

July 30, 2026

The Honorable Tom Cotton
Chairman, Senate Select Committee on
Intelligence
United States Senate
Washington, D.C. 20510

The Honorable Rick Crawford
Chairman, House Permanent Select
Committee on Intelligence
U.S. House of Representatives
Washington, D.C. 20515

The Honorable Mark Warner
Vice Chairman, Senate Select Committee on
Intelligence
United States Senate
Washington, D.C. 20510

The Honorable Jim Himes
Ranking Member, House Permanent Select
Committee on Intelligence
U.S. House of Representatives
Washington, D.C. 20515

Dear Chairman Cotton, Vice Chairman Warner, Chairman Crawford, and Ranking Member Himes:

We are writing to express our opposition to Section 601(f) and (g) in the Senate Intelligence Authorization Act for Fiscal Year 2027 (S. 4615) that would eliminate Senate confirmation for the general counsels of the Central Intelligence Agency (CIA) and the Office of the Director of National Intelligence (ODNI). Currently, very few positions in either agency are subject to Senate confirmation, and most of the work of the Senate and House Intelligence Committees occurs entirely in secret. This makes the requirement that the general counsels at the CIA and ODNI be confirmed by the Senate a rare and important opportunity for public oversight of the Intelligence Community. Removing this requirement would represent a significant step back in ensuring accountability for the nation's intelligence apparatus.

The general counsels of the CIA and ODNI wield extraordinary influence, and they do so entirely in secret, shaping policies on surveillance, detention, interrogation, and other highly consequential national security matters. Moreover, they are the individuals primarily responsible for determining the boundaries of what these agencies may lawfully do. The scope of this power and the fact that it occurs outside of public view is why Senate confirmation is so important. It is also the case that across the government the general counsels of other agencies who deal with national security are required to be confirmed by the Senate, including the general counsels of the Department of Defense, the Army, Navy, Air Force, and the Departments of Homeland Security and Energy, as well as the Legal Adviser of the State Department. The CIA and ODNI general counsel should not be held to a lower standard of scrutiny, particularly given past overreach and abuses that have occurred within these agencies.

The confirmation process has proven its value under both Republican and Democratic presidents. Hearings for these positions have surfaced critical information, compelled nominees to make specific commitments, and revealed agency practices otherwise hidden from the public. Under President Obama for instance, Senator Udall used the hearing to flag the existence of a CIA

report criticizing the CIA torture program and to push for its release.¹ As Senator Udall stated during the confirmation hearing:

*And I understand that you're not in a position on your own to provide these documents and statements, but confirmation processes are one way that U.S. senators can be assured that our voices are heard by the White House and the agencies we oversee. And I don't believe my requests are unreasonable, and I want the CIA to know that I take them seriously.*²

In the same hearing Senator Wyden received a commitment that the CIA would no longer rely on a 2003 OLC opinion related to cybersecurity.³ And under President Bush the Senate forced the withdrawal of the nomination of John Rizzo for CIA general counsel over concerns regarding his role in the CIA's detention and interrogation program.⁴

Moreover, oversight of surveillance authorities such as Section 702 of FISA has often been central to the confirmation process for these positions. Removing that opportunity strips away a key safeguard and undermines the credibility of those who argue that Section 702 does not require reform because it is subject to oversight. Additionally, the rule changes in the Senate allowing multiple nominees to move en bloc means that subjecting these positions to Senate confirmation is neither burdensome nor would it impose any unnecessary delays.

Finally, the recent appointment of Bill Pulte as acting director of national intelligence only highlights these concerns. Pulte is the director of the Federal Housing Finance Agency. He has no intelligence experience. As director of the FHFA, he sent criminal referrals to the Justice Department targeting the president's political enemies, including a sitting U.S. Senator, a state attorney general and a sitting Federal Reserve governor. His appointment is a demonstration of why critical positions with sweeping legal and national security authority, like the CIA and ODNI general counsels, should remain subject to Senate confirmation.

For these reasons, we urge you to strike these provisions from the Intelligence Authorization Act and preserve the role of the Senate in confirming the general counsels of both the CIA and ODNI.

Thank you for your consideration.

Sincerely,

Advocacy for Principled Action in Government
American Civil Liberties Union

¹ Mark Mazzetti, *Senate Asks C.I.A. to Share Its Report on Interrogations*, N.Y. Times (Dec. 17, 2013), <https://www.nytimes.com/2013/12/18/us/politics/senators-ask-to-see-internal-cia-review-of-interrogation-program.html>.

² Nomination of Caroline Diane Krass to be General Counsel of the Central Intelligence Agency: Hearing before the Senate Intelligence Committee, 113 Cong. (2013).

³ Id.

⁴ Mark Mazzetti, *Nominee for C.I.A. Counsel Withdraws*, N.Y. Times (Sept. 26, 2007), <https://www.nytimes.com/2007/09/26/washington/26rizzo.html>.

American Governance Institute
Asian Americans Advancing Justice | AAJC
Brennan Center for Justice at NYU School of Law
Center for Democracy & Technology
Citizens for Responsibility and Ethics in Washington (CREW)
Common Cause
Defending Rights & Dissent
Demand Progress
Due Process Institute
Electronic Privacy Information Center (EPIC)
Fiat Fiendum
Government Accountability Project
Government Information Watch
Issue One
MPower Change Action Fund
Muslim Advocates
Project for Privacy & Surveillance Accountability
Project On Government Oversight
Public Citizen
Restore The Fourth Action
Sikh American Legal Defense and Education Fund (SALDEF)
X-Lab

CC: The Honorable Chuck Grassley, Chair, Senate Judiciary Committee
The Honorable Dick Durbin, Ranking Member, Senate Judiciary Committee
The Honorable Jim Jordan, Chair, House Judiciary Committee
The Honorable Jamie Raskin, Ranking Member, House Judiciary Committee