

**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:

John Andrew Eisenberg

OTHER NAMES USED:

None.

2. DATE AND PLACE OF BIRTH:

February, 1967; Boston, MA.

CITIZENSHIP:

I am a citizen of the United States.

3. MARITAL STATUS:

I am married.

4. SPOUSE'S NAME:

Kathryn Erica Olson

5. SPOUSE'S MAIDEN NAME IF APPLICABLE:

Not applicable.

6. NAMES AND AGES OF CHILDREN:

INFORMATION REDACTED

7. EDUCATION SINCE HIGH SCHOOL:

Yale Law School, 1999 – 2001
J.D. – June 2001

University of Chicago Law School, 1998 – 1999
No degree received

University of California, Berkeley, 1993 (est.) – 1998
PhD Program in Mathematics
No degree received

Stanford University, 1991 (est.) – 1993 (est.)
No degree received

Stanford University, 1987 – 1991
Bachelor's Degree, Mathematics – June 1991

Occidental College, 1984 – 1987
No degree received

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

2025 – present
United States Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530
Senior Counselor, Office of the Attorney General

2017 – 2021
The White House
1600 Pennsylvania Avenue, NW
Washington, DC 20500
Assistant to the President, Deputy Counsel to the President for National Security Affairs, and Legal Advisor to the National Security Council (2019 – 2021)
Deputy Assistant to the President, Deputy Counsel to the President for National Security Affairs, and Legal Advisor to the National Security Council (2017 – 2019)

2009 – 2017
Kirkland & Ellis LLP
1301 Pennsylvania Avenue, NW
Suite 1301
Washington, DC 20004
Partner

2004 – 2009

United States Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

Associate Deputy Attorney General, Office of the Deputy Attorney General (2008 – 2009)

Deputy Assistant Attorney General, Office of Legal Counsel (2006 – 2008)

Counsel to the Assistant Attorney General, Office of Legal Counsel (2005 – 2006)

Special Assistant for Counterterrorism, Office of Legal Counsel (2004 – 2005)

2003 – 2004

Supreme Court of the United States
1 First Street, NE
Washington, DC 20543
Law Clerk to the Honorable Clarence Thomas

2002 – 2003

United States Department of Justice
Office of Legal Counsel
950 Pennsylvania Avenue, NW
Washington, DC 20530
Special Assistant

2001 – June 2002

United States Court of Appeals for the Fourth Circuit
401 Courthouse Square
Alexandria, VA 22314
Law Clerk to the Honorable J. Michael Luttig

Fall 2000/Winter 2001 (est.)

Yale Law School
127 Wall Street
New Haven, CT 06511
Research Assistant to Professor Robert Ellickson

Summer 2000

Munger Tolles & Olson LLP
350 South Grand Avenue, 50th Floor
Los Angeles, CA 90071
Summer Associate

Summer 1999

Skadden, Arps, Slate, Meagher & Flom LLP
2000 Avenue of the Stars, Suite 200N
Los Angeles, CA 90067
Summer Associate

1994 (est.) – 1998 (est.)
University of California, Berkeley
Department of Mathematics
970 Evans Hall
Berkeley, CA 94720
Graduate Student Instructor

1996 (est.) – 1998 (est.)
University of California, Berkeley
Haas School of Business
2220 Piedmont Avenue
Berkeley, CA 94720
Research Assistant to Professor Thomas Marschak

1991 (est.) – 1993 (est.)
Stanford University
Department of Chemistry
333 Campus Drive
Stanford, CA 94305
Research Assistant to Professor Edward Solomon

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

2021 – 2023
National Archives and Records Administration
700 Pennsylvania Avenue, NW
Washington, DC 20408
Representative

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

I joined the United States Department of Justice, where I served from 2002 to 2003 and 2004 to 2009 in various capacities. My responsibilities centered on national security, including intelligence and counterterrorism issues. Both as a Deputy Assistant Attorney General in the Office of Legal Counsel and as an Associate Deputy Attorney General, I advised the Attorney General, the Deputy Attorney General, the Counsel to the President, the Legal Advisor to the National Security Council, the General Counsel of the Department of Defense, and various general counsels in the Intelligence Community on complicated national security matters. As an Associate Deputy Attorney General, I helped to oversee the national security functions of the Department of Justice, including litigation of various issues throughout the Nation and in the Foreign Intelligence Surveillance Court and the Foreign Intelligence Surveillance Court of

Review; the Department's role with respect to the Committee on Foreign Investment in the United States; and designations under the International Emergency Economic Powers Act and similar authorities. In that role, I also oversaw the then-new National Security Division. Through my work in these positions, I became intimately familiar with a broad range of national security issues.

From 2009 to 2017, I was a partner at Kirkland & Ellis LLP. My practice initially focused on white collar criminal defense and internal investigations. Towards the end of my time at Kirkland & Ellis, my practice shifted; I focused increasingly on cybersecurity and other data security issues as well as some national security work.

From 2017 to 2021, I served as the Legal Advisor to the National Security Council. In that capacity, I advised the President of the United States, senior members of the White House, and members of the National Security Council on national-security and foreign-relations law. In that role, I also mediated legal disputes between various components of the United States government involved in national security.

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

National Intelligence Superior Service Medal (2021).

Department of Defense Medal for Distinguished Public Service (2020).

Assistant Attorney General Award for Special Initiative, National Security Division (December 2008).

Attorney General's Award for Excellence in Furthering the Interests of U.S. National Security (2007).

Intelligence Community Legal Award for Team of the Year, 2007 and 2008.

Yale Law Journal, Articles Editor (2000 – 2001).

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

Federalist Society for Law and Public Policy Studies

Member, 2021 (est.) – Present

Member International & National Security Practice Group Executive Committee, 2021 (est.) – Present

Student Member, 1998 (est.) – 2001 (est.)

Heritage Foundation National Security Law Working Group
Member, 2021 (est.) – Present

District of Columbia Bar
Member, 2010 – Present

California Bar
Member, 2005 – Present

Stanford Alumni Association
Member, 1991 (est.) – Present

Yale Alumni Association
Member, 2001 (est.) – Present

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

Writings:

Executive Order on Cybersecurity Begins Standard-Setting Process, Kirkland & Ellis LLP, Feb. 15, 2013.

\$42 Million Blackwater Settlement Demonstrates ITAR Enforcement on the Rise, Kirkland & Ellis LLP, Sept. 23, 2010.

U.S. Sentencing Commission Proposes Changes Regarding Sentencing of Corporations, Kirkland & Ellis LLP, Feb. 16, 2010.

U.S. Department of Justice Arrests 22 in Unprecedented FCPA Sting Operation, Kirkland & Ellis LLP, Jan. 22, 2010.

United States Attorney General Pledges Unprecedented DOJ Focus on Financial Fraud, Kirkland & Ellis LLP, Jan. 12, 2010.

Serious Fraud Office Brings Overseas Corruption Charges Against British Executive, Kirkland & Ellis LLP, Dec. 11, 2009.

DOJ Vows to Scrutinize Pharmaceutical Companies under the FCPA, Kirkland & Ellis LLP, Nov. 16, 2009.

The Fraud Enforcement and Recovery Act of 2009, Kirkland & Ellis LLP, May 29, 2009.

Department of Justice Announces That Antitrust Division Will Begin More Aggressive Antitrust Enforcement Campaign, Kirkland & Ellis LLP, May 15, 2009.

Speeches:

Dec. 6, 2023: Panelist, *Reforming the Classification System: Challenges, Approaches, and Priorities*, Washington, DC. Recording available at: <https://fedsoc.org/events/reforming-the-classification-system-challenges-approaches-and-priorities>.

Sept. 5, 2023: Speaker, *2023 Annual Mike Lewis Memorial Teleforum: Big Data and the Law of War (Webinar)*, Washington, DC. Recording available at: <https://fedsoc.org/events/2023-annual-mike-lewis-memorial-teleforum-big-data-and-the-law-of-war>.

PART B - QUALIFICATIONS

14. QUALIFICATIONS (DESCRIBE WHY YOU BELIEVE YOU ARE QUALIFIED TO SERVE AS THE ASSISTANT ATTORNEY GENERAL FOR THE NATIONAL SECURITY DIVISION AT THE UNITED STATES DEPARTMENT OF JUSTICE).

In my past government positions, I have handled some of the most challenging and complicated national security legal issues. For example, at the Department of Justice, I helped to formulate novel approaches to applications under the Foreign Intelligence Surveillance Act thereby allowing the government to conduct vital intelligence activities to protect the Nation against further terrorist attacks. I also drafted proposed legislation to modernize the Foreign Intelligence Surveillance Act. I worked extensively on various legal aspects of offensive cyberoperations and of cybersecurity measures. I was a member of a team that helped to stand up the National Security Division, and I provided legal advice to the Division from the time of its inception. As the Legal Advisor to the National Security Council, I provided legal advice to the President and others on some of the most sensitive and important issues touching on the national security and foreign affairs of the United States.

I have also honed my skills as a leader through my past government positions and my time as a law firm partner. In both capacities, I have had to supervise people and ensure that they work effectively together. I have learned to resolve conflict as soon as it arises and to minimize the chances it does arise in the first place. And, I believe, I have developed a reputation as a fair leader who cares about and helps those who have worked for me.

Through serving as the Legal Advisor to the National Security Council, I became intimately familiar with the workings of the interagency process for national security decisionmaking and would be well-positioned to be an effective participant in that process. My time in that role also gave me a great deal of experience in helping to run a large organization, one focused on protecting the national security.

I look forward, if confirmed, to leading the National Security Division and helping the career professionals in the Division better protect our Nation from the range of national security threats that face it. I also look forward, if confirmed, to working with this Committee as it conducts oversight on behalf of the American people.

PART C - POLITICAL AND FOREIGN AFFILIATIONS

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

10-22-2024, \$516.53, Donald Trump (R)

08-31-2015, \$2,700, Jeb Bush (R)

I also reviewed and commented on a few short documents on cybersecurity.

10-22-2012, \$1,000, Mitt Romney (R)

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

I have not sought public office.

17. FOREIGN AFFILIATIONS

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

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

To the best of my knowledge and recollection, no.

My wife assisted the Federated States of Micronesia in connection with real estate aspects of its acquisition of an office condominium for use as a new embassy.

- B. HAVE ANY OF YOUR OR YOUR SPOUSE'S ASSOCIATES REPRESENTED, IN ANY CAPACITY, WITH OR WITHOUT COMPENSATION, A FOREIGN

GOVERNMENT OR AN ENTITY CONTROLLED BY A FOREIGN GOVERNMENT? IF SO, PLEASE FULLY DESCRIBE SUCH RELATIONSHIP.

I was a partner at the international law firm of Kirkland & Ellis LLP from 2009 until 2017. It is likely that attorneys at the firm had such clients from time to time. I left the firm years ago and do not have access to such records.

My wife's firm, Arnold & Porter, is likewise a large international firm. As such, it is likely that attorneys at her firm have represented such entities in addition to the instance I identified in response to part A above.

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

To our knowledge, neither my wife nor I have received compensation directly attributable to foreign governments or entities controlled by foreign governments. It is possible that my wife or I received compensation in some way traceable to the types of matters I described in part B above.

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

No.

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

Although a significant amount of my work at Kirkland involved advising clients with respect to legal matters arising or potentially arising before federal agencies, I do not recall myself appearing before any federal agencies during the last ten years. I also have no reason to believe that any federal agencies would have been aware of any advice I might have given clients during this period. I do not, however, have access to Kirkland's records. My wife has not engaged in lobbying activity in the last ten years.

PART D - FINANCIAL DISCLOSURE AND CONFLICT OF INTEREST

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

Please see my ethics agreement, which I understand has been provided to the Senate.

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

I have no such connections.

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

None.

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

No.

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

I have no such agreements or understandings. Following government service, I anticipate returning to the private sector.

24. IF YOU ARE PRESENTLY IN GOVERNMENT SERVICE, DURING THE PAST FIVE YEARS OF SUCH SERVICE, HAVE YOU RECEIVED FROM A PERSON OUTSIDE OF GOVERNMENT AN OFFER OR EXPRESSION OF INTEREST TO EMPLOY

YOUR SERVICES AFTER YOU LEAVE GOVERNMENT SERVICE? IF YES, PLEASE PROVIDE DETAILS.

I returned to government service approximately one month ago. During this time, I have not received any offers of employment or expressions of interest.

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

My spouse is a counsel at the law firm of Arnold & Porter where she represents clients in a broad range of commercial real estate transactions. She has been affiliated with Arnold & Porter since 2000. I do not believe my wife's employment is meaningfully related to the position of Assistant Attorney General for National Security.

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

INFORMATION REDACTED

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

I received a small number of gifts during my time in the White House the value of which is

likely around \$100. After leaving the White House, I also received a large picture frame with photographs of me with the President. My wife has also received occasional gifts that may be worth a little over \$100 in the course of her work.

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

Please see my OGE-278, which I understand has been provided to the Senate.

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

Please see my OGE-278, which I understand has been provided to the Senate.

- A. ARE YOU OR YOUR SPOUSE NOW IN DEFAULT ON ANY LOAN, DEBT, OR OTHER FINANCIAL OBLIGATION? HAVE YOU OR YOUR SPOUSE BEEN IN DEFAULT ON ANY LOAN, DEBT, OR OTHER FINANCIAL OBLIGATION IN THE PAST TEN YEARS? HAVE YOU OR YOUR SPOUSE EVER BEEN REFUSED CREDIT OR HAD A LOAN APPLICATION DENIED? IF THE ANSWER TO ANY OF THESE QUESTIONS IS YES, PLEASE PROVIDE DETAILS.

No.

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

Please see attachment.

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

YEARS?

Yes, subject to the advice of counsel.

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

In addition to filing federal income tax returns, we presently file in California and Virginia.

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

In April 2012, the IRS notified my wife and me that it appeared we owed an additional \$31,369 in tax and penalties in connection with our 2010 returns. Our accountant immediately responded to the IRS on our behalf, explaining that the income in question was attributable to earnings from 2011 and 2012 and any taxes arising from those earnings would be paid in connection with those returns. To my knowledge, our accountant's response resolved the matter. The IRS took no further action.

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

I have not billed any clients in the past five years. I am a member of the California and District of Columbia bars.

35. DO YOU INTEND TO PLACE YOUR FINANCIAL HOLDINGS AND THOSE OF YOUR SPOUSE AND DEPENDENT MEMBERS OF YOUR IMMEDIATE HOUSEHOLD IN A BLIND TRUST? IF YES, PLEASE FURNISH DETAILS. IF NO, DESCRIBE OTHER ARRANGEMENTS FOR AVOIDING ANY POTENTIAL CONFLICTS OF INTEREST.

I have no plans to create a blind trust but will abide by any agreements negotiated with the Office of Government Ethics.

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

None.

PART E - ETHICAL MATTERS

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

Department of Defense (DoD) Office of the Inspector General (OIG), Whistleblower Reprisal Investigation: Lieutenant Colonel Yevgeny S. Vindman, National Security Council

This investigation took place in response to a DoD Hotline complaint on August 18, 2020, alleging that various Administration officials, including me in my capacity as Assistant to the President, Deputy White House Counsel, and National Security Council (NSC) Legal Advisor, took actions against Lieutenant Colonel Yevgeny Vindman while he was serving at the NSC. Such alleged actions allegedly constituted a reprisal for his protected communications and also for his association with his twin brother's protected communications to Members of Congress.

The DoD IG requested to interview me through my counsel, Bill Burck of Quinn Emanuel. Because of my former position as an Assistant to the President and the privileged nature of the information at issue, I needed to seek approval both from the current Biden Administration and from the then-former Trump Administration in order to sit for an interview. Although Mr. Burck promptly asked both Administrations for this approval, it was not given until after the Report had been made public.

With respect to me, the investigation concluded that it was more likely than not that I gave Lieutenant Colonel Vindman an unfavorable review in reprisal for his protected communications in violation of 10 U.S.C. § 1034. I wholeheartedly deny this allegation and note that the investigators were unable to speak with me and, to my knowledge, did not speak with any of the other Administration officials. The Report made no recommendations with respect to me or the other Administration officials.

The allegations led to bar complaints against me in California and the District of Columbia, both of which were investigated and dismissed.

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

Other than the Department of Defense investigation described in response to question 37, no.

39. HAVE YOU EVER BEEN CONVICTED OF OR ENTERED A PLEA OF GUILTY OR

NOLO CONTENDERE TO ANY CRIMINAL VIOLATION OTHER THAN A MINOR TRAFFIC OFFENSE? IF SO, PLEASE PROVIDE DETAILS.

No.

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

To my knowledge, no.

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

In addition to the matter discussed above in response to question 37, I was interviewed by members of the Department of Defense Office of the Inspector General in connection with its investigation of the selection of Michael Ellis to be general counsel of the National Security Agency. In addition, I was subpoenaed in the proceedings leading to the first impeachment of President Trump. I did not testify because the Office of Legal Counsel issued an opinion concluding that I had absolute immunity from compelled congressional testimony. Further, the Counsel to the President relayed to my attorney that the President directed me not to appear. I was also interviewed in another Department of Justice investigation as a witness I believe in 2022.

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

To my knowledge, no.

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

See response above to question 37.

PART F - SECURITY INFORMATION

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

EXPLAIN IN DETAIL.

No.

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

No.

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

No.

PART G - ADDITIONAL INFORMATION

47. DESCRIBE IN YOUR OWN WORDS THE CONCEPT OF CONGRESSIONAL OVERSIGHT OF U.S. INTELLIGENCE ACTIVITIES. IN PARTICULAR, CHARACTERIZE WHAT YOU BELIEVE TO BE THE OBLIGATIONS OF THE ASSISTANT ATTORNEY GENERAL FOR THE NATIONAL SECURITY DIVISION AT THE UNITED STATES DEPARTMENT OF JUSTICE AND THE INTELLIGENCE COMMITTEES OF THE CONGRESS, RESPECTIVELY, IN THE OVERSIGHT PROCESS.

In a democracy such as ours, it is critical that citizens know, to the extent possible, what actions its government takes in their name. At the same time, there is an obvious need to keep some information classified. The question becomes how to recognize this reality and yet remain true to the ideal that the people have a right to know. In my view, Congress' Intelligence Committees are the answer to that question. Where information must be classified, the Intelligence Committees stand in for the people. That means, as a matter of principle, that the Executive Branch has an obligation to keep the Intelligence Committees informed. This obligation is reinforced by the National Security Act of 1947, which makes explicit the Executive Branch's responsibility to keep the Intelligence Committees "fully and currently informed."

Congressional oversight of intelligence activities serves another vital function: It exposes intelligence activities to the perspectives of an array of people with a broad range of backgrounds and who can therefore look anew at the issues that arise in protecting the Nation. Moreover, the members of the Intelligence Committees often bring a degree of skepticism that can cause senior national security officials to rethink their approaches and at times arrive at better ones.

It is my understanding that the Attorney General has delegated her responsibility for oversight of the Intelligence Community to the Assistant Attorney General for National

Security. In particular, by regulation, the Assistant Attorney General for National Security helps to ensure that Executive Branch national security functions are conducted in conformity with law. Under the guidance and supervision of the Attorney General, I believe that the Assistant Attorney General for National Security should assist the Intelligence Committees in performance of their oversight functions.

The Department of Justice has powerful and indispensable tools at its disposal. The Assistant Attorney General for National Security is responsible for administering and overseeing many of these. It is critical that the Assistant Attorney General for National Security does his best to ensure that these tools, including the Foreign Intelligence Surveillance Act, are used appropriately and lawfully. He should also look for ways to enhance protections for the civil liberties of Americans. That is the right thing to do, and it is also the best way to maximize the chances that the Department continues to have these authorities.

48. EXPLAIN YOUR UNDERSTANDING OF THE RESPONSIBILITIES OF THE ASSISTANT ATTORNEY GENERAL FOR THE NATIONAL SECURITY DIVISION AT THE UNITED STATES DEPARTMENT OF JUSTICE.

The Assistant Attorney General for National Security has a number of roles and responsibilities as detailed in the Code of Federal Regulations. *See* 28 C.F.R. § 0.72. Broadly speaking, these duties arise from overseeing the national security components of the Department of Justice other than the Federal Bureau of Investigation. But, fundamentally, the job of the Assistant Attorney General for National Security is to use the authorities and personnel of the Department of Justice to protect the Nation against terrorism, espionage, and other national security threats, and to ensure that the Department's and, more broadly, the government's activities undertaken to protect the Nation are lawful.

The Assistant Attorney General for National Security is also responsible for coordinating much of the Department's national security functions while also representing the equities of the Intelligence Community inside the Department and before the Foreign Intelligence Surveillance Court. On a longer timescale, I believe the Assistant Attorney General for National Security should work with the Intelligence Committees and the rest of Congress to help ensure that national security professionals, including prosecutors and intelligence personnel, have the tools needed to protect the Nation from the range of national security threats it faces while protecting the civil liberties of Americans. The Assistant Attorney General for National Security should also assist the Intelligence Committees to ensure Congress can perform its constitutional oversight responsibilities.

AFFIRMATION

I, JOHN ANDREW EISENBERG, DO SWEAR THAT THE ANSWERS I HAVE PROVIDED TO THIS QUESTIONNAIRE ARE ACCURATE AND COMPLETE.

March 28, 2025
(Date)

JOHN EISENBERG SIGNATURE REDACTED

NOTARY SIGNATURE REDACTED

TO THE CHAIRMAN, SELECT COMMITTEE ON INTELLIGENCE:

In connection with my nomination to be the Assistant Attorney General for the National Security Division at the United States Department of Justice, I hereby express my willingness to respond to requests to appear and testify before any duly constituted committee of the Senate.

JOHN EISENBERG SIGNATURE REDACTED

Date: March 28, 2025

Attachment to Part D, Question 30

INFORMATION REDACTED

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