRACTICE.

I am currently licensed to practice in Pennsylvania and the District of Columbia. In addition, I have practiced before a number of federal courts (primarily as a government attorney when I was with the Civil Appellate Staff at the Department of Justice).

I have listed below major clients (which I am considering to be clients to whom I billed more than 50 hours since I joined Sidley Austin in November 2017):

American College of Medical Genetics and Genomics
Angeles Investment Advisors, LLC
Apple Inc.
AT&T Corp.
AT&T, Inc.
Charter Communications, Inc.
CUNA Mutual Insurance Society
GCI Liberty, Inc.
LPL Financial, LLC
Microsoft
Morgan Stanley
StoneX Group, Inc.
Twitter, Inc.
Vitalize LLC

I have worked fewer hours for the following clients:

22C Capital LLC
Abbott Laboratories
Advisor Group, Inc.
AFLAC Incorporated
Akastor ASA
Aledade, Inc.
Ancient Management LP
Altamont Capital Partners
Alticor Inc.
Anchorage Capital Group, LLC
Aramark Corporation

Archer Daniels Midland Company
Argo Group US, Inc.
Ashcombe Limited
Atento SA
Atrium Health
Autodesk
Balyasny Asset Management L.P.
Banc of America Securities LLC
Bank of America
Basecamp, LLC
BDev Ventures, LLC
Best Buy Co. Inc.
Boxed Water is Better, LLC
Cadian Capital Management, LLC
Canyon Partners LLC
Capital Integration Systems, LLC
Cardiovascular Systems, Inc.
CIGNA Corporation
CIT Group, Inc.
Civis Analytics, Inc.
College of American Pathologists
Cort Business Services Corporation
D.A. Davidson & Co.
Deloitte LLP Board of Directors
DIRECTV, LLC
DW Partners, LP
Eagle Materials, Inc.
Enterprise Products Partners, L.P.
Eurazeo SE
Evercore Partners
ExodusPoint Capital Management, LP
Expanse, Inc.
Facebook, Inc.
Farallon Capital Management, LLC
First Legal Network, LLC
First Service Residential, Inc.
Freedom Financial Network, LLC
FS Brands, Inc.
Gamma Biosciences L.P.
Goldman Sachs & Co., LLC
Goldman Sachs International
Great Hill Partners
Hilltop Securities, Inc.
HMS Holdings Corp.
Hobbes Huey Holdings, LLC
Hoffman - La Roche Inc.
Home Partners of America Inc.
Hong Kong Trade Development Council
Huawei Technologies, Co. Ltd.
Husky Marketing and Supply Company
Hyundai Motor America

ICA Gruppen AB
In-Q-Tel, Inc.
Insmmed Incorporated
ITRenew, Inc.
JPMorgan Chase
King Street Capital Management, L.L.C.
Kohlberg Kravis Roberts & Co. Partners LLP
Kuvare US Holdings, Inc.
Las Vegas Sands Corp.
Len the Plumber, LLC
Lone Pine Capital
Magnitude Capital, LLC
Marathon Asset Management, LP
Marlin Management Company LLC
Mastercard
McKesson Corporation
MiMedx Group, Inc.
Ministry of Commerce of the People's Republic of China
National Hockey League Players' Association
Neurohacker Collective, LLC
Nevro Corp.
New FM Acquisition Company LLC
New York Life Insurance Company
News UK & Ireland Limited
Nu Skin Enterprises, Inc.
Old Republic International Corporation
OMERS Private Equity Inc.
One Technologies LLC
Pacific Coast Manufacturing, Inc.
PagnatoKarp Partners, LLC
Palisade Capital Management, L.L.C.
Perforce Software, Inc.
Premier Performance Products
Pruco Securities, LLC
Queen's Park Equity GP Co Limited
Recorded Future
Roche Molecular Systems, Inc.
Rohrer Corporation
Safe Harbor Marinas, LLC
Seattle Genetics, Inc.
Service.com, Inc.
Sight Machine
Simon Markets LLC
Siris Capital Group, LLC
Sixth Street Partners, LLC
Spectraforce Technologies, Inc.
Spencer Foundation
Susquehanna International Group, LLP
Synchrony Financial
Taconic Capital Advisors LP
Taylor M. Hill

Tennessee Fine Wines and Spirits, LLC
The HollyFrontier Companies
The Incentrum Group
The Medicines Company
The Options Clearing Corporation
The Western Union Company
Thoma Bravo, LLC
Thompson Street Capital Partners
TodayTix, Inc.
TowerBrook Capital Partners L.P.
TPG Global, LLC
Trek Bicycle Corporation
Tricida, Inc.
Two Sigma Investments, LP
United Services Automobile Association
Vector Capital Corporation
venBio Partners LLC
Vista Equity Partners Management
Vital Proteins LLC
Waterfall Asset Management, LLC
Wexford Capital LLC
Zingbox, Inc.
ZMC Management, L.L.C.

In addition, I have represented one client in a non-public investigative matter whose identity I am unable to disclose because of bar ethical rules.

In 2017, before I started at Sidley Austin LLP, I also did some consulting work for Orin Kramer.

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. My financial interests consist of diversified mutual funds, bonds, and cash or cash equivalents. I will follow the advice of government ethics officials to address any potential conflicts of interest.

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

I do not recall being asked to file an annual financial disclosure report during the last three years.

PART E - ETHICAL MATTERS

38. HAVE YOU EVER BEEN THE SUBJECT OF A DISCIPLINARY PROCEEDING OR CITED FOR A BREACH OF ETHICS OR UNPROFESSIONAL CONDUCT BY, OR BEEN THE SUBJECT OF A COMPLAINT TO, ANY COURT, ADMINISTRATIVE AGENCY, PROFESSIONAL ASSOCIATION,

DISCIPLINARY COMMITTEE, OR OTHER PROFESSIONAL GROUP? IF SO, PLEASE PROVIDE DETAILS.

No.

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

No.

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

No.

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

No.

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

In 2017, the Department of Justice interviewed me as part of an investigation into an unauthorized disclosure of classified information. As far as I am aware, I am not and have never been a target of the investigation, and I have not been asked to provide any additional information since the one interview.

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.)

To the best of my knowledge, no.

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

No.

PART F - SECURITY INFORMATION

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

No.

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

No.

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

No.

PART G - ADDITIONAL INFORMATION

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

Under the Constitution, the institutions of the federal government, including the Intelligence Community, are accountable to the American people. Congress, through the exercise of its oversight functions, plays a key role in ensuring this is the case, and this role is particularly important when it comes to national security and intelligence matters, which often must be conducted in secret. The Intelligence Committees have access to classified information that is not widely available, and they thus play a crucial role in reviewing the Intelligence Community's activities to ensure that they are not only lawful but also in the Nation's interest.

The General Counsel of the Office of the Director of National Intelligence (ODNI) has a key role to play in ensuring that this oversight regime is effective. Congress has enacted a number of laws that place a responsibility on the Director of National Intelligence to provide information to and work with the Congressional Intelligence Committees, most prominently a law that requires the Director to keep the Committees "fully and currently informed" of intelligence activities, including "any significant anticipated intelligence activity and any significant intelligence failure." I believe that, as ODNI's chief legal officer, the General Counsel must assist the Director in interpreting and complying with these statutory requirements, and more broadly help the Director maintain an effective relationship with Congress.

49. EXPLAIN YOUR UNDERSTANDING OF THE RESPONSIBILITIES OF THE GENERAL COUNSEL FOR THE OFFICE OF THE DIRECTOR OF NATIONAL INTELLIGENCE.

By statute, the General Counsel is the “chief legal officer of the Office of the Director of National Intelligence” and “shall perform such functions as the Director of National Intelligence may prescribe.”

Consistent with this text, if confirmed, I believe my primary responsibility will be advising the Director so she can carry out her duties in a lawful manner. I would also anticipate supporting her leadership of ODNI in other ways, including by assisting her in carrying out her statutory responsibility to ensure that Intelligence Community components comply with the Constitution and laws of the United States and by providing counsel on the many questions that may cross her desk where the law does not provide a determinate answer but there are relevant legal and ethical considerations.

In addition to advising the Director, my understanding is that, as ODNI’s chief legal officer, the General Counsel will work with the team of attorneys in the General Counsel’s office to handle the full range of legal and ethical issues before ODNI and advise and provide counsel to the Office’s senior officials and other employees.

As noted above, I anticipate that a key part of the General Counsel’s responsibilities to the Director and other ODNI officials and employees will be advising on their obligations to, and providing counsel on more broadly maintaining an effective relationship with, Congress.

Finally, I believe the General Counsel also has an important role to play in advancing ODNI’s integration mission, working with lawyers from across the Intelligence Community to coordinate a response to cross-cutting legal questions. The General Counsel also frequently participates in interagency legal discussions beyond the Intelligence Community, ensuring that ODNI’s equities are represented in those discussions and assisting other Executive Branch lawyers in thinking through any questions of broader application.

AFFIRMATION

I, **CHRISTOPHER CHARLES FONZONE**, DO SWEAR THAT THE ANSWERS I HAVE PROVIDED TO THIS QUESTIONNAIRE ARE ACCURATE AND COMPLETE.

April 1, 2021

(Date)

SIGNATURE OF CHRISTOPHER CHARLES FONZONE

SIGNATURE OF NOTARY

CHAUNCEY ERIC DEWAYNE FORBES
NOTARY PUBLIC
REGISTRATION # 357756
COMMONWEALTH OF VIRGINIA
MY COMMISSION EXPIRES
OCTOBER 31, 2021



TO THE CHAIRMAN, SELECT COMMITTEE ON INTELLIGENCE:

In connection with my nomination to be the General Counsel for the Office of 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.

SIGNATURE OF CHRISTOPHER CHARLES FONZONE

