

July 6, 2026

The Honorable Pete Hegseth  
Secretary of Defense  
Department of Defense  
1000 Defense Pentagon  
Washington, DC 20301

Dear Secretary Hegseth:

I write regarding my concerns around the continued lack of transparency with respect to the Department of Defense (DoD or the Department)'s use of AI in military operations. On May 1, 2026, DoD announced a new set of agreements with eight AI companies to use their technology in classified systems while providing virtually no details regarding contractual specifics.<sup>1</sup> As I previously wrote to you on March 23, 2026,<sup>2</sup> DoD has a strategic, legal, and moral responsibility to ensure that AI technology is deployed with meaningful constraints to comply with U.S. and international laws, including by preventing civilian harm.<sup>3</sup> Instead, DoD appears to have forged ahead in expanding AI use throughout the military, including as part of President Trump's illegal war in Iran,<sup>4</sup> while releasing no meaningful information about contractual guardrails to prevent the misuse of these tools or communicating to Congress and the public how these tools are used at all.

On May 1, 2026, DoD announced that it had reached agreements with eight AI companies—SpaceX (which now includes xAI), OpenAI, Google, NVIDIA, Reflection, Microsoft, Amazon Web Services, and Oracle—to deploy their technology on DoD's classified networks.<sup>5</sup> Specifically, DoD has stated that it plans to integrate these models into DoD's Impact Level 6 (IL6) and Impact Level 7 (IL7) network environments to “streamline data synthesis, elevate situational understanding, and augment warfighter decision-making in complex operational environments”<sup>6</sup> as part of DoD's broader strategy to increase its use of AI.<sup>7</sup>

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<sup>1</sup> U.S. Department of Defense, “Classified Networks AI Agreements,” press release, May 1, 2026, <https://www.war.gov/News/Releases/Release/Article/4475177/classified-networks-ai-agreements/>.

<sup>2</sup> Letter from U.S. Senator Elizabeth Warren to Secretary of Defense Pete Hegseth, March 23, 2026, [https://www.warren.senate.gov/imo/media/doc/letters\\_redesignationofanthropicasnationalsecurityrisk.pdf](https://www.warren.senate.gov/imo/media/doc/letters_redesignationofanthropicasnationalsecurityrisk.pdf).

<sup>3</sup> U.S. Department of Defense, “DoD Instruction 3000.17: Civilian Harm Mitigation and Response,” December 21, 2023, <https://www.esd.whs.mil/Portals/54/Documents/DD/issuances/dodi/300017p.pdf>.

<sup>4</sup> Brennan Center for Justice, “The Military's Use of AI, Explained,” Amos Toh and Emile Ayoub, March 12, 2026, <https://www.brennancenter.org/our-work/research-reports/militarys-use-ai-explained>.

<sup>5</sup> U.S. Department of Defense, “Classified Networks AI Agreements,” press release, May 1, 2026, <https://www.war.gov/News/Releases/Release/Article/4475177/classified-networks-ai-agreements/>.

<sup>6</sup> *Id.*

<sup>7</sup> U.S. Department of Defense, “War Department Launches AI Acceleration Strategy to Secure American Military AI Dominance,” press release, January 12, 2026, <https://www.war.gov/News/Releases/Release/Article/4376420/war-department-launches-ai-acceleration-strategy-to-secure-american-military-ai/>.

The speed with which the Department is integrating AI into both day-to-day work and national security operations is alarming given that the Department has yet to provide Congress or the public with any meaningful details on how it plans to use these tools and what testing and safeguards have been put in place to prevent mistakes or misuse. Despite prior Congressional requests,<sup>8</sup> DoD has provided no details of the breadth or substance of the contracts beyond that they allow the technology to be used on classified systems for all “lawful operational use,”<sup>9</sup> and moreover is engaged in ongoing litigation with Anthropic to eliminate previously agreed to contractual limitations preventing DoD’s use of Anthropic’s Claude model for mass domestic surveillance and lethal autonomous weapon systems.<sup>10</sup>

Undersecretary of Defense for Research and Engineering Emil Michael characterized the goals of these latest agreements with AI providers as enabling military personnel to “maintain an unfair advantage and achieve absolute decision superiority,”<sup>11</sup> suggesting that DoD intends to integrate these tools into critical military operations such as target selection.<sup>12</sup> In its press release announcing the latest slate of contracts, however, DoD pointed only to the quantity of employee AI use as evidence of the success of AI integration within DoD to date, stating that more than 1.3 million DoD employees have “generat[ed] tens of millions of prompts and deploy[ed] hundreds of thousands of agents in only five months.”<sup>13</sup>

I am further concerned by reports that DoD officials “hope the new deals will push Anthropic to drop its reservations about the military’s broad “any lawful use” standard.”<sup>14</sup> While DoD has claimed publicly that the recently announced agreements would prevent “vendor lock” and provide DoD with a variety of AI suppliers,<sup>15</sup> it would appear that DoD is using negotiations with other suppliers to pressure Anthropic into agreeing to remove the usage limitations it seeks. As I have previously written,<sup>16</sup> any standard that allows for all lawful use leaves the door wide open to gross violations of domestic civil liberties and civilian harm. The Department regularly acquires vast commercial datasets which include personal data on American citizens, referred to among the

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<sup>8</sup> Letter from U.S. Senator Elizabeth Warren to Secretary of Defense Pete Hegseth, March 23, 2026, [https://www.warren.senate.gov/imo/media/doc/letters\\_redesignationofanthropicasnationalsecurityrisk.pdf](https://www.warren.senate.gov/imo/media/doc/letters_redesignationofanthropicasnationalsecurityrisk.pdf).

<sup>9</sup> U.S. Department of Defense, “Classified Networks AI Agreements,” press release, May 1, 2026, <https://www.war.gov/News/Releases/Release/Article/4475177/classified-networks-ai-agreements/>.

<sup>10</sup> The New York Times, “Federal Court Denies Anthropic’s Motion to Lift ‘Supply Chain Risk’ Label, Mike Isaac, April 8, 2026, <https://www.nytimes.com/2026/04/08/technology/anthropic-pentagon-risk-circuit-court.html>.

<sup>11</sup> The Wall Street Journal, “Top AI Companies Agree to Pentagon Deals for Classified Work,” Amrith Ramkumar, May 1, 2026, <https://www.wsj.com/tech/ai/top-ai-companies-agree-to-pentagon-deals-for-classified-work-9c621e78>.

<sup>12</sup> Brennan Center for Justice, “The Military’s Use of AI, Explained,” Amos Toh and Emile Ayoub, March 12, 2026, <https://www.brennancenter.org/our-work/research-reports/militarys-use-ai-explained>.

<sup>13</sup> U.S. Department of Defense, “Classified Networks AI Agreements,” press release, May 1, 2026, <https://www.war.gov/News/Releases/Release/Article/4475177/classified-networks-ai-agreements/>.

<sup>14</sup> The New York Times, “Pentagon Makes Deals with A.I. Companies to Expand Classified Work,” Julian E. Barnes and Sheera Frenkel, May 1, 2026, <https://www.nytimes.com/2026/05/01/us/politics/pentagon-ai-companies-deals.html>.

<sup>15</sup> U.S. Department of Defense, “Classified Networks AI Agreements,” May 1, 2026, <https://www.war.gov/News/Releases/Release/Article/4475177/classified-networks-ai-agreements/>.

<sup>16</sup> Letter from U.S. Senator Elizabeth Warren to Secretary of Defense Pete Hegseth, March 23, 2026, [https://www.warren.senate.gov/imo/media/doc/letters\\_redesignationofanthropicasnationalsecurityrisk.pdf](https://www.warren.senate.gov/imo/media/doc/letters_redesignationofanthropicasnationalsecurityrisk.pdf).

intelligence community as *incidental* collection,<sup>17</sup> and there is no law prohibiting the Department's use of lethal autonomous weapon systems in warfare.<sup>18</sup>

The precise contractual language is critical to understand the impact of these agreements on our national security and civil rights, and I am deeply concerned by DoD's management of these contracts and continued refusal to provide Congress or the public with answers. To better understand what guardrails DoD has put in place around AI use in the military, I ask that you provide answers to the following questions no later than July 20, 2026. To the maximum extent practicable, please provide your responses in unclassified form to inform Congress's legislative duties.

1. Please provide the full contractual language and terms agreed to with each of the eight companies announced on May 1, including any modifications proposed during the negotiation processes.
  - a. Are the contractual language and terms agreed to identical for all eight companies? If not, please specify any differences and describe the reasons for these variations.
  - b. Did DoD offer any of these companies terms or narrower language that it did not offer Anthropic as part of its February 2026 negotiations with Anthropic?
  - c. Is the contractual language agreed to with OpenAI as of May 1 the same as the language agreed to as of February 28, 2026?<sup>19</sup>
  - d. How does the contractual language agreed to with xAI in February 2026<sup>20</sup> differ from the contractual language agreed to with the eight companies announced on May 1?
2. How did DoD select which companies to contract with for AI services?
  - a. Specifically, why did DoD decide to partner with Reflection, given that the company has yet to publicly release any AI model?<sup>21</sup>
  - b. What were the specific criteria used to determine that Reflection should be awarded a contract?

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<sup>17</sup> Electronic Frontier Foundation, "'Incidental,' Not Accidental, Collection," <https://www.eff.org/pages/Incidental-collection>.

<sup>18</sup> Congressional Research Service, "Defense Primer: U.S. Policy on Lethal Autonomous Weapon Systems," Kelley M. Saylor, March 26, 2026, <https://www.congress.gov/crs-product/IF11150>.

<sup>19</sup> OpenAI, "Our agreement with the Department of War," February 28, 2026, <https://openai.com/index/our-agreement-with-the-department-of-war/>.

<sup>20</sup> Axios, "Musk's xAI and Pentagon reach deal to use Grok in classified systems," Dave Lawler and Maria Curi, February 23, 2026, <https://www.axios.com/2026/02/23/ai-defense-department-deal-musk-xai-grok>.

<sup>21</sup> The Guardian, "Pentagon inks deals with eight AI companies for classified military work," Guardian staff and agency, May 1, 2026, <https://www.theguardian.com/us-news/2026/may/01/pentagon-us-military-pairs-with-spacex-google-openai>.

- c. Did any DoD official communicate with Donald Trump Jr. or any individuals related to or representing Mr. Trump, Jr. regarding the Reflection award?<sup>22</sup> If so, please describe the nature of and the participants in these discussions.
3. Did DoD begin negotiations with other AI companies besides Anthropic and the eight announced on May 1 in which it was unable to reach an agreement? If so, which companies, and why was DoD unable to reach an agreement?
4. Is DoD currently in or planning to enter negotiations with additional contractors to supply AI services for use in classified systems?
5. What safeguards and guardrails has DoD agreed to in its contracts with these eight companies with respect to domestic mass surveillance and lethal autonomous weapon systems?
6. Regarding DoD's use of fully autonomous weapons:
  - a. Does DoD plan to modify DoD Directive 3000.09,<sup>23</sup> the requirement that "[a]utonomous and semi-autonomous weapon systems will be designed to allow commanders and operators to exercise appropriate levels of human judgment over the use of force"?
    - i. How does DoD currently determine what constitutes an "appropriate level[] of human judgment"?
  - b. Does DoD currently deploy or plan to deploy AI in any military context without human oversight or control?
    - i. If so, what steps will DoD take to ensure that such weapons do not cause civilian harm?
  - c. Does DoD currently use AI tools as part of target selection at any stage? If so, please provide specifics regarding which AI tools are used, and how they are being used.
    - i. What is DoD's process to validate the accuracy of targeting information generated by AI?
7. Regarding DoD's use of AI to conduct mass domestic surveillance:
  - a. Does DoD currently use or have plans to use AI technology to conduct any form of analysis on mass or bulk datasets containing the data of U.S. nationals?
  - b. Does DoD purchase commercially acquired bulk data, such as commercial location data? Does DoD currently use or have plans to use AI technology to analyze commercially acquired data?
  - c. Does DoD currently use or have plans to use AI technology to select targets for surveillance of U.S. nationals?
8. Do DoD's contractual agreements with these eight companies allow for incidental, non-targeted surveillance?
9. How does DoD determine which model or service should be used for a particular use case?


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<sup>22</sup> The Wall Street Journal, "Nvidia-backed AI Startup to Spend Billions on Korea Data Center to Combat China," Amrith Ramkumar, March 17, 2026, <https://www.wsj.com/tech/ai/nvidia-backed-ai-startup-to-spend-billions-on-korea-data-center-to-combat-china-f945a326>.

<sup>23</sup> U.S. Department of Defense, "DoD Directive 3000.09: Autonomy in Weapon Systems," January 25, 2023, <https://www.esd.whs.mil/portals/54/documents/dd/issuances/dodd/300009p.pdf>.

10. What internal testing does DoD perform to compare the accuracy and soundness of models from different providers for a particular use case?

Sincerely,



Elizabeth Warren  
United States Senator