Questions for the Record
Charles E. Grassley of Iowa
U.S. Senate Committee on the Judiciary
Subcommittee on Privacy, Technology, and the Law hearing
"Arctic Frost Accountability: Oversight of Telecommunications Carriers' Responses to Jack Smith's Witch Hunt"
February 10, 2026

Questions for AT&T (Witness: SEVP and GC David R. McAtee)

1. What changes have you implemented to detect when a state or federal government agency seeks information from a device connected to a Member of Congress? Describe in detail. If none, please explain.

   AT&T has a Letter of Understanding ("LOU") with the Senate Sergeant at Arms providing a notice process for legal demands seeking information on phone numbers associated with official Senate office accounts. Additionally, AT&T has engaged the Senate Sergeant at Arms and the House Chief Administrative Officer to establish a process that would allow AT&T to collect and identify all phone numbers associated with a Member of Congress, not just official phone numbers, so that, going forward, AT&T can identify legal demands seeking information on those numbers and meet Members' reasonable expectations of privacy, including by providing notice, to the full extent permitted by law.

2. When a state or federal government agency seeks information connected to a Member of Congress, what is your company's response? Will your company challenge the government's efforts to seek that information or produce the information as requested? Please explain in detail including changes made to previous company policy.

   AT&T is committed to protecting the privacy of our customers and complying with the law. Our Global Legal Demand Center ("GLDC") reviews each legal demand we receive to ensure its legal validity. We reject or do not respond to invalid legal demands. More specifically, AT&T's GLDC assesses each legal demand received from state or federal law enforcement agencies to confirm that it is (a) both valid and compulsory because it is issued by an agency with authority, (b) is complete and contains all required signatures, and (c) calls only for information that we are obligated to provide under the law. To the extent that a subpoena seeks information associated with a Senate Sergeant at Arms account, AT&T will follow the notice procedures in the LOU it has with the Senate Sergeant at Arms. In addition, AT&T has engaged the Senate Sergeant at Arms and the House Chief Administrative Officer to establish a process that would allow AT&T to collect and identify all phone numbers associated with a Member of Congress, not just official phone numbers, so that, going forward, AT&T can meet Members' reasonable expectations of privacy, including by providing notice, to the full extent permitted by law.

3. How many subpoenas or legal process has your company identified related to Arctic Frost and Special Counsel Jack Smith? In your response, please explain any limitations of the search and how your company plans to mitigate them.

   AT&T respectfully notes that this information has been requested by the Senate Judiciary Committee and another committee. AT&T has conducted a diligent search of its records to the best of its ability to identify responsive subpoenas. Searching the hundreds of thousands of subpoenas we receive each year has its own challenges, as subpoenas from prosecutors seeking non-content information typically specify only phone numbers, not names, do not reference the names of the investigation (like "Arctic Frost"), or provide substantive information concerning the underlying investigation or the basis for the subpoena. For this reason, AT&T has no way of independently knowing whether a particular subpoena, received among hundreds of subpoenas each day, is associated with the Arctic Frost investigation. In light of this challenge, the Senate Judiciary Committee previously provided AT&T with search terms, including a case number, that aided our search and we intend to produce responsive subpoenas once we have provided our customers with notice to allow them time to object.

4. Provide all communications between your company and DOJ and the FBI, both formal and informal, relating to Arctic Frost and Special Counsel Jack Smith.

   AT&T respectfully notes the same information has been requested by the Senate Judiciary Committee and another committee. AT&T has made three productions in response, including the production of certain email communications between AT&T and Jack Smith's Special Counsel's Office. As we have informed staff of these committees, AT&T is committed to cooperating and will produce the requested information to the full extent permitted by law and our customers' reasonable expectation of privacy.

U.S. Senate Committee on the Judiciary
Subcommittee on Privacy, Technology, and the Law Subcommittee

"Arctic Frost Accountability: Oversight of Telecommunications Carriers' Responses to Jack Smith's Witch Hunt"

Senator Lee's Questions for the Record

David McAtee of AT&T

1. Please describe with specificity the categories of information contained within the subpoenaed toll records. In particular, state whether the records include any of the following:

    a. Records of telephone calls;
    b. Records of text or SMS communications;
    c. The duration of telephone calls;
    d. The dates and/or times of communications;
    e. Subscriber or account holder identifying information; and
    f. Any geolocation or location-related data associated with the communications.

    The subpoenas AT&T identified from the Special Counsel's Office sought only non-content phone records under the Stored Communications Act. Non-content phone records in this context include information that appears on a phone bill, including customer name and billing address; a list of calls made and received during the relevant period, with the phone numbers, time, and duration of each call; the dates and times text messages were sent or received and the numbers to which they were sent or from which they were received; and means of payment. None of the subpoenas AT&T received sought the content of calls or text messages or geolocation information.

2. Will you commit that—unless clearly prohibited by law—you will notify members of Congress when their toll records are subpoenaed? As part of this commitment, will you also explore all legal avenues to challenge improper nondisclosure orders that potentially violate federal law?

    AT&T is committed to protecting the privacy of our customers and complying with the law and inspects each legal demand it receives to ensure its legal validity. We reject or do not respond to invalid legal demands. AT&T has engaged with the Senate Sergeant at Arms, including entering into a Letter of Understanding, for a process to provide Senators with notice of subpoenas regarding numbers on official Senate office accounts. That process requires AT&T, for such demands relating to a Senate Sergeant at Arms account, to notify

the requester that their demand relates to a Senate Sergeant at Arms account and provide notice to the applicable Senate office of the demand, unless the demand includes a non-disclosure order ("NDO"). If such a demand includes an NDO, AT&T has agreed to move to amend or modify the NDO to allow notice to be provided to the applicable Senate office and, upon amendment or modification, provide notice to the applicable Senate office of the demand. Additionally, to the extent a subpoena seeks information on a personal or campaign accounts belonging to a Member of Congress, AT&T has engaged the Senate Sergeant at Arms and the House Chief Administrative Officer to establish a process that would allow AT&T to identify all phone numbers associated with a Member of Congress, not just official phone numbers, so that, going forward, AT&T can meet Members' reasonable expectations of privacy, including by providing notice, to the full extent permitted by law.

As for challenging an NDO, while a provider like AT&T can, in theory, move to quash or modify an NDO, we typically are not made aware of the specific basis for the NDO we receive. While an NDO is a command from a court based on judicial findings, AT&T is not a party to that proceeding. For these reasons, as a practical matter, NDOs can be very difficult to challenge.

With that said, AT&T welcomes reforms, such as those proposed in the NDO Fairness Act, that would provide greater protection for citizens by tightening standards necessary to obtain NDOs, requiring written judicial decisions, and requiring the government to provide notice to individuals upon the expiration of the NDO.

Questions for the Record for David R. McAtee
Hearing on "Arctic Frost Accountability: Oversight of Telecommunications Carriers' Responses to Jack Smith's Witch Hunt"
Submitted February 17, 2026

QUESTIONS FROM SENATOR WHITEHOUSE

Please answer each question and sub-question individually and as specifically as possible. Where indicated, please provide only yes or no answers.

1. Of the grand jury subpoenas received by AT&T for the toll records of U.S. Senators, and that AT&T has identified as being from the Office of Special Counsel Jack Smith, how many requested records related to:

    a. An account associated with or operated by the Office of the Senate Sergeant at Arms?

    None.

    b. A personal account associated with a senator or a family member of a senator?

    None.

    c. An account associated with a campaign for elected office?

    Two.

    d. Any other accounts?

    No.

2. Provide the name of each senator whose records were sought by the subpoenas referenced above.

    Senator Cruz and another Senator who has not consented to AT&T disclosing their name.

3. As of 2023, did AT&T understand its obligations under 2 U.S.C. § 6628 to require AT&T to notify the Office of the Senate Sergeant at Arms or a Senate office—notwithstanding any non-disclosure order—if compulsory process was received for toll records related to an account that was not associated with or operated by the Office of the Senate Sergeant at Arms or a Senate office?

    No. In 2023, 2 U.S.C. § 6628 did not require – nor does it now require – AT&T to notify the Senate Sergeant at Arms or applicable Senate office of compulsory process for toll records relating to an account that was not associated with or

operated by Office of the Senate Sergeant at Arms. To the extent a subpoena seeks information on a personal or campaign accounts belonging to a Member of Congress, AT&T has engaged the Senate Sergeant at Arms and the House Chief Administrative Officer to establish a process that would allow AT&T to identify all phone numbers associated with a Member of Congress, not just official phone numbers, so that, going forward, AT&T can meet Members' reasonable expectations of privacy, including by providing notice, to the full extent permitted by law.

4. As of 2023, did AT&T understand its obligations under contracts with the Office of the Senate Sergeant at Arms to require AT&T to notify the Office of the Senate Sergeant at Arms or a Senate office—notwithstanding any non-disclosure order—if compulsory process was received for toll records related to an account that was not associated with or operated by the Office of the Senate Sergeant at Arms or a Senate office?

   No. As of 2023, AT&T's contract with the Office of the Senate Sergeant at Arms did not require AT&T to notify the Senate Sergeant at Arms or applicable Senate office of compulsory process for toll records relating to an account that was not associated with or operated by the Office of the Senate Sergeant at Arms. To the extent a subpoena seeks information on personal or campaign accounts belonging to a Member of Congress, AT&T has engaged the Senate Sergeant at Arms and the House Chief Administrative Officer to establish a process that would allow AT&T to identify all phone numbers associated with a Member of Congress, not just official phone numbers, so that, going forward, AT&T can meet Members' reasonable expectations of privacy, including by providing notice, to the full extent permitted by law.

5. Of the grand jury subpoenas received by AT&T for the toll records of members of the U.S. House of Representatives, and that AT&T has identified as being from the Office of Special Counsel Jack Smith, how many requested records related to:

   a. An account associated with or operated by the Office of the House Sergeant at Arms?

      None.

   b. A personal account associated with a House member or a family member of a House member?

      AT&T has identified two subpoenas from Jack Smith's Special Counsel's Office seeking non-content phone records for personal accounts associated with Members of the U.S. House of Representatives, one of which only sought subscriber information, such as name and address.

   c. An account associated with a campaign for elected office?

Unknown, though we have not identified any.

d. Any other accounts?

N/A.

6. Provide the name of each member of the U.S. House of Representatives whose records were sought by the subpoenas referenced above.

Rep. Kevin McCarthy and Rep. Scott Perry. To note, the subpoena for Rep. Perry's records sought only subscriber information.

7. Has AT&T received compulsory process—including, but not limited to, federal grand jury subpoenas, administrative subpoenas, and court orders—for content or non-content records relating to U.S. Senators since January 20, 2025? If so, when, how many, and who were the senators?

No, AT&T has not received compulsory process for a number on associated with a Senate Sergeant at Arms official Senate account. If provided a personal or campaign phone number for a U.S. Senator, AT&T can check whether it received compulsory process for content or non-content records relating to the number and provide that information to the relevant office to the extent permitted by law.

8. Has AT&T received compulsory process—including, but not limited to, federal grand jury subpoenas, administrative subpoenas, and court orders—for content or non-content records relating to members of the U.S. House of Representatives since January 20, 2025? If so, when, how many, and who were the members?

If provided a phone number for a U.S. Representative, AT&T can check whether it received compulsory process for content or non-content records relating to the number and provide that information to the relevant office to the extent permitted by law.

Senate Judiciary Committee Hearing

"Arctic Frost Accountability: Oversight of Telecommunications Carriers' Responses to Jack Smith's Witch Hunt"

Questions for the Record for Mr. David R. McAtee

QUESTIONS FROM SENATOR BLACKBURN

1. During your testimony, in responding to my question about the total number of members of Congress whose records AT&T produced to Jack Smith, you stated that AT&T produced the records of four members of Congress to the Special Counsel's Office.

a. Is that still your understanding?

As stated at hearing, AT&T received subpoena requests from the Special Counsel's Office for four Members of Congress, two House Members and two Senators. With respect to the request for Senator information, AT&T did not produce information in response to that request. In May 2023 the AT&T Legal Department engaged with the Special Counsel's Office regarding a subpoena seeking the production of records pertaining to campaign accounts of two Senators. We sought the Special Counsel's Office's view on the applicability of the Speech or Debate Clause of the U.S. Constitution. The Special Counsel's Office did not respond to our inquiry and, as a result, no records were produced.

Years later, when responding to inquiries from congressional committees, we identified two earlier subpoenas from the Special Counsel's Office that sought records for two other sitting Members of Congress. Those were received in January 2023 and did not provide any indication that they related to a Member of Congress. They both sought information on a personal account and listed only a phone number. In both cases, the name associated with the account was an exceptionally common name shared by thousands of AT&T customers. As a result, the requested information was produced as required by the law.

b. Did you conduct any subsequent searches after the February 10 Senate Judiciary Committee hearing to confirm how many members' records AT&T ultimately produced in the Arctic Frost matter?

We understand your request for subpoenas related to the "Arctic Frost" investigation includes subpoenas regardless of whether they came directly from Jack Smith's Special Counsel's Office. However, subpoenas issued by the Department of Justice, like all of those we received from the Special Counsel's Office, typically do not provide any substantive information concerning the underlying investigation or, in this case, a reference to "Arctic Frost." For this reason, AT&T has no way of independently knowing

whether a particular subpoena, received among hundreds of subpoenas each day, is associated with the Arctic Frost investigation. In light of this challenge the committees provided AT&T with search terms, including a case number, that aided our search. We intend to produce responsive subpoenas to the committees once we have provided customers with notice and a short period of time to object. With that said, to date we have not identified additional subpoenas with that provided case number targeting a sitting member of Congress.