

Congress of the United States
Washington, DC 20510

June 11, 2019

Steve A. Linick
Inspector General
U.S. Department of State
Office of Inspector General
SA-39
1700 North Moore Street
Arlington, VA 22209

Dear Mr. Linick:

We write to express grave concern about reports that a State Department (“the Department”) employee, who formerly lobbied for the defense contractor Raytheon, was forced to resign after participating in recent action by the Trump Administration to use emergency authority in the Arms Export Control Act (AECA) to waive Congressional review of billions of dollars-worth of planned arms sales to Saudi Arabia and the United Arab Emirates (UAE).¹ We request that you immediately launch an investigation into Mr. Faulkner’s conduct at the State Department and the extent of his involvement in the May 24, 2019 emergency declaration.

According to the *Wall Street Journal*, Charles Faulkner, a Deputy Assistant Secretary of State for Legislative Affairs since June 2017, was reportedly forced out of his position on May 10, 2019 “after working on efforts leading to the emergency declaration” to accelerate arms sales to Saudi Arabia and the UAE without the typically required Congressional review.² Mr. Faulkner, whose primary job was managing the State Department’s relationship with Congress, previously worked at BGR Group (“BGR”) where he lobbied for Raytheon,³ which makes precision-guided munitions – so-called “smart bombs” – used by the Saudis and Emiratis in their ongoing military campaign in Yemen.⁴ In addition, BGR was formerly registered with the Justice Department as an agent for the Saudi government until “on or about October 16, 2018.”⁵

¹ Wall Street Journal, “State Dept. Forces Out Official Who Worked on Plan That Led to Ex-Employer’s Arms Deals,” Dion Nissenbaum and Alex Leary, June 5, 2019, <https://www.wsj.com/articles/state-dept-forces-out-official-who-worked-on-plan-that-led-to-ex-employers-arms-deals-11559772745>.

² *Ibid.*

³ ProPublica, Trump Town – Track White House Staff, Cabinet Members and Political Appointees Across the Government, “Charles Faulkner,” <https://projects.propublica.org/trump-town/staffers/charles-faulkner>.

⁴ The Intercept, “U.S. Moves Forward with Multibillion-Dollar ‘Smart Bomb’ Sale to Saudi Arabia and the UAE Despite Civilian Deaths in Yemen,” Alex Emmons, May 11, 2018, <https://theintercept.com/2018/05/11/american-saudi-arabia-weapons-deal-yemen-uae/>.

⁵ BGR Group, Response to Senator Warren Regarding BGR-Saudi Business Relationship, December 3, 2018 [on file with office of Senator Warren].

In addition to the recent emergency declaration, Mr. Faulkner was apparently involved last year in encouraging Secretary of State Pompeo to certify that Saudi Arabia and the UAE were taking “demonstrable actions to reduce the risk of harm to civilians” from their U.S.-armed military operations in Yemen.⁶ Reports indicate that “Mr. Faulkner and the legislative affairs team were the only ones to urge Mr. Pompeo to certify that Saudi Arabia was doing enough” to prevent harm to Yemeni civilians, and said that “failure to do so would jeopardize pending arms sales to the Gulf, which included the stalled Raytheon deals.”⁷

By participating in discussions over whether the Department should use the emergency provisions of AECA to fast track the sale of arms manufactured by Raytheon, Mr. Faulkner may have violated federal ethics law and the Trump Administration ethics pledge. Mr. Faulkner was registered as a lobbyist for Raytheon as recently as 2016.⁸ Federal ethics law requires that individuals recuse themselves from any “particular matter involving specific parties” if “the circumstances would cause a reasonable person with knowledge of the relevant facts to question his impartiality in the matter.”⁹ Similarly, Mr. Faulkner may have violated the Trump Administration ethics pledge, which prohibits government officials, for two years from the date of appointment, from participating in “any particular matter involving specific parties that is directly and substantially related to... former clients,” including “any person for whom the appointee served personally as agent, attorney, or consultant within the 2 years prior to the date of his or her appointment.”¹⁰ Mr. Faulkner joined the Department on June 11, 2017, which would clearly place any actions he took while he was employed at the Department within the covered time.¹¹ Moreover, Mr. Faulkner does not appear to have been granted a waiver from this ethics pledge.¹²

Through Mr. Faulkner’s apparent involvement in government actions aimed at ensuring continued lucrative arms sales to Raytheon, it appears that he violated his ethics pledge by using his official government position to advance policies that would directly and substantially benefit the financial interests of one of his former employer’s major clients. This is a disturbing example

⁶ U.S. Department of State, “Certification to Congress on Actions of Saudi Arabia and UAE in Yemen Under the NDAA,” Press Statement, September 12, 2018, <https://www.state.gov/certification-to-congress-on-actions-of-saudi-arabia-and-uae-in-yemen-under-the-ndaa/>; The Intercept, “State Department Team Led by Former Raytheon Lobbyist Pushed Mike Pompeo to Support Yemen War Because of Arms Sales,” Lee Fang and Alex Emmons, September 21, 2018, <https://theintercept.com/2018/09/21/mike-pompeo-yemen-war-raytheon/>.

⁷ Wall Street Journal, “State Dept. Forces Out Official Who Worked on Plan That Led to Ex-Employer’s Arms Deals,” Dion Nissenbaum and Alex Leary, June 5, 2019, <https://www.wsj.com/articles/state-dept-forces-out-official-who-worked-on-plan-that-led-to-ex-employers-arms-deals-11559772745>.

⁸ BGR Government Affairs, “Lobbying Report,” July 20, 2016, <https://soprweb.senate.gov/index.cfm?event=getFilingDetails&filingID=42F9C29C-8BAC-416C-A25C-FFAF82DD9B99&filingTypeID=60>

⁹ 5 CFR 2635.502.

¹⁰ The White House, “Executive Order: Ethics Commitments by Executive Branch Appointees,” January 28, 2017, <https://www.whitehouse.gov/presidential-actions/executive-order-ethics-commitments-executive-branch-appointees/>.

¹¹ ProPublica, Trump Town – Track White House Staff, Cabinet Members and Political Appointees Across the Government, “Charles Faulkner,” <https://projects.propublica.org/trump-town/staffers/charles-faulkner>.


¹² Wall Street Journal, “State Dept. Forces Out Official Who Worked on Plan That Led to Ex-Employer’s Arms Deals,” Dion Nissenbaum and Alex Leary, June 5, 2019, <https://www.wsj.com/articles/state-dept-forces-out-official-who-worked-on-plan-that-led-to-ex-employers-arms-deals-11559772745>.

of a conflict of interest and blatant government corruption. Government officials should work only for the American people – not their former lobbying firms or their big defense contractor clients.

The departure of Mr. Faulkner from the State Department is good news. However, we have serious questions about how this individual was apparently permitted, despite his ethics pledge, to actively promote policies that would benefit the bottom line of his former client, including his involvement in the Trump Administration's emergency declaration to fast track arms sales without Congressional review. Accordingly, we request that you immediately launch an investigation into Mr. Faulkner's conduct at the State Department, including whether he violated his ethics pledge or any other provision of federal ethics law including 18 U.S.C. 208,¹³ as well as the extent of his involvement in the Trump Administration's May 24, 2019 emergency declaration to avoid Congressional review of arms sales to Saudi Arabia and the UAE.¹⁴

Thank you for your consideration of this request, and we look forward to your response.

Sincerely,



Elizabeth Warren
United States Senator



Ted W. Lieu
Member of Congress

¹³ 18 U.S.C. 208.

¹⁴ NBC News, "Trump bypasses Congress to push through arms sales to Saudis, UAE," Dan De Luce, May 24, 2019, <https://www.nbcnews.com/politics/national-security/trump-bypasses-congress-push-through-arms-sales-saudis-uae-n1010116>; "Determination Under the Arms Export Control Act," Secretary of State Michael R. Pompeo, May 24, 2019 [on file with office of Senator Warren].