

Congress of the United States
Washington, DC 20510

June 12, 2020

Stephen Akard
Acting Inspector General
Office of the Inspector General
U.S. Department of State
SA-39
1700 North Moore Street
Arlington, VA 22209

Dear Acting Inspector General Akard:

We write to reiterate our year-old request for the State Department Inspector General (IG). On June 11, 2019, we wrote to your office urging you to investigate reports that a Department of State (the Department) employee, who formerly lobbied for the defense contractor Raytheon Company, had facilitated the Trump Administration's use of emergency authority in the *Arms Export Control Act* (AECA)¹ to waive Congressional review of billions of dollars-worth of planned arms sales to Saudi Arabia and the United Arab Emirates (UAE).² The apparently unjustified removal of your predecessor, Steve Linick, is currently under a Congressional investigation.³ The reasons for this firing may include the State Department's use of emergency authority to accelerate the arms sales.⁴ Given these circumstances and the lack of any substantive update in the year since our initial request, we believe it is long past time for the Inspector General to determine whether Mr. Faulkner engaged in any illegal or unethical conduct. Based on public reports, Mr. Faulkner is suspected of using his official government position to enrich a client of his former lobbying firm, which if true, is a potential violation of

¹ Arms Export Control Act, 22 U.S.C. §2753.

² 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>.

³ Politico, "Ousted State Department watchdog tells lawmakers he's unaware if Pompeo probes were stopped," Kyle Cheney, June 10, 2020, <https://www.politico.com/news/2020/06/10/steve-linick-mike-pompeo-probes-310568>; CNBC, "Democrats expand probe into State Dept. inspector general's firing, plan interviews with Trump officials," Kevin Breuninger, May 29, 2020, <https://www.cnbc.com/2020/05/29/democrats-expand-probe-into-trump-firing-of-state-dept-ig-linick.html>.

⁴ CNN, "Fired State Department watchdog was conducting 5 probes into potential wrongdoing," Nicole Gouette, Kylie Atwood, Jennifer Hansler and Zachary Cohen, June 10, 2020, <https://www.cnn.com/2020/06/10/politics/linick-congress-transcript-state-dept/index.html>.

applicable ethics laws⁵ and raises doubts about whether he acted solely in the interest of America's national security.

One year ago, we wrote⁶ to your office following reports that Charles Faulkner, then a Deputy Assistant Secretary of State for Legislative Affairs since June 2017, was 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 customary Congressional review.⁷ Mr. Faulkner's role at the time included managing the State Department's relationship with Congress, but prior to his government job he worked at a major lobbying firm. Included among his lobbying clients was the U.S. defense contractor Raytheon, which "has made billions in sales to the Saudi coalition" bombing operations in Yemen.⁸

Mr. Faulkner was reportedly involved in encouraging Secretary of State Michael R. Pompeo to certify that the Saudis and Emiratis were taking meaningful actions to reduce the risk of civilian harm in Yemen.⁹ The absence of such a rosy certification "would jeopardize pending arms sales to the Gulf, which included the stalled Raytheon deals."¹⁰ Mr. Faulkner began at the State Department in June 2017, but was registered as a lobbyist for Raytheon as recently as April 2016.¹¹ Our initial letter raised concerns that his efforts as a State Department official to help fast-track these arms sales benefiting Raytheon represented potential violations of federal ethics law and the Trump Administration ethics pledge. Federal ethics law requires that a government official like Mr. Faulkner recuse himself from any matter involving specific parties if his involvement would cause a reasonable person to question his impartiality.¹² Similarly, the Trump Administration ethics pledge prohibited him from participating in "any particular matter involving specific parties that is directly and substantially related [...] former clients," including "any person for whom [he] served personally as agent, attorney, or consultant within the 2 years

⁵ 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/>; 5 CFR § 2635.02.

⁶ Senator Elizabeth Warren, <https://www.warren.senate.gov/oversight/letters/warren-lieu-call-for-investigation-into-state-dept-officials-efforts-to-fast-track-saudi-arms-deal-benefitting-former-client-raytheon>; Congressman Ted Lieu, "Rep Lieu and Sen Warren Call for Investigation into Former Lobbyist's Role in Saudi Arms Sales Deal," June 12, 2019, <https://lieu.house.gov/media-center/press-releases/rep-lieu-and-sen-warren-call-investigation-former-lobbyists-role-saudi>.

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 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>; <https://www.nytimes.com/2020/05/16/us/arms-deals-raytheon-yemen.html>.

⁹ 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>.

¹⁰ *Id.*

¹¹ BGR Government Affairs, "Lobbying Report," April 20, 2016, <https://disclosurespreview.house.gov/ld/ldxmlrelease/2016/Q1/300800249.xml>

¹² 5 CFR § 2635.02.

prior” to his appointment.¹³ Therefore, our June 2019 letter found, based on public reports, that Mr. Faulkner’s actions appeared to have occurred while he was employed at the Department within the time covered by the ethics pledge.

To our knowledge, there has been no unclassified publication or transmission – public or private – in writing to us regarding whether the State Department IG is investigating Mr. Faulkner’s alleged unethical conduct, despite one year having passed since our letter to your office requesting an investigation into the matter. A former lobbyist whose firm counted a major U.S. defense contractor as a client may have tried to use his State Department position to fast-track lucrative arms sales to benefit that client. If true, this is corruption and it should not escape a thorough investigation. If these circumstances do not merit such a probe, we should receive a detailed explanation.

While we understand that investigations can take time, resources are finite, and a sudden and controversial change in leadership can be disruptive to an organization, we find it unacceptable that one year has passed without any substantive response to our initial request for a State Department Inspector General inquiry into Charles Faulkner’s efforts to rush through arms sales to Saudi Arabia and the UAE that could benefit his former lobbying firm’s client. Recent reports suggest that Secretary Pompeo “pushed State Department officials to find an after-the-fact justification for [the] emergency declaration”¹⁴ to evade Congressional scrutiny of these arms sales, which were the subject of an investigation by former Inspector General Linick before President Trump gave notice of his dismissal.¹⁵ Therefore, we request a written update on the status of our request for your office to investigate the ethically questionable conduct of then-State Department employee Charles Faulkner in last year’s Trump Administration decision to use the AECA’s emergency powers to fast-track arms sales to two Gulf countries.

Thank you for your attention to this matter.

Sincerely,

_____/s/
Elizabeth Warren
United States Senator

_____/s/
Ted Lieu
Member of Congress

¹³ 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/>.

¹⁴ Politico, “How John Brennan and Mike Pompeo Left the U.S. Blind to Saudi Problems,” Douglas London, May 31, 2020, <https://www.politico.com/news/magazine/2020/05/31/intelligence-saudi-arabia-290162>.

¹⁵ Politico, “Trump ousts State Department watchdog,” Meredith McGraw and Nahal Toosi, May 15, 2020, <https://www.politico.com/news/2020/05/15/state-department-inspector-general-fired-261536>.