

Select Committee on the Chinese Communist Party
U.S. House of Representatives
Witness Disclosure Requirement - "Truth in Testimony"
Required by House Rule XI clause 2(g)(5) and Select Committee Rules III clause (b)(4)

1. Your Name:

Walter J. Clayton III ("Jay Clayton")

2. Your Title:

Senior Policy Advisor, Sullivan & Cromwell LLP
Former Chairman of the U.S. Securities and Exchange Commission

3. The Entity(ies) You are Representing:

I am appearing in my individual capacity, not representing or on behalf of any other person or entity. Please note that I have various current and former affiliations.

4. Are you testifying on behalf of the Federal government or a State or local government entity?

YES NO

If NO, you must complete Questions 5-9. If a question is not applicable to you, please state N/A.

NO, please see answers to Questions 5-9 below.

5. Please list any Federal grants or contracts you or the entity(ies) you represent have received within the past 36 months.

Only grants, contracts, or payments related to the subject matter of the hearing must be listed.

N/A

6. Please list any payments or grants from a foreign government, foreign political party, or agent thereof within the past 36 months to any entity from which you receive compensation of more than \$10,000/year.

Only grants, contracts, or payments related to the subject matter of the hearing must be listed.

N/A

7. Please list any payments, grants, or in-kind contributions from any agent of a foreign adversary within the past five years to any entity from which you receive compensation of more than \$10,000/year.

(a) A foreign adversary means:

- i. the People's Republic of China;
- ii. the Republic of Cuba;
- iii. the Islamic Republic of Iran;
- iv. the Democratic People's Republic of Korea;
- v. the Russian Federation; and
- vi. the Maduro regime of the Bolivarian Republic of Venezuela.

(b) An "agent of a foreign adversary" means:

- i. a government or political party of a foreign adversary;
- ii. any entity in which an entity identified in subpart (b)(i) owns a 10% stake or greater;
- iii. any entity subject to the direction, ownership, control, or influence of an entity identified in subparts (b)(i) or (b)(ii); and
- iv. any agent of an entity identified in subparts (b)(i)-(iii).

N/A

8. Are you a fiduciary (including, but not limited to, a director, officer, advisor, or resident agent) of any organization or entity that has an interest in the subject matter of the hearing?

YES

NO

If YES, please identify the organization(s) or entity(ies).

YES, potentially.

I am not aware of the full subject matter of this hearing and, as the hearing touches on issues of general economic concern, it is possible that one or more of the organizations I am or have been affiliated with would have an interest in the subject matter. Those organizations include:

Sullivan & Cromwell LLP
University of Pennsylvania

Lehigh University
Stanford University
Apollo Global Management, Inc.
American Express Corporation
One River Digital Asset Management (dba "Coinbase Digital Asset Management")
Fireblocks, Inc.
Electric Capital

9. Please attach a copy of your curriculum vitae to this disclosure form.

Signature:  _____

Date: 9/9/2023 _____

INSTRUCTIONS FOR COMPLETING THE TRUTH-IN-TESTIMONY DISCLOSURE FORM

In General. The attached form is intended to assist witnesses appearing before the Select Committee on the Chinese Communist Party in complying with Rule XI, clause 2(g)(5) of the Rules of the House of Representatives and Rule III (b)(4) of the Select Committee Rules. The full text of both Rules is included below in Attachment A.

INSTRUCTIONS

(1) - (3) *Name, Title, Entity(ies).* Please provide the name and title of the witness and the entity or entities on whose behalf the witness is testifying.

(4) *Governmental Entity.* Please identify whether the witness is testifying on behalf of a US government entity, such as a Federal department or agency, or a State or local department, agency, or jurisdiction. Trade or professional associations of public officials are not considered to be governmental entities.

If the witness is *not* appearing on behalf of a US government entity, then the witness must complete Questions 5-9.

(5) *US Government Grants and Contracts.* Please list any Federal grants (including subgrants) or contracts (including subcontracts) that you or the entity or entities you represent in the hearing have received within the last 36 months.

Only grants or contracts related to the subject matter of the hearing must be disclosed.

For each contract or grant required to be disclosed, please include the amount and the source.

(6) *Foreign Government Payments and Grants.* Please list any payments or grants that you or an entity that pays you more than \$10,000/year have received in the last 36 months from a foreign government, a foreign political party, or an agent thereof.

Only payments or grants related to the subject matter of the hearing must be disclosed.

For each payment or grant required to be disclosed, please include the amount and source.

(7) *Foreign Adversaries and Their Agents.* This section only pertains to China, Russia, Iran, Cuba, Venezuela, and the DPRK. Please list any payments, grants, or in-kind contributions that you or an entity that pays you more than \$10,000/year have received in the last five years from an agent of a foreign adversary.

An agent of a foreign adversary means a government or political party of China, Russia, Iran, Cuba, Venezuela, or the DPRK; AND state-owned entities in which one of those governments or political parties has a 10% stake or more; AND entities that are subject to the direction, ownership, control, or influence of any of the entities described above; AND agents of any of the entities described in this paragraph.

For each payment, grant, or contribution required to be disclosed, please include the amount and source.

- (8) ***Fiduciary Capacity.*** Please check the box indicating whether you are a fiduciary of any organization or entity with an interest in the subject matter of the hearing.

If you select YES, please disclose the organization(s) or entity(ies).

- (9) ***Curriculum Vitae.*** Please attach your CV to your completed disclosure form.

Submission. Please sign and date the form in the appropriate place. Please submit this form with your written testimony at least two business days before your scheduled testimony. Your testimony and disclosure form may be submitted to the Committee by email at [Julissa.Walsh@mail.house.gov].

ATTACHMENT A

The full text of the relevant Rules is provided below.

Rule XI, clause 2(g)(5) of the Rules of the House of Representatives

(B) In the case of a witness appearing in a non-governmental capacity, a written statement of proposed testimony shall include – (i) a curriculum vitae; (ii) a disclosure of any Federal grants or contracts, or contracts, grants, or payments originating with a foreign government, received during the past 36 months by the witness or by an entity represented by the witness and related to the subject matter of the hearing; and (iii) a disclosure of whether the witness is a fiduciary (including, but not limited to, a director, officer, advisor, or resident agent) of any organization or entity that has an interest in the subject matter of the hearing. (C) The disclosure referred to in subdivision (B)(ii) shall include – (i) the amount and source of each Federal grant (or subgrant thereof) or contract (or subcontract thereof) related to the subject matter of the hearing; and (ii) the amount and country of origin of any payment or contract related to the subject matter of the hearing originating with a foreign government. (D) Such statements, with appropriate redactions to protect the privacy or security of the witness, shall be made publicly available in electronic form 24 hours before the witness appears to the extent practicable, but not later than one day after the witness appears.

Select Committee Rule III, clause (b)(4)

(b) Written Witness Statement; Oral Testimony.

- (4) *Truth in Testimony.* Each witness appearing in a nongovernmental capacity shall include with the written statement of his or her proposed testimony, to the greatest extent practicable:
- (A) a curriculum vitae;
 - (B) a disclosure of any Federal grants or contracts received during the past 36 months by the witness or by an entity represented by the witness and related to the subject matter of the hearing;
 - (C) a disclosure of any payments or grants from a foreign government, foreign political party, or agent thereof within the past 36 months to any entity from which the witness is compensated more than \$10,000 a year and related to the subject matter of the hearing;
 - (D) with respect to a foreign adversary, a disclosure of any payments, grants, or in-kind contributions from any agent of a foreign adversary within the past five years to any entity from which the witness is compensated more than \$10,000 a year;
 - (E) a disclosure of whether the witness is a fiduciary (including, but not limited to, a director, officer, advisor, or resident agent) of any organization or entity that has an interest in the subject matter of a hearing.

The disclosure shall include the amount, country of origin, and entity originating any payment, grant, or in-kind contribution required to be disclosed.

An “agent of a foreign adversary” means (i) a government or political party of a foreign adversary; (ii) any entity in which an entity identified in subpart (i) owns a 10% stake or greater; (iii) any entity subject to the direction, ownership, control, or influence of an entity identified in subparts (i) or (ii); and (iv) any agent of an entity identified in subparts (i)-(iii).

A “foreign adversary” means the People’s Republic of China, the Republic of Cuba, the Islamic Republic of Iran, the Democratic People’s Republic of Korea, the Russian Federation, and the Maduro regime of the Bolivarian Republic of Venezuela.