

WHY DID THE TRUMP ADMINISTRATION FIRE THE STATE DEPARTMENT INSPECTOR GENERAL?

HEARING

BEFORE THE

COMMITTEE ON FOREIGN AFFAIRS

HOUSE OF REPRESENTATIVES

ONE HUNDRED SIXTEENTH CONGRESS

SECOND SESSION

September 16, 2020

Serial No. 116-117

Printed for the use of the Committee on Foreign Affairs



Available: <http://www.foreignaffairs.house.gov/>, <http://docs.house.gov/>,
or <http://www.govinfo.gov>

U.S. GOVERNMENT PUBLISHING OFFICE

43-319PDF

WASHINGTON : 2021

COMMITTEE ON FOREIGN AFFAIRS

ELIOT L. ENGEL, New York, *Chairman*

BRAD SHERMAN, California	MICHAEL T. McCAUL, Texas, <i>Ranking Member</i>
GREGORY W. MEEKS, New York	CHRISTOPHER H. SMITH, New Jersey
ALBIO SIRES, New Jersey	STEVE CHABOT, Ohio
GERALD E. CONNOLLY, Virginia	JOE WILSON, South Carolina
THEODORE E. DEUTCH, Florida	SCOTT PERRY, Pennsylvania
KAREN BASS, California	TED S. YOHO, Florida
WILLIAM KEATING, Massachusetts	ADAM KINZINGER, Illinois
DAVID CICILLINE, Rhode Island	LEE ZELDIN, New York
AMI BERA, California	JIM SENSENBRENNER, Wisconsin
JOAQUIN CASTRO, Texas	ANN WAGNER, Missouri
DINA TITUS, Nevada	BRIAN MAST, Florida
ADRIANO ESPAILLAT, New York	FRANCIS ROONEY, Florida
TED LIEU, California	BRIAN FITZPATRICK, Pennsylvania
SUSAN WILD, Pennsylvania	JOHN CURTIS, Utah
DEAN PHILLIPS, Minnesota	KEN BUCK, Colorado
ILHAN OMAR, Minnesota	RON WRIGHT, Texas
COLIN ALLRED, Texas	GUY RESCHENTHALER, Pennsylvania
ANDY LEVIN, Michigan	TIM BURCHETT, Tennessee
ABIGAIL SPANBERGER, Virginia	GREG PENCE, Indiana
CHRISSEY HOULAHAN, Pennsylvania	STEVE WATKINS, Kansas
TOM MALINOWSKI, New Jersey	MIKE GUEST, Mississippi
DAVID TRONE, Maryland	
JIM COSTA, California	
JUAN VARGAS, California	
VICENTE GONZALEZ, Texas	

JASON STEINBAUM, *Staff Director*

BRENDAN SHIELDS, *Republican Staff Director*

CONTENTS

	Page
WITNESSES	
Bulatao, Hon. Brian, Under Secretary for Management, United States Department of State	16
String, Mr. Marik, Acting Legal Advisor, United States Department of State ..	30
Cooper, Mr. R. Clarke, Assistant Secretary of State for Political-Military Affairs, United States Department of State	35
APPENDIX	
Hearing Notice	88
Hearing Minutes	89
Hearing Attendance	90
STATEMENTS SUBMITTED FOR THE RECORD	
Statement submitted for the record from Representative Connolly	91
RESPONSES TO QUESTIONS SUBMITTED FOR THE RECORD	
Responses to questions submitted for the record	93

WHY DID THE TRUMP ADMINISTRATION FIRE THE STATE DEPARTMENT INSPECTOR GENERAL?

Wednesday, September 16, 2020

HOUSE OF REPRESENTATIVES
COMMITTEE ON FOREIGN AFFAIRS
Washington, DC.

The committee met, pursuant to notice, at 10:12 a.m., in room 2172 Rayburn House Office Building, Hon. Eliot Engel (chairman of the committee) presiding.

Chairman ENGEL. The Committee on Foreign Affairs will come to order.

Without objection, the Chair is authorized to declare a recess of the committee at any point, and all Members will have 5 days to submit statements, extraneous material, and questions for the record, subject to the length limitations in the rules.

To insert something into the record, please have your staff email to the previously circulated address or contact full committee staff.

As a reminder to Members, staff, and others physically present in this room, the guidance from the Office of Attending Physician, masks must be worn at all times during today's proceedings, except when a Member or witness is speaking. Please also sanitize your seating area. The Chair views these measures as a safety issue and, therefore, an important matter of order and decorum for this proceeding.

For members participating remotely, please keep your video function on at all times, even when you are not recognized by the Chair. Members are responsible for muting and unmuting themselves. And please remember to mute yourself after you finish speaking. Consistent with House Resolution 965 and the accompanying regulations, staff will only mute Members and witnesses as appropriate, when they are not under recognition, to eliminate background noise.

I see that we have a quorum. And I now recognize myself for opening remarks.

Let me welcome our witnesses. As I have let the Ranking Member know, I will be going considerably longer than the customary 5 minutes for my statement this morning and, of course, I will yield to Mr. McCaul for the same amount of time I consume. But we do have a lot to go over before we hear from our witnesses.

On the evening of May 15th, a Friday, the President notified Speaker Pelosi that he was removing the State Department Inspector General Steve Linick. The law requires 30 days notice to fire an IG, so Mr. Linick's last day was technically June 14th. The President and the Secretary, however, violated the spirit of the law

by immediately placing Mr. Linick on leave, and locking him out of both his office and his email.

In the days that followed, both the President and Secretary Pompeo made clear that the firing came at Mr. Pompeo's urging.

I predict that today we may hear the refrain repeated that the President has the power to fire an inspector general whenever he wants to, so long as he provides the reason for the firing to Congress. No one is doubting that. I do not think in the last 4 months I have heard anyone say otherwise. The President has that power.

But we have seen again and again in the last 4 years, the President shows very little reluctance to abuse his power. And, in May when Mr. Linick was removed, the President had been on a firing spree of inspectors general, the executive branch's independent watchdogs who help provide accountability and transparency in our government.

With that in mind, and in view of information provided to the committee that Mr. Linick's firing may have been retaliatory in nature—again something that would represent an abuse of power—the committee launched an investigation into Mr. Linick's removal, along with the Committee on Oversight and Reform, and the Senate Foreign Relations Committee Minority Office. While the State Department has refused to date to produce any of the records we requested related to the firing, witnesses have come forward and given us a lot of good detail and context. Reports in the press have shed even more light on this matter.

Now, here is what we know.

Mr. Linick's firing was not a spur-of-the-moment decision. While Mr. Linick was told on May 15th that he was being pushed out, his temporary replacement Ambassador Steve Akard had already been lined up for a month or more. In his affidavit to the committee, Mr. Akard said that Mr. Bulatao contacted him either on April 9th or April 15th saying that Mr. Linick's ouster was imminent, and asking him if he would assume the IG's responsibilities on an acting basis.

Over the next few weeks, Mr. Bulatao and Mr. Akard spoke several more times, including on May 14th and May 16th that Mr. Linick's removal was going forward.

We know that at the time Mr. Linick was fired his office was conducting two investigations involving Secretary Pompeo's conduct. The first probe dealt with allegations that the Secretary and his wife misused government resources for their own personal benefit.

According to Mr. Linick's testimony, his team began reaching out to the Office of the Secretary requesting documents in late 2019. Mr. Linick stated that about the same time he spoke to Mr. Bulatao, among other senior officials, to let them know he was seeking information. In his words, his aim was "not to surprise the 7th floor," meaning the Department's liaison with news of this probe.

Mr. Linick said that his office had contacted State Department Executive Secretary Lisa Kenna about this matter as well. Indeed, Ms. Kenna, in her interview with the committee, testified that in March of this year the OIG requested documents related to the Pompeo's travel. Like Mr. Linick, Ms. Kenna discussed the matter

with senior Department officials, again among them Mr. Bulatao, and also Mr. String.

Ms. Kenna also stated that “every time there is an invitation to Mrs. Pompeo that involves travel I get it to the Under Secretary for Management, and he makes the determination.” The Under Secretary of Management being Mr. Bulatao.

Ms. Kenna authorized the search for these documents, but Mr. Linick was fired before they were turned over to the OIG. According to Ms. Kenna, the documents were only sent to the OIG after Ambassador Akard had taken over the IG’s office. We presume the OIG’s work on this matter was ongoing, so we do not know all the details. Press reports have also alleged that Secretary and Mrs. Pompeo used government employees to handle personal errands.

Ms. Toni Porter, an advisor to the Secretary, told us in an interview that the Secretary and Mrs. Pompeo, who is not a State Department employee, often had Ms. Porter work on matters of special interest to the Secretary, which apparently included making dinner reservations and helping with the Pompeo’s personal Christmas cards.

According to the press earlier this week, exposed email traffic involving Mrs. Pompeo, Ms. Porter, and Ms. Kenna, indicating that Mrs. Pompeo and Ms. Kenna both understood an assignment to Ms. Porter to be of a personal nature that worked to keep a tight circle of government employees who worked on these matters. The committee has learned that there has been a large number of complaints to the OIG about the way the Secretary and Mrs. Pompeo were misusing Department resources for non-official matters.

This alleged misuse of resources is not just for personal errands, it seems to be focused on the Pompeo’s political future. Specifically, there is the question of the so-called Madison Dinners, a series of dinners the Pompeo’s have hosted in the State Department’s ornate 8th floor.

Ms. Porter testified that the Pompeos conceived of the dinners as a way to “expand the understanding of State Department work.” The only problem with that explanation is that aside from the extensive planning that goes into these dinners, barely anyone from the State Department attends them.

In fact, the Secretary is the only Department official who attends the closed door dinners: no senior diplomats, no regional experts, none of the people who on a day to day basis carry out State Department work, just the Secretary, a token foreign dignitary—a requirement in the State Department to pay for the dinners—and a dozen or so guests hand-picked by the Pompeos, nearly all Republican officials or people tied somehow to right wing politics, money, or media.

Ms. Porter’s testimony suggests that the foreign dignitary was a box-checking exercise; that the Protocol Office would sometimes swap out one dignitary for another while the Pompeos kept a tight grip on the political side of the guest list.

Ms. Porter also stated that since the Pompeos began hosting these dinners they have built a data base to keep track of all the people they invited, who has attended, email addresses, mailing addresses. Ms. Porter, whose first work for the Pompeos goes back

decades, and involves planning the Congressman's fundraisers, calls it a management tool.

While it is understandable that the State Department protocol team keep track of who was invited to official events, Mrs. Pompeo also had that list sent to her private email address, according to Ms. Porter. Suddenly a normal assistant saw something more like a political contact tool.

These dinners were reportedly paid for out of the State Department's so-called K Fund, which can be used for "confidential requirements in the conduct of foreign affairs, as well as other authorized activities that further the realization of U.S. foreign policy objectives." This fund is overseen by Under Secretary Bulatao.

I asked my staff to review the most recent unclassified reports to Congress on this fund, which was sent in a package with classified material, and are held in the SCIF. That raised an eyebrow or two among people who understand State Department budgets. The Pompeos have reportedly hosted about 20 of these dinners. And after a hiatus brought on by the COVID pandemic, the dinners restarted in earnest on Monday, with three more reportedly scheduled in the next few weeks.

The second probe dealt with the Department's May 2019 use of an emergency provision of the Arms Export Control Act to push through more than \$8 billion in arms sales to Gulf countries. The OIG finished its work on the matter and released its report last month.

There is a lot to unpack here, and it is important that we lay it all out.

In March 2015, a Saudi-led coalition launched an intervention in the civil war in Yemen aimed at countering the Iranian-backed Houthi forces that had seized control of Yemen's capital. The Obama Administration initially supported this effort through arms sales and logistical support. Our partners in the Gulf face very real security challenges that threaten freedom of navigation and U.S. troops stationed in the Middle East.

Over time, however, it became increasingly clear that the Saudis were acting recklessly in the way they were carrying out that campaign with U.S. weapons. Civilian casualties mounted. A humanitarian crisis began burning out of control. The Obama Administration pushed pause on the sale of American weapons to the Saudis and their partners.

When President Trump took office, it was an early priority of his Administration to get the flow of weapons going again. The concerns about civilian casualties had not gone away. And lawmakers on both sides of the aisle, myself included, began putting holds on sales of the most lethal weapons used in this war, most notably, a sale notified in April 2018 for 120,000 Paveway precision-guided munitions, sometimes called smart bombs.

Congress also passed legislation requiring the certification from the Administration that the Saudis were taking adequate steps to reduce civilian casualties.

On August 9th, 2018, the Saudi-led coalition blew up a school bus, killing more than 25 children and injuring scores more. Just over a month later, in spite of this, Secretary Pompeo certified to Congress that the Saudi and Emirati Governments were "under-

taking demonstrable actions to reduce the risk of harm to civilians.”

Congress did not buy it, and the holds on these weapons sales remained in place for nearly 9 more months while the carnage went on unabated in Yemen.

Mr. Charles Faulkner, who until last summer was an official in the State Department Legislative Affairs Bureau, told us in his interview that Congress’ concerns about civilian casualties were legitimate. In fact, he said that many State Department officials shared those same concerns.

How could you not? We have seen all the images: collapsed buildings, twisted metal, mangled bodies, starving children. We, in Congress, challenged the Administration to provide assurances that U.S. weapons would not be used to kill civilians or destroy civilian infrastructure. But Secretary Pompeo wanted a different way forward. After all, as Mr. Faulkner tells us, moving ahead with lots of weapons sales was a major priority for the White House.

For Mr. Pompeo, the logjam in Congress had to be broken. In April 2019, Mr. String told Mr. Faulkner that he had found a way to do it: tell the world the sky was falling.

Under the Arms Export Control Act an administration can bypass the normal congressional approval process by declaring an emergency. Mr. Faulkner testified that he was worried about what impact such an action would have on the Department’s relation to Capitol Hill. After all, Senator Menendez’s and my concerns about civilian casualties had not diminished. Nevertheless, on May 24th, 2019, the State Department notified Congress that the Administration was declaring an emergency and, therefore, moving forward with 22 arms sales, packages mostly for Saudi Arabia and the UAE.

As I noted earlier, no one doubts the emergency provision exists in the law and that the executive branch has the power to invoke that authority. To my knowledge, no one has suggested otherwise, despite some of the spin you have heard from the State Department. But the question since last May has been: “Did Secretary Pompeo abuse that power when he declared an emergency? Was the emergency phony? Was it a mere pretext to circumvent congressional oversight?”

Those questions are why Members of this committee asked Mr. Linick in June of last year to look into that decision. The findings of that probe are eye-opening.

The OIG found, consistent with what I just said, that the emergency declaration did not violate the letter of the law. That is because Congress did not define the term “emergency,” leaving it up to a normal administration’s common sense. But the OIG also stated explicitly that it did not assess whether there was a real emergency underlying that declaration. Frankly, they did not need to make that assessment; the facts speak for themselves.

The unclassified portion of the report lays out a time line for the emergency declaration that aligns with Mr. Faulkner’s testimony. Namely, that it took nearly 2 months, from April 3d until May 24th, 2019, for the emergency declaration to make its way through the State Department—7 weeks, far longer than the 30-day con-

gressional review period under the normal notification process codified in the law.

The report also tells us, underneath redactions, that the Department insisted the OIG slap on top of the version released to the public that Mr. Pompeo determined on May 4th that he wanted to send the emergency notification to Congress no later than May 24th. An emergency that you can plan for 7 weeks in advance isn't an emergency, as far as I am concerned, especially when the regular congressional review process would have taken less time.

I have to note that Mr. Cooper testified before this committee last year that the emergency that required this extraordinary action arose between May 21st, 2019, when Mr. Pompeo briefed Congress, and May 24th, 2019, when the declaration was transmitted to us. That testimony was false.

The report also indicates that most of the arms packages have not been delivered yet, and likely will not be during this calendar year. Again, what kind of wartime emergency can be addressed with weapons that arrive 2 years later? And the answer, obviously, is none.

There was no emergency. Ranking Member McCaul and I offered an amendment to last year's NDAA that would have better defined the word "emergency." But in my view, the nonsense that the Department pulled to get around Congress is a secondary question.

Yes, I believe it was an abuse of power and an affront to our system of checks and balances. I believe the Department made false representations to this committee. But what is this really about?

Many of us here in Congress saw the situation on the ground in Yemen and said, Enough. We thought that before we shipped instruments of death overseas, adequate precaution should be in place to ensure that those instruments would not be used to blow up school buses or funeral processions. We did not want the United States to be party to the slaughter of innocents.

But Mike Pompeo's State Department did not see it that way. His view is summed up in this sentence from the OIG's report, and I quote: "OIG found the Department did not fully assess risks and implement mitigation measures to reduce civilian casualties and legal concerns associated with the transfer of PGMs included in the Secretary's May 2019 emergency certification."

Didn't assess the risk; did not try to reduce civilian casualties; did not deal with legal concerns. This isn't describing the Saudis or Emiratis, it is describing our own State Department under the Trump Administration, under Mike Pompeo.

Now, think about that funding in the broader context I have just laid out and ask yourself why did not they do those things? Was it an oversight? In the mad rush to get weapons out the door after Mr. Pompeo made that emergency declaration did those questions just fall by the wayside?

Of course, the answer is of course not. The emergency was declared specifically so that the State Department could avoid answering those questions. And how do we know that? Because those are the precise questions Congress was already asking. That is why we held up the arms sales. What are the risks? What are we doing to reduce civilian deaths?

This is a deeply damning report. Now that we have seen it, the findings of our own investigation into the IG's firing make more sense, namely, that State Department officials have been trying for months to suppress the findings.

In his testimony, Mr. Linick said that Mr. Bulatao and Mr. String attempted to bully him by saying that the OIG should not be looking into this matter, that it was a policy decision outside the OIG's purview. Of course, it is entirely legitimate for an IG to examine policy implementation. Again from Mr. Linick's testimony, Mr. Bulatao seemed not to understand the role of an independent IG.

It is also quite noteworthy that Secretary Pompeo refused to be interviewed for the OIG's review. Mr. Linick stated last year he approached Mr. Bulatao, Mr. String, and Deputy Secretary Biegun about scheduling the interview. The Secretary's team suggested that Mr. Linick conduct the interview personally. Mr. Linick told Mr. String that he was amenable to the idea, so long as one other member of the OIG staff could be present as a witness. The Secretary's team apparently ignored that request and, instead, Mr. Pompeo was never interviewed by Mr. Linick. Instead, Mr. Pompeo provided the OIG with a written statement that it had never requested.

When the pandemic hit in March and the OIG was wrapping up its work on this matter, Mr. Linick considered the issue unresolved and hoped to find some time in the future to discuss this interview with the Secretary, which he continued to discuss with Mr. String. But, before he and Mr. String reached an accommodation, Mr. Linick was fired. Everything Mr. Linick said suggested that he considered an interview with Mr. Pompeo to be an important piece of unfinished business.

Mr. Linick's temporary replacement, Mr. Akard, learned quickly that Secretary Pompeo was particularly interested in this report. According to Mr. Akard's affidavit during his first 2 weeks on the job, both Deputy Secretary Biegun and Mr. Bulatao called him expressing Mr. Pompeo's curiosity about when the OIG's work on arms sales would be done.

Mr. Akard recused himself from that process and from the probe into the misuse of resources. That was sensible, as Mr. Akard had deep conflicts of interest in addition to service as Acting Inspector General. He retained his role in the State Department as the director of the Office of Foreign Missions in which he reported both to Mr. Bulatao and Secretary Pompeo. It is easy to see how this would affect his work.

If Mr. Akard began an investigation into a matter the Secretary did not want reviewed, Mr. Akard's career in the State Department could potentially suffer.

The roll-out of this report a little more than a month ago is also now shrouded in controversy. Even before the OIG released the report, there was a background briefing to press on the report's findings. But it was not the OIG that held this briefing, it was the Bureau of Political-Military Affairs, specifically Mr. Cooper, under the guise of a "senior State Department official." They stole a page right out of Attorney General Bill Barr's playbook: the report was not yet public, the press did not have copies, neither did Congress.

Nevertheless, Mr. Cooper, who was not an author of the report but was himself interviewed as a fact witness in the probe, tried to spin the media with his most favorable interpretation of events. The State Department tried to take an early victory lap because the OIG found that they did not technically break the law. It is all reminiscent of Attorney General Barr going out and saying the Mueller Report exonerated the President.

The next day the unclassified version of the report was released to the public with a number of key redactions. The public version of the report hid the time line that undercuts the Department's claim of an emergency. In the public version, the time line only runs from May 21st, when Mr. Pompeo briefed Congress, to May 24th, when the emergency certification was sent to Congress. Hidden are the other dates stretching back to early April when the emergency authority was first considered. Other redactions hid the fact that few of the weapons at the time of the OIG's review had been delivered.

The OIG has since provided us the memoranda showing that it was Mr. Cooper himself who demanded those redactions, working in consultation with Mr. Joshua Dorosin, the deputy in Mr. String's office. To reiterate, Mr. Cooper, Mr. Dorosin, and Mr. String were all interviewed by OIG as witnesses in this matter. In fact, Mr. Dorosin was sent by the Department early in this investigation and tried to convince my office not to push the documents or witnesses in this matter without disclosing that he was a witness himself.

The fact that none of them recused themselves from dealing with the OIG report before it was released is baffling, a glaring lapse.

And, finally, on the arms sales matter we have the question of the classified annex. A considerable chunk of the OIG's findings and recommendations are hidden in the classified section, and about 40 percent of that section is also hidden under redactions, and not even Members of Congress are permitted to see behind.

And, again, Mr. Cooper decided the members of this coequal branch of government, that this committee which authorizes and oversees the State Department, should not have access to the OIG's findings. It boggles the mind.

So, to recap, we have two OIG investigations that are potentially embarrassing to Mr. Pompeo. In March 2019 both of these probes are ramping up, getting closer and closer to the Secretary and his top advisors.

Then in April, Mr. Bulatao tells Mr. Akard that Steve Linick's days as IG are numbered.

After a few weeks of back and forth with the White House, Mr. Linick is out.

In the aftermath, Mr. Pompeo pushes Mr. Linick's replacement to find out when the arms sales report is going to be ready. And when Ms. Porter is contacted by the IG to sit for an interview dealing with misuse of resources, Mr. Bulatao assures her that there is no need to rush to get it on the calendar.

Now, Secretary Pompeo, in Mr. Bulatao's version of why Mr. Linick was fired, centers on how The Daily Beast obtained information about a draft OIG report dealing with the legal personal practices by Brian Hook, another high-ranking State Department political appointee. After the article ran, senior Department leadership

wanted an investigation into the leak, including the possibility that the draft report leaked from the OIG.

I have to note here the reporting in the press was all accurate. The IG did find that Mr. Hook engaged in prohibited personal practices, discriminating against a career employee. He was not disciplined by Secretary Pompeo or Under Secretary for Management Bulatao. He is still at the Department despite press reports indicating that he was leaving.

Mr. Bulatao has claimed that Mr. Linick did not do what he promised, which is, namely, to chase down the leak. Mr. Linick's testimony directly contradicts that in precise detail.

Mr. Bulatao has pointed to the fact that Mr. Linick did not turn over the complete findings of the leak investigation, findings that cleared Mr. Linick and his office. Mr. Linick addressed that as well, saying he was concerned that members of the OIG staff named in the report could face retaliation.

Well, guess what? As soon as the State Department finally got hold of that report they leaked it to The Daily Caller, names and all. Mr. Linick was no dummy.

We will get into more of that later. But, Mr. Bulatao, I consider the version of events you laid out in your June 1st letter to be misleading at best, and urge you to think long and hard if you are considering repeating those claims here on the record. It ultimately will be up to the American people to decide which version of events is more credible.

Did Mr. Pompeo fire his agency's independent watchdog because of the way he handled his investigation into unproven allegations of a leak in the OIG? Or did Mr. Pompeo fire him because he was getting closer and closer to matters that were embarrassing to Mr. Pompeo and his family, matters that implicated the State Department in a scheme to bypass Congress and sell lethal weapons that might be used for war crimes?

To me, the IG's firing fits into something much bigger: everything we are looking at—the arms sales; the misuse of resources; firing of the IG, followed by the effort to smear him; the excruciating process of getting the State Department to cooperate with the investigation, with this investigation; and the constantly shifting conditions and snide letters explaining to Congress how we should conduct oversight; the ad hominem attacks on myself and my staff; the lies.

Mr. Bulatao, we did not hear from you for 4 months. You would not take yes for an answer. At first you wanted to brief us. Well, this is an investigation, not a policy concern. We needed information in a formal setting on the record.

Then we had you scheduled to be here in July. Deputy Biegun called me the last minute, despite the Department's claims that I refused to speak to him, imploring me to postpone the hearing, which I did. When we tried to reschedule, you moved the goal posts, laying out a laundry list of new conditions. We had to drop requests for all the other witnesses. We had to have a joint hearing with the Oversight Committee. We could only hear from you for 2 hours.

What this is all about is that you and Secretary Pompeo apparently think you should be able to do whatever you want and not

face accountability or scrutiny of any kind. Congress is blocking weapons sales: find a way around.

The IG is looking at how the Secretary spends taxpayers' money: fire him.

The report shows that we made up a phony emergency and did not do our due diligence to prevent civilians from being killed: cover it up, spin it, hide it in the classified annex, redact, redact, redact.

The Foreign Affairs Committee is investigating: blow them off, cancel their briefings, call them names, tell them we know better.

And you pat yourself on the back when it is determined that you technically followed the process laid out in law. More Yemeni children may die, but your scheme to make an end-run around Congress was not illegal strictly speaking. Congratulations.

There is at the highest levels of the State Department a fundamental misunderstanding, as far as I am concerned, of the way our government is supposed to work, of the way public service is supposed to work. It explains why Mr. Pompeo is potentially facing contempt in this body in which he used to serve. I still hope we will find a way to avoid that, but we will have to see what happens.

I appreciate everyone's indulgence. These are complicated matters, and it is important that our Members and those watching understand the whole timeline. We have a lot more to cover.

I will soon recognize our witnesses for 5 minutes each for an opening statement, pending which I will yield to our Ranking Member Mr. McCaul for as much time as he would like to use.

Mr. McCAUL. Thank you, Mr. Chairman. And thank you, Under Secretary Bulatao, and Assistant Secretary Cooper, Advisor String for your presence.

Before addressing the substance of today's hearing I would be remiss if I did not take this opportunity with senior State Department officials here today to acknowledge that yesterday, for the first time in 25 years, Israel established diplomatic relations with two Arab countries. I had the honor to be in attendance yesterday at the White House when these historic Abraham Accords were signed.

In my opinion, this is a game changer for the Middle East. It is a bad day for Iran. And it would not have occurred but for the extensive diplomatic engagement of this Administration.

So, congratulations for this historic accomplishment.

The news of Inspector General Linick's firing did come as a surprise. Inspector generals are an essential tool in helping Congress execute its constitutional oversight of the executive branch. And any time one is terminated, it naturally will raise some questions. However, inspector generals, like other officers in the executive branch, as the chairman stated, do serve at the pleasure of the president.

I also want to emphasize that the Inspector General has a team, and their investigative work continues even after removal. And while I believe the President complied with both the law and with precedent from previous administrations in his termination of Mr. Linick, some questions surrounding his removal remain, and thus why we are having the hearing today.

I am pleased, though, that all three of you are here to shed more light to the public on the President's decision. And I do think it will be revealing, and I think we will understand it better.

And it is important to note that this is not the first action Congress has taken regarding this matter. Over the course of this year the committee has conducted multiple interviews with current and former State Department personnel, spoken to Acting Inspector General, and conducted an interview with Mr. Linick himself. My hope is with today's hearing that these key witnesses can answer any outstanding questions so we can put this matter behind us and turn our attention to the pressing matters that we have before us prior to the end of this Congress.

I want to thank the witnesses for their service to the State Department, and to the Nation, and to its employees around the world. And I will say for the members' benefit there will be a classified briefing after this hearing. And just given the information I have received, I believe it will be very insightful to the members, insightful for the reasons that were taken by the President in firing Mr. Linick, especially as it pertains to national security.

And with that, Mr. Chairman, I yield back.

Chairman ENGEL. Pursuant to notice, the committee is convened today to hear testimony on why the President fired the Inspector General. Our witnesses this morning are the Honorable Brian Bulatao—sorry if I have mispronounced your name—Under Secretary of State for Management; Mr. Marik String, the Acting State Department Legal Advisor; and the Honorable R. Clarke Cooper, Assistant Secretary of State for Political-Military Affairs.

As a matter of custom on this committee, we do not swear in witnesses, but obviously you are all required by law to answer questions from Congress truthfully.

Without objection, your complete written testimony will be made part of the record of this hearing. And I recognize you for 5 minutes each to summarize your testimony.

Mr. Bulatao, we will begin with you.

STATEMENT OF HON. BRIAN BULATAO, UNDER SECRETARY FOR MANAGEMENT, UNITED STATES DEPARTMENT OF STATE

Mr. BULATAO. Mr. Chairman, Ranking Member McCaul, and distinguished members of the committee, I appear here today on a matter of great importance and great interest to both the committee and to the Department of State, and that is the critical role Inspector Generals have in reviewing and promoting the efficiency and the effectiveness of the operations of the executive branch, particularly the Department of State.

With your approval, I would like to submit a written statement for the record. I will try and keep my remarks as brief as possible.

Let me start by saying I have had the privilege of working with many Inspector Generals over the last 30-plus years, starting with my service as an infantry officer in the United States Army; continuing in my role as the chief operating officer of the Central Intelligence Agency; and currently now in my capacity as the Under Secretary of State for Management.

Through these experiences I have gained firsthand appreciation for the critical role that IGs play in the executive branch. An effec-

tive IG illuminates. They shine the light on the areas that we need to improve, preventing and detecting waste, fraud, and abuse, so that we can collectively achieve outstanding results. We rely on the role of the IG to serve as a catalyst for effective management and internal controls, especially given the scope and our operations in every part of the globe.

Unfortunately, Steve Linick did not fulfill this role. His failures were substantial and numerous, and fell into three broad categories:

Failure to execute on the core mission of the IG; failure to take care of the IG team; and failure to lead with integrity.

Let me expand upon each of those. Let me talk about failure to execute on the core IG mission. If you go to the State IG website you will see what their mission is. That is to conduct independent audits, inspections, and investigations.

First, Mr. Linick failed to complete the Fiscal Year 2019 annual audit of the State Department financial statements in a timely manner, as required by laws passed by Congress. The agency financial reports are a key accountability document and principal report to the President, the Congress, and to the American people to disclose our financial status regarding the assets and resources that you have entrusted to us.

If we fail to get the audit right, I am not sure how effective we can be in identifying waste, fraud, and abuse. And many of you that have been in the private sector know that if we do not get audits right, then we have a big red flag going on.

Second, why did we miss our critical deadline? The IG, Mr. Linick, failed to select a capable independent auditor in the spring of 2019. The one selected by IG Linick's Technical Evaluation Panel lacked the experience and the skill to complete the audit so the Department had no choice but to remove the lead auditor and restart the annual audit.

By the way, there was a very real risk that we would have no opinion done by the time it was over.

Third, why were we in the position of selecting a new auditor? The independent auditor from the previous year, that was directly supervised by the IG, had to be replaced due to a critical and deeply disturbing failure, which requires a classified setting to more fully explain.

The investigative report that dealt with this failing in August 2017 noted the following, and I quote: "oversight by the OIG was demonstrably ineffective . . . ultimately placing the Department's information as well as its reputation, human capital, and operations at a considerable unnecessary risk."

So, just on this core of conducting independent audits we had demonstrable ineffectiveness for oversight, we have had a failure to select a qualified auditor, and we failed to get our audit turned in in a timely manner. One out of 100-plus agencies that turn in their financials to OMB.

Let's look at the second core IG mission, inspections.

The total number of IG inspections at our overseas posts decreased by approximately 10 percent year over year for the 12 months ended March 2019. This is all pre-COVID.

Let's look at the third core IG mission, investigations.

The total number of preliminary inquiries closed declined—by the way, closed means we have opened it, the IG is reviewing it, and then they have been able to close it—the total number of preliminary inquiries closed declined by 27 percent year over year ending March 2020. So, again, not pre-COVID.

There are some significant performance issues.

Let me move to the second broad category that I mentioned, failure to take care of the IG team.

First, there were some major red flags in the OIG Department's 2019 annual employee viewpoint survey, known as the FEVS survey. The Secretary had made a big push to increase our response rate. And we doubled the total number of responses to that survey from 2017. I think we had the highest percent response rate in many, many years. Over half of our 38 assistant Secretary-led bureaus improved or maintained in all three major index categories year over year.

Let me make sure you understand what those three index categories are. That is employment engagement, that is employee satisfaction, and that is diversity inclusion. So, over half of our 38 improved in all three of those categories. Many improved in at least two of those categories, or one.

There was one out of our 38 bureaus led by an assistant Secretary for the same time period year over year, that declined in all three of those categories. That was the Office of OIG.

What is more concerning to me is when I focus in on the satisfaction index, which let me tell you what that really means. This is the willingness, it measures the willingness to recommend the organization as a good place to work. The IG's Office experienced double-digit decline since 2016. We got a problem, and it starts with leadership.

Second, this failure in leadership resulted in year-long key vacancies, including the deputy IG, the general counsel. And it does not surprise me now, seeing what the results of the FEVS survey were, that such a negative trend and folks' willingness to recommend the IG as a good place to work, no surprise that it took a long time to try and fill that No. 2 position and why it stayed vacant for 12 months.

Third, the OIG failed to provide status on training on the fundamental values of diversity and inclusion. It is our one-team theme. We talk about professionalism, integrity, responsibility, and respect. And the OIG responded, and I quote, "these are not our core values."

And, again, it does not surprise me, because when I look at specific aspects of the employee survey I will highlight these three.

One question: employees, IG employees are protected from health and safety hazards on the job? The negative or neutral responses were 24 percent worse for the IGs than the Department writ large.

Another question: my organization has prepared employees for potential security threats? 40 percent of the IG's work force answered negatively or neutral to that question, 40 percent. At the State Department we had about 10 percent answer negative or neutral. That is a significant red line for me.

The work I do is important? That answer was 42 percent worse than the State Department write large. Again, there is a leadership challenge here in the IG.

Let me hit my third broad area that I mentioned. This is the failure to lead with integrity, and the one that is very concerning to me.

First, the IG failed to self-report a leak of a draft IG report in September 2019 to the Council of Inspector Generals on Integrity and Efficiency, known as CIGIE—I will just call it the Integrity Council—as he was directed to by the Department. Instead, he hand-selected his own investigator, this was the DoD IG, without informing the Department.

The deputy Secretary informed IG Linick very clearly that if he encountered any issues with referring this in writing to the Integrity Committee, these allegations of wrongdoing by him or by his designated staff members, to promptly inform him of any issues. That never happened.

Second, he then repeatedly refused to share this report with the Department. He reports to and is under the general supervision of the Secretary of State by law and is not above accountability. The IG withheld the DoD IG report from the Department leadership and, as far as we know, the entire IG team, despite there being numerous requests calling into question to see this report.

The IG's testimony suggested that we never asked for a copy. This is just plain false.

Third, and very disturbing, the DoD IG report lead found that the IG emailed the highly sensitive draft report to his personal account on multiple occasions. I am not talking about two or three times, I am talking about eight times in the month of August, which is a clear violation of the OIG's own IT policy. Those mailings to his personal account were within weeks of the draft report being leaked to the media. This may explain why he refused to provide the report to the Department.

IG Linick also admitted to speaking to Mr. Glenn Fine, the principal deputy IG at DoD, and actually Mr. Fine is the one that ended up being selected by the IG to conduct the investigation. Nobody recused themselves from that. That is a major issue, a major conflict of interest in my mind.

Fourth, in apparent attempt to shift the blame, IG Linick opened his own leak investigation in the Department for the very same issue that we asked him to refer to the Integrity Council, even though the leak that was in the media was attributed to, and I quote, "two government sources involved in carrying out the investigation."

By the way, anybody in the State Department that touched that report we were going to look at them just as much. Everybody needed to be looked at. Unfortunately, the IG decided to look at our folks, just as he was not asking the Integrity Council to look at his team.

Fifth, upon removal, he was instructed not to return to his office nor to contact his employees without prior authorization. We understand that he repeatedly violated this instruction and sought access to IG work product after the removal.

So, let me conclude here. The IG's removal was not about retaliation on any specific report or investigation. There have been a variety of unsubstantiated allegations in the media that the Secretary recommended removal of the IG because of some awareness of these investigations. Nothing could be further from the truth.

The deputy Secretary of State has issued a letter making clear that Secretary Pompeo was never briefed by the Deputy Secretary, the former Deputy Secretary, myself as Under Secretary of Management, nor the Executive Secretary on any investigation, allegations of misuse of government resources. This is just unequivocally without any factual basis or truth.

The committee has sought hours of depositions from three of our civil servants in which the vast majority of time was spent on issues unrelated to the removal of the Inspector General. All three staffers stated multiple times that they had no information regarding the removal. And all three stated they only found out about it after the removal occurred.

Let me just say, this removal was about an IG who in my mind was increasingly falling short of expectations. IG Linick's performance failed across all three areas. He failed to deliver and execute on the core IG mission. He failed to take care of his IG team. And he failed to lead with integrity.

The IG's failure to perform in just one, one of these critical areas is sufficient to trigger a major loss of confidence.

The Department deserves an IG that illuminates, not denigrates. The Department deserves an IG that promotes our shared values, not demotes them.

And I look forward to your questions on why the recommendation was made for the removal of the IG. Thank you, Mr. Chairman.

[The prepared statement of Mr. Bulatao follows:]

TESTIMONY OF UNDER SECRETARY OF STATE FOR MANAGEMENT
BRIAN BULATAO BEFORE THE COMMITTEE ON FOREIGN AFFAIRS
U.S. HOUSE OF REPRESENTATIVES
SEPTEMBER 16, 2020

Mr. Chairman and Ranking Member McCaul:

I appear here today on a matter of great interest and importance both to the Committee and the Department of State, which is the role and function of inspectors general and how they can review, enhance and improve the operations of the Executive Branch, and in particular at the Department of State.

I have had the distinct privilege of working closely with multiple inspectors general starting in the late 1980's and early 90's starting with my service as an infantry officer in the U.S. military, continuing in my role as the Chief Operating Officer at the Central Intelligence Agency, and now in my capacity as Under Secretary of State for Management at the State Department. Through these experiences, I have gained a firsthand appreciation for the critical role that inspectors general play in the Executive Branch. An inspector general, acting within the framework of the Inspector General Act of 1978, holds a critical position of trust. Trust is the basis of the delicate task assigned to inspectors general of being an agency's "watchdog," independent of inappropriate influence from the government agency the IG oversees, while still being an integral, accountable part of that agency.

At the State Department, we view the role of inspector general to be critical to its core mission, helping to advance integrity and efficiency in our operations around the world. No organization, especially one with operations in every part of the globe, can function effectively without appropriate internal controls. Inspectors general fulfill this role.

Mr. Linick took up his duties at the State Department during the previous administration in September 2013 and served during the first three years of the Trump Administration, covering a period of nearly seven years.

The decision as to whether to remove a sitting Inspector General is committed exclusively to the President. We have provided the Committee a letter from the Office of White House Counsel that describes how the President's decision in this case was consistent with the requirements of the Constitution and of federal law, as recognized by the U.S. Court of Appeals for the District of Columbia Circuit. Indeed, President Trump's notices to Congress used language similar to that used by President Obama when he removed an Inspector General, noting that he "no longer" had "fullest confidence" in his ability to serve as inspector general. As such, Mr. Linick's removal was entirely consistent with the Inspector General Act and within the authority of the President under Article II of the Constitution.

While there is no doubt that Mr. Linick's removal fell within the lawful prerogative of the Executive Branch, the Department has addressed the Committee's interest in the Departmental concerns about Mr. Linick's conduct of his duties.

I will now lay out additional details about those concerns, which motivated the Secretary to recommend to the President that Mr. Linick should be replaced. I want to emphasize that it was due to a variety of lapses and shortfalls over a series of months that caused Department leadership and the Administration as a whole to lose confidence in Mr. Linick. Mr. Linick's failures fall into three broad categories: failure to deliver on the core Inspector General Mission, failure to lead with integrity, and failure to take care of the Team.

Failure to Deliver on the Core Inspector General Mission:

First, one of the fundamental core functions of an inspector general is performing the annual financial audits of the Department. IG Linick failed to complete the audit work on our Fiscal Year 2019 financial statements in a timely manner, which necessitated the request to the Office of Management and budget (OMB) for a 60-day extension. The Agency Financial Report (AFR) is our key accountability document and principal publication and report to the President, the Congress, and the American people to disclose our financial status over the assets and resources entrusted to us. It illustrates our firm commitment, resolve and rigor in delivering the highest standard of financial accountability and transparency to the American public. The AFR provides a comprehensive view of the Department's financial activities set against the backdrop of the global issues and engagements we face as an institution and a country.

For the first time in the Department of State's history, we faced the real and credible possibility of not completing our required annual financial audit because Mr. Linick and his Technical Evaluation Board failed to select a qualified auditor in the Spring of 2019. Under Mr. Linick's leadership, this most basic function was not performed properly by the Department's Office of the Inspector General (OIG). The newly selected auditor did not have the proper capability, experience or capacity to perform the audit, and the OIG had to remove the auditor and replace him with another one, resulting in a significant delay in the completion of the audit. The Department's financial operating context is complex. We operate in over 270 embassies and consulates, located in more than 180 countries around the world. We conduct business on a 24/7 basis in over 135 currencies through 224 bank accounts around the world; accounting for more than \$108 billion in assets in over 500 separate fiscal accounts, while managing real and personal property assets with historical costs of more than \$38 billion. We provide the shared

administrative operating platform for more than 45 other U.S. government entities overseas, and currently pay more than 100,000 Foreign and Civil Service employees, Locally Employed Staff and Foreign Service annuitants. The critical failure of IG Linick to select a qualified, independent external auditor put at risk our commitment to strong corporate governance and effective internal controls and was a significant factor in the Secretary's loss of confidence. *Second*, the total number of OIG inspections at our global posts has decreased by 10 percent year-over-year for the twelve months ending March 2020, on a pre-COVID impact basis. A core mission of the OIG is to inspect our embassies, diplomatic posts and international broadcasting installations throughout the world to ensure our operations and activities are effective, efficient and as economical as possible, as well as to determine whether the interests of the United States are being represented and advanced effectively. This is another contributing factor to the loss of confidence in IG Linick.

Third, which requires a classified setting to fully explain, under Mr. Linick's leadership, the organization experienced a critical and deeply concerning failure that placed the security of our personnel around the globe at high risk. The investigative report into this failing in August 2017 noted that "oversight by the [OIG] was demonstrably ineffective...ultimately placing the Department's information as well as its reputation, human capital, and operations at considerable unnecessary risk." I appreciate that the Chairman has agreed to hold a classified session to discuss this matter immediately following this hearing, which I hope Members are able to attend.

Failure to Lead with Integrity:

Fourth, Mr. Linick engaged in a set of strange and erratic behavior following a leak to the media of a draft OIG report in September 2019. After the leak occurred, the then Deputy Secretary of State asked Mr. Linick to refer for review this unauthorized disclosure to the Council of the

Inspectors General on Integrity and Efficiency (CIGIE), as the media attributed the leak to “two government sources involved in carrying out the investigation” implicating potential sources from within Mr. Linick’s own office. CIGIE is an independent entity that addresses integrity issues within the Inspector General community.

Mr. Linick agreed to that specific request, but the Department learned months later that instead of referring the matter to CIGIE, Mr. Linick asked another agency’s inspector general to review the issue. In other words, Mr. Linick failed to inform the Department that he had hand-picked a different entity to investigate potential misconduct by his own office and that he had deviated from the clear course agreed upon with Department leadership. To the extent that this hand-picked investigator completed its review, Mr. Linick then failed to provide the Department any documented findings on the matter. We hope that the Committee would agree that this episode raises serious concerns about Mr. Linick’s judgment and does not meet the high standards of trustworthiness that the Secretary, or any agency head, would expect from an inspector general. I understand that Mr. Linick has testified that he informed me or others in Department leadership that CIGIE was not able to conduct the review. After consulting with Deputy Secretary Biegun and former Deputy Secretary Sullivan, I can state clearly that we have no recollection at all of Mr. Linick ever having told us that he was going to abandon the agreed referral to CIGIE and instead to hand-pick his own investigator. Indeed, the first time I heard that the DOD IG was even engaged was when Mr. Linick told me in late November or early December 2019 that the report would be completed by the end of 2019 or in early 2020. I was completely surprised and deeply disappointed to learn of my misplaced trust in IG Linick to choose the harder right over the easier wrong.

Fifth, Mr. Linick withheld the DOD IG report from Department leadership, after numerous clear requests, calling into question his trustworthiness and commitment to his own accountability. Mr. Linick's testimony is equivocal at best with regard to the Department's repeated requests for, and strong interest in, seeing a copy of the DOD report. It would be just plain false to suggest that Department leadership lost interest in receiving that report. In one of our regular meetings with Mr. Linick in early February 2020 at the Department, I asked him to provide a copy of the report to the Secretary after he indicated that it had been completed. He became visibly angry and indicated that the report did not belong to the Secretary. He then abruptly stood up and gathered his papers to leave. Deputy Secretary Biegun asked him to calm down and sit back down to continue the conversation. I recall asking him for a copy of the report on at least two other occasions. It simply strains credulity that Mr. Linick was not aware of our continuing interest in reviewing a copy of the report and given that the Inspector General reports to the Secretary of State, Mr. Linick had no reason not to provide it.

Sixth, events since Mr. Linick's removal have shed further light on his erratic and concerning conduct regarding the leak investigation. Even though he resisted providing the report to his Department reporting chain for months, the OIG finally released a copy to the Department in early June before Mr. Linick's own testimony as a result of a Congressional request. The resulting report revealed that the IG who Mr. Linick asked to review the matter, in place of CIGIE, was then-Department of Defense Principal Deputy Inspector General Glenn Fine, who at the time was the DOD's Acting Inspector General. This was an unusual choice because, as the report reveals, Mr. Fine appears to be personally involved in the events that were the subject of the investigation described in the report. Specifically, the DOD OIG report notes that Mr. Linick said that he "spoke about the evaluation report" with Mr. Fine before the media leak occurred. If

Mr. Fine himself had confidential information about the draft report before it was leaked, it was clearly inappropriate for him to lead the investigation into the subsequent leak. It is unclear whether Mr. Fine was even interviewed in the course of the investigation. Allowing a fact witness to an investigation to shape the terms of the investigation – let alone lead the investigation – is highly inappropriate. At a minimum, the choice of investigator in this case raises serious questions concerning whether the report itself represents a complete and adequate investigation of potential misconduct within the State Department Office of Inspector General. For example, if CIGIE had conducted the review, we understand that applicable law would have required that the report be provided to the President (in the case of a report relating to an Inspector General of an establishment or any employee of that Inspector General) or the head of a designated Federal entity (in the case of a report relating to an Inspector General of such an entity or any employee of that Inspector General).

Seventh, as noted above, the Department has identified a number of concerns as to the scope of the DOD IG report. For example, the report notes that Mr. Linick himself “asked the DOD OIG to conduct a *limited inquiry* into whether any DOS OIG employee was the source of the unauthorized disclosure...” (emphasis added). The DOD OIG conducted personal interviews, in which all interviewed staffers “said they did not release any information in the report to the media.” The DOD OIG also reviewed official email accounts and found that no employee directly sent an email from their State Department email address to the news media, other than the communications director. The scope of this review appears to be exceedingly cursory, and it is unclear whether it was appropriate for Mr. Linick, as a fact witness to the investigation, to dictate the “limited” scope of the investigation. Merely asking an interviewee if he/she directly transmitted the leaked documents and asking only about emails from official accounts would

catch only the most careless mishandling of information and would fail to uncover any person who disclosed the draft through an intermediary or sent the report from a personal email address. Further, the DOD IG does not appear to have questioned whether any interviewee had *knowledge* of who may have improperly disclosed the report or engaged in other questioning aimed at discovering the true source of the leak.

Eighth, since Mr. Linick was removed, we have become aware that the DOD OIG identified a concerning email practice used by Mr. Linick concerning the leaked report. The DOD OIG found: "IG Linick sent a password-protected, draft version of the evaluation report in question to his Gmail account eight times over six days in August 2019. On one occasion, he emailed a password-protected draft of the evaluation report from his Gmail email account to his government email account." As the DOD OIG report notes, this usage violated State Department OIG policy, Information Systems Rules of Behavior: "Use OIG provided equipment and systems/applications at all times, including OIG email, to conduct official OIG business. The use of corporate or personal equipment, systems/applications, to include to email, or other file storage sites to store, process, or transmit OIG or Department data is prohibited." Mr. Linick clearly should have followed his own organization's specific information security policies, especially involving highly sensitive draft reports.

We understand that Mr. Linick received the initial report noting his improper usage of personal email in late 2019 or early 2020, and it is our understanding that he never shared the written report with any person at the State Department (including in his own office), despite repeated requests by Department leadership for a copy of the report. Likewise, he never informed State Department leadership that he was found to have violated OIG email practices. Allowing an investigated person to determine the manner and scope of the release of a report on his own

conduct is highly inappropriate, which is presumably why CIGIE's own guidelines would have required a CIGIE review to be shared with appropriate officials in his supervisory chain.

Ninth, notwithstanding the limited nature of Mr. Fine's investigation into Mr. Linick and his staff, Mr. Linick reportedly opened a parallel investigation of *other* State Department employees for the same potential misconduct for which his own office was being investigated – even though the media leak was attributed to “two government sources involved in *carrying out the* investigation.” It should have been obvious to Mr. Linick that launching a parallel investigation into the same misconduct for which he and his own office were being investigated created both a real and apparent conflict of interest and risked interfering with the DOD OIG investigation into his own office.

Tenth, in another post-removal case that has further confirmed why the Administration lost confidence in him, when Mr. Linick was removed from his position on May 15, 2020 his physical access was terminated, and he was clearly instructed by Department officials not to contact OIG staff members or return to his former office, without authorization by Department officials. However, it has come to the Department's attention that he violated these instructions on multiple occasions while he was on administrative leave. For example, we understand that, in the days before his Congressional testimony, he sent a text message to his former Deputy Inspector General, requesting a copy of the DOD IG report. Without informing her own chain of command, the State Department Deputy Inspector General then contacted the DOD Office of Inspector General to request a copy of the report on Mr. Linick's behalf. Also contrary to the clear instructions he received, we understand that Mr. Linick repeatedly returned to his former office without seeking authorization from his Department superiors. Mr. Linick should follow

the same rules that apply to other terminated government officials; he is not entitled to a different set of rules.

Failure to Take Care of the OIG Team:

Eleventh, the results of the 2019 Federal Employee Viewpoint Survey (FEVS) of employees of the Office of the Inspector General provide additional red flags and contributed to the loss of confidence in IG Linick. The Secretary made a big push to increase our response rate and we doubled the total responses from 2017. Over half of our thirty-eight (38) Assistant Secretary-led bureaus improved or maintained in all three major index categories year over year. Only one bureau of the 38, which had the same leader in place, declined in all three index categories. That single bureau was the office of the IG. The OIG scores dropped year-over-year in all three major index categories: the Employee Engagement Index, the Global Satisfaction Index and the Diversity and Inclusion Index. The Global Satisfaction Index, which, among other things, measures the willingness of OIG employees to recommend the organization as a good place to work has exhibited a steady double-digit decline (>15%) since the 2016 FEVS survey. We were also alarmed by the insights provided by answers to several key survey questions:

- ***The people I work with cooperate to get the job done.*** The OIG survey respondents had a 46% higher negative response rate than the Department of State as a whole and also a higher negative response rate than the government-wide negative response rate.
- ***My organization has prepared employees for potential security threats.*** 23% of the OIG survey respondents responded negatively to that, greater than three times higher than the negative response rates of Department of State and government-wide responses.

- ***Employees are protected from health and safety hazards on the job.*** The OIG survey respondents neutral and negative responses were almost 25% higher than Department of State and government-wide response to this question.

Twelfth, the failure in leadership resulted in year-long key vacancies, including the Deputy IG and General Counsel. If IG personnel showed such a negative trend in their willingness to recommend the OIG as a good place to work, it comes as no surprise that the number two position and critical role, stayed vacant for approximately 12 months.

Thirteenth, the OIG failed to provide status on training fundamental values of diversity and inclusion – our One Team mission of professionalism, integrity, responsibility, and respect. The OIG responded that these are not core values.

I believe IG Linick’s cultural leadership failure may also have contributed to the fact that the Department of State Deputy IG position sat vacant for almost a year.

Finally, I would like to address two issues and areas of confusion that have surfaced in Mr. Linick’s testimony.

Mr. Linick suggested that he felt that I “bullied” him, in particular about his ongoing review of an arms sales decision made by the Secretary. Let me set the record straight on this. The first time I heard about the investigation or the report was in late 2019 after the conclusions of the report had already been briefed to the Department. I understood that the report was all but completed at that stage. Mr. Linick indicated he needed one last piece of information from the Secretary of State in order to issue the report. He also indicated that the report was not concerning to the Department as the OIG had not found any evidence of wrongdoing. I asked several questions to better understand the type of information he was seeking, particularly as it involved the exercise of a purely discretionary authority by the Secretary on a policy decision.

Although Mr. Linick requested to speak with the Secretary of State directly to gather the information, I informed Mr. Linick that the Secretary's travel schedule at the time did not allow for an in-person meeting, so the Department provided the precise information from the Secretary of State in writing that Mr. Linick was seeking so that he could promptly finalize the report. After the provision of a written response, I understand that Mr. Linick again followed up with a request to speak with the Secretary about the matter this spring and then – before the Department was able to respond to the request – withdrew the request and confirmed that the report could likely be completed without further information. At that point, we considered the requests for information closed and were awaiting the draft report. It is not clear to me why the OIG did not complete the report that was briefed to the Department months earlier, in November 2019 and March 2020, until August 2020.

There have been a variety of unsubstantiated allegations that the Secretary recommended the removal of Mr. Linick because of his awareness of investigations into the Office of the Secretary. The Secretary and Deputy Secretary have both issued letters to the Committee making clear that the Secretary was never briefed by the Deputy Secretary, former Deputy Secretary, Executive Secretary, or myself on any investigation involving “allegations of misuse of government resources” by the Secretary or his wife. This is simply an unsubstantiated insinuation without any factual underpinning.

I look forward to engaging with you and answering your questions on this issue.

Chairman ENGEL. Thank you very much, Mr. Bulatao. And I apologize for butchering your name before.

Okay, Mr. String.

**STATEMENT OF MR. MARIK STRING, ACTING LEGAL ADVISOR,
UNITED STATES DEPARTMENT OF STATE**

Mr. STRING. Mr. Chairman, Ranking Member McCaul, and distinguished members of the committee, thank you for the invitation to appear today.

The committee initially requested my testimony in connection with my prior position as Deputy Assistant Secretary in the Political-Military Affairs Bureau, which I left nearly 16 months ago. I understand that committee members may also ask questions today related to my current role as Acting Legal Adviser for the Department. I will do my best to address your questions based on my best recollection, consistent with my professional obligations as an attorney, and respect for the attorney-client privilege.

The decision to remove a sitting Inspector General is committed exclusively to the President. We have provided the committee with a letter from the Office of White House Counsel that describes how the President's decision in the case of Mr. Linick was consistent with the requirements of the Constitution and of Federal law, as recognized by the U.S. Court of Appeals for the District of Columbia Circuit.

As that letter notes, President Trump's notices to Congress used language similar to that used by former President Obama when he removed an Inspector General, noting that he "no longer" had "the fullest confidence" in his ability to serve as Inspector General.

In connection with today's hearing, the committee has also raised issues related to the Secretary's May 2019 emergency notification. I would like to touch briefly on the notification as well.

First, the Department fully cooperated with the Office of Inspector General's review of the Secretary's emergency notification. The OIG interviewed 46 Department staff and received a significant number of documents, as requested. The Department did not stand in the way of the completion of the OIG's report, which ultimately concluded that the "Emergency Certification Was Properly Executed." In fact, we facilitated its completion.

Second, as the Department explained in its letter to the committee in June 2019, my designation as Acting Legal Adviser had, to my knowledge, no connection to the Secretary's decision to exercise his emergency authorities under the Arms Export Control Act. The designation was set in motion more than a month before this time when the then-Legal Adviser announced her departure in April.

As I recall, the Office of the Legal Adviser developed the legal advice with the career attorneys in the Office of the Legal Adviser in advance of my transition to the office. I was expected to serve as a bridge between the former legal adviser and the confirmation of a new legal adviser based on my significant relevant experience and understanding of the functioning of the Office of the Legal Adviser.

Leading that team of talented lawyers over the past 16 months has been a distinct honor and privilege, and I appreciate their pro-

fessionalism and commitment to serving our Nation, especially during these extraordinary times.

Thank you again for inviting me to testify today. I look forward to taking your questions.

[The prepared statement of Mr. String follows:]

**Testimony before the House Foreign Affairs Committee
Acting Legal Adviser Marik String
Office of the Legal Adviser
U.S. Department of State
September 16, 2020**

Chairman Engel, Ranking Member McCaul, and distinguished Members of the Committee:

Thank you for the invitation to appear today.

The Committee initially requested my testimony in connection with my *prior* position as Deputy Assistant Secretary in the Political-Military Affairs Bureau, which I left nearly 16 months ago. I understand that Committee Members may also ask questions today related to my *current* role as Acting Legal Adviser for the Department. I will do my best to address your questions based on my best recollection, consistent with my professional obligations as an attorney and respect for the attorney-client privilege.

The decision to remove a sitting Inspector General is committed exclusively to the President. We have provided the Committee with a letter from the Office of White House Counsel that describes how the President's decision in the case of Mr. Linick was consistent with the requirements of the Constitution and of federal law, as recognized by the U.S. Court of Appeals for the District of Columbia Circuit. As that letter notes, President Trump's notices to Congress used language similar to that used by former President Obama when he removed an Inspector General, noting that he "no longer" had "the fullest confidence" in his ability to serve as Inspector General.

In connection with today's hearing, the Committee has also raised issues related to the Secretary's May 2019 emergency notification. I would like to touch briefly on the notification as well.

First, the Department fully cooperated with the Office of Inspector General's review of the Secretary's emergency notification. The OIG interviewed 46 Department staff and received a significant number of documents, as requested. The Department did not stand in the way of the completion of the OIG's report, which concluded that the "Emergency Certification Was Properly Executed." In fact, we facilitated its completion.

Second, as the Department explained in its letter to the Committee in June 2019, my designation as Acting Legal Adviser had, to my knowledge, no connection to the Secretary's decision to exercise his emergency authorities under the Arms Export Control Act. The designation was set in motion more than a month before this time when the then-Legal Adviser announced her departure in April. As I recall, the Office of the Legal Adviser developed the legal advice in connection with the Secretary's May 2019 emergency notification in advance of my transition to the Office. I was expected to serve as a bridge between the former Legal Adviser and the confirmation of the new Legal Adviser based on my significant relevant experience and understanding of the functioning of the Office of the Legal Adviser. Leading that team of

talented lawyers over the past 16 months has been a distinct honor and privilege, and I appreciate their professionalism and commitment to serving our Nation, especially during these extraordinary times.

Thank you again for inviting me to testify today. I look forward to your questions.

#

Chairman ENGEL. Thank you.
Mr. COOPER.

STATEMENT OF MR. R. CLARKE COOPER, ASSISTANT SECRETARY OF STATE FOR POLITICAL-MILITARY AFFAIRS, UNITED STATES DEPARTMENT OF STATE

Mr. COOPER. Mr. Chairman, Ranking Member McCaul, members of the House Foreign Affairs Committee, the topic of today's hearing is, "Why did the Trump Administration Fire the State Department Inspector General?" I will provide you the most comprehensive and honest answer I have:

I do not know.

With that, I would like to turn to matters of substance. I am glad to finally have the opportunity to apprise you of the status of our efforts to support our security cooperation partners in the Middle East.

Two weeks after I took office in May 2019, Secretary Pompeo certified to you an emergency existed requiring the sale of certain defense articles and services to Saudi Arabia, the United Arab Emirates, and Jordan. In the days following certification I sat before your committee and testified that a combination of factors led the Secretary to determine the situation constituted an emergency and prompted him to make certification, including the significant increase in intelligence reporting on threat streams related to Iran; the clear, provocative, and damaging actions taken by Iran's government; and the need to affirmatively respond to military capability requests from our partners.

As such, any response I provided members' questions during that 2019 hearing, including Representative Levin, must be understood in the context of my opening statement and State for the record, as well as my complete testimony before Congress, all of which are part of the public record, all of which are certainly available on what I would say the extended version of C-SPAN, or the full version of C-SPAN.

Events since that time serve only to magnify the challenge Iran poses to the region and demonstrate the Administration is on the right side of history. One can draw from the line of attacks by the Iranian-supported Houthi on Saudi Arabia, to Iranian cruise missiles and drone attacks on key oil facilities, to attacks on U.S. forces and facilities in Iraq by Iran and Iranian-backed militias, to instability in Lebanon, and so on.

As I wrote to you last month, since the Administration proceeded with the sales subject to emergency certifications as provided for in the law, Iran and the partners and proxies it supports continue to threaten not only U.S. partners, but have directly targeted U.S. personnel and military forces and facilities in the region.

On that note, I would be delighted to brief the committee at a classified level on Iran, and am ready to do so as soon as this morning's closed session takes place, subject to the will of the chairman.

But let me draw for you another line, from sanctions and emergency certifications dating back over 40 years, to the designation of the Iranian Revolutionary Guard Corps as a Foreign Terrorist Organization this spring, to the certification of emergency arms

transfers to our partners and, ultimately, ultimately, as Mr. McCaul referenced this morning, the signing of the transformative Abraham Accords, not 24 hours ago and barely a mile from where we sit today.

For this momentous normalization agreement between key American security cooperation partners in the Middle East, there is a common thread running along all of these actions—ours and our partners—the need to establish a shared capability to respond to Iranian threats, be they direct or from proxies or partners, conventional or unconventional, economic or military.

And while we may disagree on some of the specifics of these responses, I know—I know—that you, Mr. Chairman, as you acknowledged in your opening statement, we do see eye-to-eye when it comes to the nature of the threat that Iran poses, and the need to ensure the security of our key partners in the region.

Mr. Chairman, the recent Inspector General report into the emergency arms sales did not question these facts. It did not question the nature and existence of an emergency. Instead, the IG Report concluded the Secretary's emergency certification was executed in accordance with the requirements of the Arms Export Control Act.

It is also true, however, the IG felt the Department could do more to reduce the risk of civilian casualties, and that may be as a result of U.S.-provided arms. That is a finding I not only accept, but which I, my bureau, the Department, and this Administration take to heart, which is why we were working to address, well before the IG even put pen to paper, and which we will continue to address.

In April 2018, President Trump released an updated United States Conventional Arms Transfer Policy, or CAT, that, for the very first time ever, made it the explicit policy of the United States to facilitate ally and partner efforts, through United States sales and security cooperation efforts, to reduce the risk of national or coalition operations causing civilian harm.

A year later, in March 2019, the President reaffirmed Executive Order 13732, which directs U.S. Government agencies to engage with foreign partners to share and to learn best practices for reducing the likelihood of and responding to civilian casualties, including through appropriate training and assistance.

So, since the CAT policy was updated, the Department of Defense and the Department of State have been working together tirelessly to implement this guidance. We see reducing the risk of civilian harm as an enterprise-wide, inter-agency challenge, and have responded with a systemic program of reforms and innovations, examples of which I would like to briefly describe for the committee right now.

We have created a new methodology to help us assess the risk of civilian harm associated with arms transfer, and have made process improvements to ensure our decisionmaking is informed by those assessments.

The Defense Department has developed a new training curriculum for partners and allies on reducing civilian harm, and is developing a tailorable toolkit of advisory materials and services, essentially bespoke to the partner.

DoD also identified a set of technical solutions to help partners reduce the risks of civilian harm, while also enhancing combat effectiveness. For example, the Advanced Targeting Development Initiative, or ATDI, is a suite of technical solutions and training intended for partners who deploy and use certain U.S. munitions, including Precision-Guided Munitions, or PGMs.

The ATDI provides enhanced support to key technical aspects of weapons employment and their proficiency, such as Target Coordinate Mensuration, Weaponing, and the Collateral Damage Estimates. These capabilities enable allies and partners to hit their intended targets, and do that accurately; achieve the precise damage intended, and do so with the ability to estimate collateral effects in advance, and modify their engagements accordingly.

With these processes, analytics, and toolkits now in hand, we also have been increasing our outreach to partners, and engaging with them proactively in discussions on how they can reduce the risk of civilian casualties to its lowest possible level. The right time for that conversation is now.

These are significant and serious efforts, and they have been underway for quite some time. I am encouraged, Mr. Chairman, that both the Kingdom of Saudi Arabia and the United Arab Emirates have purchased Advanced Targeting Development. In doing so, they made clear their commitment to reducing the risk of harm to civilians, even as they battle an adversary who, judging by the frequency and inaccuracy of the Houthi drones, the Houthi rockets, and even ballistic missile attacks, would appear they have no such compunction.

In sum, Mr. Chairman, during my time as Assistant Secretary of State for Political-Military Affairs, the Department and the Administration have identified the right threats, made the right decisions under the right policies to support the right partners.

It is a team of national security professionals I am very much proud to be a part of. And I look forward to your questions.

[The prepared statement of Mr. Cooper follows:]

TESTIMONY OF THE HONORABLE R. CLARKE COOPER
ASSISTANT SECRETARY, POLITICAL-MILITARY AFFAIRS
BEFORE THE HOUSE COMMITTEE ON FOREIGN AFFAIRS
WEDNESDAY, 16 SEPTEMBER 2020

Mr. Chairman, Ranking Member McCaul, Members of the House Foreign Affairs
Committee:

The topic of today's hearing is, "Why did the Trump Administration Fire the State
Department Inspector General?" I will provide you with the most comprehensive
and honest answer I have:

I do not know.

With that, I would like to turn to matters of policy. I am glad to finally have the opportunity to apprise you of the status of our efforts to support our security cooperation partners in the Middle East.

Two weeks after I took office in May 2019, Secretary Pompeo certified to you an emergency existed requiring the sale of certain defense articles and services to Saudi Arabia, the United Arab Emirates, and Jordan. In the days following the certification I sat before your Committee and testified that “a combination of factors led the Secretary to determine the situation constituted an emergency and prompted him to make the Certification, including the significant increase in intelligence reporting on threat streams related to Iran; the clear, provocative, and damaging actions taken by Iran’s government; and the need to affirmatively respond to military capability requests from our partners.” As such, any response I provided to Members’ questions during that June 2019 hearing, including to Representative Levin, must be understood in the context of my opening statement and statement for the record, as well as my complete testimony before Congress, all of which are part of the public record.

Events since that time serve only to magnify the challenge Iran poses to the region and demonstrate the Administration is on the right side of history. One can draw a

line from attacks by the Iranian-supported Houthi on Saudi Arabia, to Iranian cruise missiles and drone attacks on key oil facilities, to attacks on U.S. forces and facilities in Iraq by Iran and Iranian-backed militias, to instability in Lebanon and so on. As I wrote to you last month, since the Administration proceeded with the sales subject to emergency certifications as provided for in the law, Iran and the partners and proxies it supports continue to threaten not only U.S. partners, but also have directly targeted U.S. personnel and military forces and facilities in the region.

On that note, I would be delighted to brief the Committee at a classified level on Iran – and am ready to do so as soon as this morning’s closed session - subject to the will of the Chairman.

But let me draw for you another line, from sanctions and emergency certifications dating back over 40 years, to the designation of the Iranian Revolutionary Guard Corps as a Foreign Terrorist Organization this spring, to the certification of emergency arms transfers to our partners, and, ultimately, to the signing of the transformative Abraham Accords, not 24 hours ago and barely a mile from where we sit. With this momentous normalization agreement between two key American security cooperation partners in the Middle East, there is a common thread running

along all of these actions – ours, and our partners’; the need to establish a shared capability to respond to Iranian threats, be they direct or from proxies or partners, conventional or unconventional, economic or military. And while we may disagree on some of the specifics of these responses, I know – I know – that you, Mr. Chairman, and I, see eye-to-eye when it comes to the nature of the threat Iran poses, and the need to ensure the security of our key partners in the region.

Mr. Chairman, the recent Inspector General report into the emergency arms sales did not question these facts. It did not question the nature and existence of an emergency. Indeed, the IG Report explicitly concluded “the Secretary’s emergency certification was executed in accordance with the requirements of the AECA.”

It is also true, however, the IG felt the Department could do more to reduce the risk of civilian casualties that may result from U.S.-provided arms. That is a finding I not only accept, but which I, my Bureau, the Department, and this Administration take to heart, which we were working to address before the IG even put pen to paper, and which we will continue to address.

In April of 2018, President Trump released an updated United States Conventional Arms Transfer (C.A.T.) Policy that, for the first time ever, made it the explicit policy of the United States to “facilitate ally and partner efforts, through United States sales and security cooperation efforts, to reduce the risk of national or coalition operations causing civilian harm.” A year later, in March 2019, the President re-affirmed Executive Order 13732, which directs U.S. government agencies to “engage with foreign partners to share and learn best practices for reducing the likelihood of and responding to civilian casualties, including through appropriate training and assistance.”

Since the CAT Policy was updated, the Departments of State and Defense have been working tirelessly to implement its guidance. We see reducing the risk of civilian harm as an enterprise-wide challenge, and have responded with a systemic program of reforms and innovations, examples of which I would like to briefly describe for the Committee:

- We have created a new methodology to help us assess the risk of civilian harm associated with arms transfers, and have made process improvements to ensure our decision-making is informed by those assessments.

- The Defense Department has developed a new training curriculum for partners and allies on reducing civilian harm, and is developing a tailorable toolkit of advisory materials and services.
- DOD also identified a set of technical solutions to help partners reduce the risks of civilian harm while enhancing combat effectiveness. For example, the Advanced Targeting Development Initiative (ATDI) is a suite of technical solutions and training intended for partners who deploy certain U.S.-origin munitions, including Precision-Guided Munitions (PGMs). The ATDI provides enhanced support to key technical aspects of weapons employment proficiency, such as *Target Coordinate Mensuration*, *Weaponneering*, and, *Collateral Damage Estimation*. These capabilities enable allies and partners to hit their intended targets accurately, achieve the precise damage intended, and do so with the ability to estimate collateral effects in advance and modify their engagements accordingly.
- With these processes, analytics, and toolkits now in hand, we are also increasing our outreach to partners, and engaging them proactively in discussions of how they can reduce the risk of civilian casualties to its lowest possible level. The right time for that conversation – is now.

These are significant, and serious, efforts, and they have been underway for quite some time. And I am encouraged, Mr. Chairman, that both the Kingdom of Saudi Arabia and the United Arab Emirates have purchased Advanced Targeting Development. In doing so, they made clear their commitment to reducing the risk of harm to civilians - even as they battle against an adversary who, judging by the frequency and inaccuracy of Houthi drone, rockets, and even ballistic missile attacks, would appear to have no such compunction.

In sum, Mr. Chairman, during my time as Assistant Secretary of State for Political-Military Affairs, the Department and Administration have identified the right threats, and made the right decisions under the right policies to support the right partners.

It is a team of national security professionals I am proud to be a part of, and I look forward to your questions.

Chairman ENGEL. Thank you very much.

We will now go to the question part of our hearing. I will now recognize members for 5 minutes each, pursuant to the rules. All time yielded is for the purpose of questioning our witnesses.

Because of the hybrid virtual format of this meeting I will recognize Members by committee seniority, alternating between Democrats and Republicans. If you miss your turn, please let our staff know, and we will come back to you.

If you seek recognition you must unmute your microphone and address the Chair verbally. And as we start questioning, I will start by recognizing myself.

We have so much to cover today, but at the outset I want to correct the record on a few things. I regret that Mr. Pompeo has attacked this committee, its staff, and myself during the course of this probe, all of it unfounded. And so, while I am glad you are all here today, it should not have taken this long from the start.

I asked that you, Mr. Bulatao, appear for a transcribed interview to discuss why the Inspector General was fired. The Department rejected my offer and urged that you brief the committee privately.

I think it is clear why that was not enough for us. When the committee conducts an investigation of this importance, it has to be done formally and on the record. We needed you and your colleagues to speak on the record before Democrats and Republicans on this committee to answer serious questions about the IG's firing.

When the State Department offered that you testify, I immediately accepted. The Department pulled you back from our hearing at the last moment, and they conditioned your testimony on your not talking to anyone else on the record. I hope everyone here today understands that we could not accept that.

So, again, it is good the three of you are testifying now but, frankly, we should have been able to do this a few months ago, and without the acrimony we have experienced.

So, let me ask this question for everybody. Would you all agree that inspectors general serve an important function providing accountability and transparency? I would like to know yes or no.

I want to start with Mr. Bulatao.

Mr. BULATAO. Yes, Mr. Chairman. They perform a critical function.

Chairman ENGEL. Thank you.

Mr. COOPER.

Mr. COOPER. Yes, Mr. Chairman. The Inspector General performs a very critical function.

Chairman ENGEL. Thank you.

Mr. STRING.

Mr. STRING. Yes, Mr. Chairman. I agree.

Chairman ENGEL. Thank you.

Would you all agree that firing an IG in order to cover up wrongdoing would be an abuse of power? And yes or no. Let's start again with Mr. Bulatao.

Mr. BULATAO. If you assume there is a cover-up of any wrongdoing, yes.

Chairman ENGEL. Mr. Cooper?

Mr. COOPER. The firing of the IG is the purview of the executive. If there was due cause, as has been laid out, there is no cover-up.

Chairman ENGEL. Okay. Mr. String.

Mr. STRING. Mr. Chairman, as we have described, the IG serves at the pleasure of the President.

Chairman ENGEL. Okay. I am not quite getting an answer, but Okay.

Let me ask you all this: do you acknowledge Congress' constitutional responsibility to conduct oversight of the executive branch policies and operations? Yes or no. Mr. Bulatao.

Mr. BULATAO. Yes, Mr. Chairman, I understand the oversight responsibility of Congress.

Chairman ENGEL. Thank you.

Mr. COOPER.

Mr. COOPER. Mr. Chairman, yes, understand the Article I authority and oversight of Congress.

Chairman ENGEL. Thank you.

Mr. STRING.

Mr. STRING. Yes, Mr. Chairman, I recognize the oversight responsibility of the Congress.

Chairman ENGEL. One last thing. Do you think I am conducting this investigation for my own personal aggrandizement?

Let me answer that question. I do not enjoy this. Many of you have known me for a long time and understand that it is my profound preference to advance legislation and hold hearings in this committee in a bipartisan fashion. We call this committee the most bipartisan committee in Congress.

And we always say that politics stops at the water's edge. And I believe very, very strongly in that. So, for me this has not been the most pleasant way to bring my 3-decade-long congressional career to a close. But I will tell you myself why we are here.

We have real concerns on this committee that the firing of Mr. Linick was an abuse of power. And in the 4 months we have tried to get answers the State Department leadership has been petulant, insulting, evasive. The fact that we had to drag you up here kicking and screaming, itself makes me think that the Department has been trying to hide the truth.

But, at this point we have heard all the excuses, we have heard all the half-truths, and we are past strongly worded letters and phony outrage. So, I want to be clear in this hearing room, my expectation is that you give this body the respect it deserves and answer our questions.

I yield the balance of my time, and recognize the ranking member for 5 minutes.

Mr. MCCAUL. Thank you, Mr. Chairman.

I want to first talk about, a little bit about policy. Secretary Cooper, you talked about this. You know, I think in foreign policies it is very important to define who you allies are and who your enemies are. That is why the chairman and I disapproved of the Iran deal under the previous administration because it empowered the largest State sponsor of terror.

I believe Iran is our enemy, and their proxies, the Houthi rebels, are the enemy.

I think it is ironic, the timing of this hearing when just yesterday we had this historic Abraham Accord, the first peace deal in the Middle East in 25 years, a quarter of a century, based upon the

policies of this Administration. And I know the media may not pay a lot of attention to it, but it was historic. And I was there, proud to be there yesterday.

I approved of the sale of these weapons to Saudi Arabia, to Jordan, and to UAE who came forward as our ally yesterday with Israel against Iran. I also approved it because they are precision-guided, as you mentioned. It actually decreased civilian casualties because of the precision-guided weapons.

I think the threat from Iran is real, and that is why the Secretary made this policy decision to sell the weapons, as did the President.

But, I want to go to Secretary Bulatao. I think the issue at stake here is was this a permissible firing? Of course the President, as legal counsel stated, has the authority, but did you have justification to do this?

And you cited basically three main reasons, any of which I think would be adequate for the firing. But the first one is the failure to complete an annual audit mandated by Congress. The failure which actually violated the laws mandated by Congress. Can you tell me just on that one alone what impact does that have on the State Department?

Mr. BULATAO. Thank you, Ranking Member. The impact is while we quickly recognized the team needed to come together to actually help focus and make sure that we did complete the audit, although 60 days later than it was required to turn in, the good news on that is a lot of the working level team from the inspection—the audit team from the IG came together.

The disappointing news is that there was no IG leadership. I went to those weekly meetings to make sure we got that back on track. Not once did I see the IG Linick there himself.

I went to when we actually got it done and we acknowledged the hard work that the team did, again there was a missing Inspector General Linick there. He was just absent for the process.

Mr. MCCAUL. And it is hard to lead a department, the largest one in the U.S. Government, one of the largest, when you cannot even conduct an audit; right? I mean, that has consequences?

Mr. BULATAO. Yes, sir.

Mr. MCCAUL. Serious consequences.

Mr. BULATAO. Well, if the role of the IG, who has been designated with the role to conduct this independent audit, cannot be done, how can we identify those areas that we have potential waste, fraud, and abuse? How do we know the assets on the balance sheet, the liability that is stated there? How do we know where these obligations are going?

There are some significant areas that if we—

Mr. MCCAUL. Which is the core mission of an IG is looking at waste, fraud, and abuse.

Mr. BULATAO. Yes, sir.

Mr. MCCAUL. And that is what an audit will reveal.

The second thing that is going to come out in the classified briefing that I cannot get into, but in your testimony you said the auditor put our national security at considerable risk. And I know you probably cannot comment on that. But I just want to reiterate that statement, because for the press reporting this hearing I think that

is a very important point: failure to manage the IG team, with key vacancies; failed on diversity inclusion. The IG is saying these are not our core values.

I would think on both sides of this aisle, both Democrat and Republican, that those are core values of this Nation is diversity inclusion.

Failed to lead with integrity. Leaks a draft report to the media that is not even shared with the Secretary.

And then, finally, these allegations of personal misconduct, the Secretary did not even know about these allegations because he did not see the report. So, the idea that somehow that led to the firing of Mr. Linick really is factually the evidence does not support that because the report was not given to him. He had no knowledge of these allegations, so how can that create some fiction that he fired Mr. Linick because of these so-called allegations of personal misconduct? To me it is mystifying.

I am glad you are here. I am glad we are going to get through this exercise. But I think this Nation and the State Department has far more serious business, and this committee does as well.

And I do appreciate the chairman's comments, though, about this committee, our oversight functions. And under Article I of the Constitution it is embodied in what our founding fathers stood for. But I think it is time to move on.

And with that, I yield back.

Chairman ENGEL. Before I call on Mr. Sherman I just want to say that I, too, was at the White House yesterday, and I, too, think that the accords between Israel and the Arab States are good and important. And I commend the President and everybody who was involved with it. But, obviously, this is a separate issue that we are talking about.

Mr. SHERMAN.

Mr. SHERMAN. Thank you for having this virtual and in-person hearing. And after I ask my questions I will vacate my spot here so that others can ask their questions in person.

The questions before us is why was the Inspector General fired? Mr. Bulatao offers us two rather easily dismissed ideas. The first is that the audit report was late.

As co-chair of the bipartisan CPA Caucus, and the only professional auditor in this room, I assure you that was not the reason. If you look at the Department of Defense and other departments, the State Department being a few weeks late with its audit report is tiny compared to other agencies and their late or nonexistent audit reports.

But if being late with reports is reason to fire somebody, why are we focusing just on audit reports? They are not matters of life and death. State Department foreign policy and this committee's decisions affect life and death, and they are chronically late.

So, Mr. Bulatao, since you are running management over there, since these legally required reports are incredibly late, would not you yourself resign if late reports, critically necessary for policy matters of life and death, are late under your watch?

But then we are told that we should fire the attorney—the Inspector General because of low morality according—low morale in

surveys. Mr. Bulatao, if you had any integrity, you would also be calling for the resignation of Secretary Pompeo.

All of us in this room know what morale is like in his State Department. And we do not have to rely on surveys where maybe somebody does not want to say anything bad that hurts their immediate supervisor because they and their immediate supervisor are all united. But this State, the service in the State Department is an incredibly difficult and depressing thing to do. And we have people with media contacts in the State Department right here on this committee.

If low morale is reason for someone to be fired, look up, not down.

So, the real question here is why was the attorney general—or Inspector General fired? And there are two possible reasons. One is that he was investigating the myriad of ways in which State Department resources were being used to meet the political and personal needs of Secretary Pompeo.

Or, two, that a bizarre decision was reached to evade Congress on the sale of weapons to Saudi Arabia and nearby countries.

I agree with Mr. Cooper. Which of these two? You say you do not know. I do not know.

But, I am going to focus on evading the law because that is a matter of life and death: those weapons kill. And so we ask, what is the emergency?

The emergency is that Congress might prevent the Administration from doing what it wants. You see, the emergency here is that—is not that an imperial presidency would shred the Constitution, but rather that Congress would assert its constitutional rights and endanger the imperial presidency.

The ranking member puts forward the idea that because success was reached in an important aspect of the Middle East that, therefore, we—violations of the Constitution and the laws we pass to implement it is retroactively legalized.

I have read the Constitution. There is nothing in there that says the executive branch can ignore congressional prerogatives if they are able to do, arrange a peace agreement with Bahrain and the United Arab Emirates.

Now, Mr. Faulkner testified that the murder and dismemberment of Jamal Khashoggi was perceived as the emergency. The emergency was Congress might actually look at these arms sales and reach a different conclusion. They “made it harder” to get the sales approved. And, of course, the President says he saved the crown prince’s ass for accountability for that murder.

Mr. String, who did you talk to at the White House about this emergency declaration and the need to issue it to prevent Congress from rejecting the arms sale? Did you talk to Mr. Jared Kushner? Did you talk to Peter Navarro?

Mr. STRING. Thank you, Congressman, for those questions.

Just one point of clarification. I believe, as I recall, Congress did vote on these sales ultimately.

But to your question, I do not recall ever speaking with Mr. Kushner during my time in the Political-Military Affairs Bureau.

I recall speaking to Mr. Navarro, but I do not recall speaking to him about any particular emergency declaration.

Mr. SHERMAN. And since this is a—you have been interviewed as a fact witness on this, is it also appropriate for you to be the lawyer and the fact witness in this matter?

Mr. STRING. Thank you for that, that question, Congressman.

So, I take ethics obligations very seriously, as we all do in the Department. We have consulted. I have consulted extensively with the career designated agency ethics official in the Department. He has confirmed that attendance in meetings by those who were also interviewed was entirely appropriate in this case. And a few facts support that view.

First, the IG review was not an investigation of misconduct by the Investigations Unit, rather it was a—

Mr. SHERMAN. I believe my time has expired. And we understand the gist of your answer. And I will just say that if people are going to be fired because there is low morale, it starts at the top.

I yield back.

Chairman ENGEL. Thank you.

Mr. PERRY.

Mr. PERRY. Thank you, Mr. Chairman. And I thank our distinguished witnesses.

I am glad that this committee has finally accepted one of your numerous offers to appear before us. We are here today because the members of this committee care about accountability in our government. And that is the case, and if it is the case then I have one question.

Why are some of my colleagues defending former Inspector General Steve Linick? Under his leadership, the number of inspections conducted by the DoD OIG across embassies worldwide declined significantly. Former IG Linick also failed to complete a financial audit of the Department in a timely manner, and had to ask for an extension. His appointment of an unqualified auditor set the process back even further.

He was further investigated by the DoD's Office of Inspector General for being the leak behind a sensitive draft evaluation of a State Department official. And I find it particularly egregious as a person who is privileged to hold a Top Secret security clearance for decades.

At the time of his departure, Mr. Linick was under investigation for leaking classified information to the press, and had sent sensitive material to his personal email account numerous times in the span of 6 months, again an egregious, an egregious accusation.

When he received the DoD Inspector General Report on March 17th, which detailed a number of improprieties committed under his own IG rules, Mr. Linick decided not to inform State Department leadership that he had the report. And during his testimony before members in early June, Mr. Linick denied that this report was even of interest to the Department.

He then went on to make numerous other claims in testimony that would explain why the report was not delivered, starting by blaming the Department itself, and its leadership, for failing to followup on the report's status, to then saying that he preferred to relay the results of the report in person, then to citing COVID-19 for not conveying the report in a timely fashion, to then saying that there was no reason for him to keep the report away from key

stakeholders, to finally admitting on pages 124 and 125 of the DoD IG Report that he knew the Department leadership wanted the results of the investigation.

Mr. Linick intentionally sat on an IG Report. Think about that for a moment. An inspector general chose to withhold the results of an important investigation that could compromise his reputation and career. The only mistake this President made in firing Steve Linick was not doing it sooner.

Let this hearing serve as yet another example, regrettably so, that demonstrates how the Left wastes taxpayer resources, they are willfully defending a former Inspector General in the name of accountability, all the while blatantly ignoring the fact that Mr. Linick failed to hold himself accountable. There is simply no good reason why Mr. Linick withheld the DoD Inspector General Report instead of providing it to the Department leadership as he should have, none at all.

My colleagues on the other side have made numerous incorrect claims regarding this topic. Unfortunately for them, facts matter. If this committee wants to answer their own question, why did the Administration fire the Inspector General? I can tell them the answer. Mr. Linick was a threat to the principle of accountability in government plain and simple.

I commend the President for exercising his authority granted by the U.S. Congress to remove Mr. Linick from office. The fact that members of this committee would defend Mr. Linick's conduct runs contrary to our duty to maintain the public trust.

I do have one question for Under Secretary Bulatao. Does the IG have the legal right to withhold final internal reports from the Department leadership?

Mr. BULATAO. Congressman Perry, that is why we have asked the IG to refer this matter, investigation on his conduct to the Integrity Counsel, because the requirement in the IG Act requires that report to come to the leadership of the Department. So, the answer is no, it should not—does not have that authority to withhold that.

Mr. PERRY. Does not have the authority. But did withhold it, did not he?

Mr. BULATAO. Yes, sir.

Mr. PERRY. All right. I yield the balance of my time, Mr. Chairman. Thank you.

Chairman ENGEL. The gentleman yields his time.

Mr. MEEKS.

Mr. MEEKS. Thank you, Mr. Chairman.

Let me see if I can get something, understand some things. And I will ask my questions of Mr. Bulatao.

So, did you, Mr. Bulatao, recommend to Mr. Pompeo that Mr. Linick be fired? And did Mr. Pompeo then take that to the President? How did that? Did you recommend it to Mr. Pompeo?

Mr. BULATAO. Congressman, I cannot speak about my conversations with the Secretary. The Secretary has already made it known it was his recommendation to the President to remove the IG.

Mr. MEEKS. I'm asking about your role. Did you make that recommendation or was that recommendation straight to Mr. Pompeo or the President?

Mr. BULATAO. That recommendation was from the Secretary to the President.

Mr. MEEKS. So, you were just instructed to go fire Mr. Linick?

Mr. BULATAO. Well, the Deputy Secretary had the conversation regarding the removal of the IG. I was part of that phone conversation.

Mr. MEEKS. Well, I am saying you had a meeting with Mr. Linick; is that not correct? And you fired him on a Friday night in mid-May. That was you; correct?

Mr. BULATAO. No, sir. That is the point I was trying to make.

There was a phone call on May 15th, in the evening, in which case the Deputy Secretary of State notified Mr. Linick the President had lost confidence in his ability and was removing him from the role of Inspector General at the State Department. I was on that phone call.

I then proceeded to provide administrative instructions to Mr. Linick, and let him know that he would receive a letter as soon we hung up from the White House Personnel Office notifying him of his removal, and that he would be placed on 30 days of administrative leave pending a final removal date.

Mr. MEEKS. So, was Mr. Linick given a reason why he was being fired?

Mr. BULATAO. Congressman, as I, I just stated, Mr. Linick was told by—

Mr. MEEKS. Based upon what you heard. You were on the phone call. Did he, was he given a reason?

Mr. BULATAO. Yes, he was give—

Mr. MEEKS. He said he asked for a reason. Was he given one?

Mr. BULATAO. Yes. He was provided the reason that I just stated.

Mr. MEEKS. But he said he was not given one, that he was shocked to get—not to get any explanation after 7 years on the job for why he was being fired with no warning. So, are you saying Mr. Linick is a liar?

Mr. MEEKS. Congressman, what I am saying is the Deputy Secretary informed Mr. Linick the President, at his authority, his discretion had lost confidence in his ability and, therefore, was removing him from the role of IG. That was the reason provided to Mr. Linick Friday evening on that phone call.

Mr. MEEKS. See, what confuses me is the fact that 2 days after he was fired I believe it was you that told The Washington Post that he was fired because of a pattern of unauthorized disclosures or leaks. Was that not you?

Mr. BULATAO. Well, as I—

Mr. MEEKS. Did you not inform The Washington Post of that?

Mr. BULATAO. Congressman, as I laid out in my testimony earlier, there were numerous reasons why I believe personally that the Inspector General failed to perform. I talked about those three core areas where he failed to perform.

Mr. MEEKS. Yes or no, did you tell The Washington Post that the reason that he was fired was because of a pattern of unauthorized disclosures or leaks? Yes or no.

Mr. BULATAO. Again, the comments that were made—

Mr. MEEKS. It is a simple yes or no.

Mr. BULATAO. I do not to my recollection—

Mr. MEEKS. Either you did or you did not.

Mr. BULATAO. I do not to my recollection recall having a direct conversation with The Washington Post.

Mr. MEEKS. Well, I am going to direct you to that Washington Post. Because it seems as though, to me, that Mr. Linick testified he was not given any information. So, now after your, after reading your testimony today there are many reasons that are now being given.

And I agree with Mr. Sherman in that if it is legitimate because he failed to lead with integrity, then we have to look at the top. And it is evidenced by what is taking place, by the number of career diplomats and talent that have left the State Department as a result of Mr. Pompeo and the low morale that there is.

So, let me just, one more question. I see I am running out of time.

And I remind you, I understand that you are not under oath, but if you provide false testimony that would be a Federal crime of a false statement.

Did Mr. Linick tell you that he had talked to CIGIE and CIGIE had informed him that CIGIE was not the appropriate body to conduct the investigation into the leaks? Yes or no.

Mr. BULATAO. The question that I asked Inspector General Linick is if he had provided a written referral to the Integrity Council, CIGIE. The answer was no, he did not provide a written referral. Instead, what he described to CIGIE was that the State Department was looking to investigate his office.

That is not the instruction we provided Inspector General Linick. What we said is—

Mr. MEEKS. But your letter—

Mr. BULATAO [continuing]. We are investigating you, Inspector General Linick, because of allegations of potential unauthorized disclosure.

Mr. MEEKS [continuing]. To the State Department, your letter to the State Department only learned months later.

Mr. BULATAO. That is what we had asked him to refer to CIGIE. That did not happen.

Mr. MEEKS. Your letter, sir, your letter, sir, to the State Department said the Department only learned months later that the referral was not made to CIGIE but to a different IG. Now, again, Mr. Linick testified that your statement isn't true, and that he told the Department at the time that CIGIE did not have jurisdiction and that he did not—and that he had been advised by CIGIE to get another IG's office to do that, not a violation of anything or anything.

It seems to me, sir, that with these multiple after-the-fact reasons the insinuations that were made by the chairman of the committee that could this be a cover-up by the Secretary and the President? Because it seems to me when you look at Webster and the definition of cover-up is an unusually concerted effort to keep an illegal or unethical act or situation from being made public.

And what has taken place in Yemen, and the killing of innocent individuals, and getting around Congress to get this to have the sale of someone who is friendly, based upon the President's own admission the crown prince, him and his son-in-law, seems to me, sir,

to be leading to an actual cover-up, and the IG was going his job and he was being stopped by you, the Secretary of State, and the President of the United States.

I yield back my time.

Chairman ENGEL. The gentleman yields.

Mr. YOHO.

Mr. YOHO. Thank you, Mr. Chairman. And, gentlemen, thank you for being here and your testimony and your patience.

Mr. Bulatao, you said in the very beginning the critical role the IG plays in the executive branch is to shine light on areas that need to be improved, and to improve those. And, obviously, we all think that is a good thing because we want to get rid of waste, fraud, and abuse. I think we are all in agreement with that.

Then you mentioned the three key missions, as Chairman McCaul pointed out: mission execution, protect the team, and lead with integrity.

Just for the record, for clarity, were those three things upheld by IG Linick?

Mr. BULATAO. No, sir.

Mr. YOHO. Okay. Mr. Cooper, you said that you were not sure why he was relieved. Do you feel that IG Linick lived up to those three mission statements?

Mr. COOPER. Based on the information provided here today, no.

Mr. YOHO. Okay. Mr. String?

Mr. STRING. Congressman, I believe Under Secretary for Management laid out a comprehensive case as to the failings of the IG on those three metrics.

Mr. YOHO. Okay. So, for the record, IG Linick did not meet what he was tasked to do.

It has been said in this testimony, Under Secretary Bulatao and Mr. Cooper, that President, the President has personal, just personal will to remove an IG at will. Is that correct? Everybody is in agreement with that?

Mr. BULATAO. Yes, sir. It is his authority.

Mr. YOHO. It is his authority.

Mr. String, and Mr. Cooper, I know you want to say.

Mr. STRING. His executive authority.

Mr. YOHO. Okay. At his discretion; right?

Does removing an IG due to lack of confidence in that individual constitute an acceptable, and acceptable reason for removal of an IG?

Mr. STRING. Sir, that rationale has been upheld by the courts.

Mr. COOPER. Yes, sir.

Mr. BULATAO. Yes, sir.

Mr. YOHO. Okay. So, we are all in agreement with that. And that is good because the hypocrisy that we see, or the double standard when we go back to President Obama when they removed IG Walpin in 2009, who was investigating, he was the IG for the Corporation for National Commerce Services, the Federal agency overseeing organizations like AmeriCorps. And they, AmeriCorps, was granted by this agency, or AmeriCorps granted to this non-profit \$850,000.

As IG Walpin went through, it was St. HOPE ultimately had to repay \$400,000 because what they found out is St. HOPE was run

by soon-to-be Sacramento Mayor Kevin Johnson, who was a large donor to the Obama Administration. And they found that the money had been used. It was supposed to be to help tutor local students, redevelop some buildings, and enhance theater and art programs.

Walpin's team found out, however, that the money had been used instead to pad staff salaries, meddle politically in a school board election, and have AmeriCorps members perform personal services for Mr. Johnson, including washing his car, the Journal reported.

So, when this gets exposed, I think it was Norm Eisen and Mr. Johnson went after this guy and removed him because they said that President Obama did not have his full confidence.

So, the hypocrisy we are seeing here today is just unconscionable. Just it amazes me, this committee is supposed to be apolitical. We pride ourselves on that. But I am not seeing it. In fact, I have not seen it this whole year, Mr. Chairman, and it saddens me.

And so, with what I have heard from you, the relieving of duty of IG Linick was more than acceptable. It was not President Trump just did not have confidence in this guy, he failed to meet the required time period.

Chairman ENGEL. Will the gentleman finish? The gentleman's time has expired.

Mr. YOHO. Thank you, Mr. Chairman. And I yield back.

Thank you, gentleman. And I appreciate the job you do.

Chairman ENGEL. Thank you, Mr. Yoho.

Mr. DEUTCH.

Mr. DEUTCH. Thank you, Mr. Chairman.

Mr. Bulatao, can we just—Bulatao, Okay, thank you—Mr. Bulatao, the committee asked the Inspector General to review the false 2019 emergency that the Administration declared to pursue that \$8 billion in arms sales. And since then, we have learned that the IG's investigative work was largely done by the end of 2019.

Inside the Department, obviously the buck stops with Secretary Pompeo, right, he is the one who makes, he is the one who makes determinations like this about the emergency?

Let me just go on, Mr. Bulatao. Mr. Linick testified that in this inquiry you, like always, were the gatekeeper for Secretary Pompeo and that you, as per his testimony, in this case helped keep the gate shut. He asked in late 2019 for an interview with the Secretary, and you asked Mr. Linick for the topic areas he wanted to discuss with the Secretary. That's right, isn't it? And what were those specific topics that the IG told you he wanted to discuss?

Mr. BULATAO. Congressman, as I recall that conversation I asked the IG are there any areas that I can help you with, which was normal, normal thing I did during our biweekly meetings.

Mr. DEUTCH. Right.

Mr. BULATAO. And what he responded to me was, yes, there is. We are complete, we have completed our investigation of the Saudi arms sale, except for interviewing the Secretary.

Mr. DEUTCH. Right. And he—

Mr. BULATAO. My question to him—

Mr. DEUTCH. Did he, and did he, right, so did he give you any information on the topics that he wanted.

Mr. BULATAO. My question to him was—

Mr. DEUTCH. Well, I am just asking you the question. Did he give you topics that he wanted to discuss with the Secretary?

Mr. BULATAO. Not at that time.

Mr. DEUTCH. Ever?

Mr. BULATAO. Oh, I can tell you, I can tell you the circumstances that—

Mr. DEUTCH. I do not need the whole story. I just want to know what the topics were that he wanted to discuss with the Secretary.

Mr. BULATAO. He wanted to discuss the policy decisions that went into that decision.

Mr. DEUTCH. Right. Did he want to ask about conflicts of interest in the emergency declaration process? Was that, did he tell you that?

Mr. BULATAO. What we ended up doing was—

Mr. DEUTCH. No, I am just asking. Did he ask?

Mr. BULATAO [continuing]. Asking me—

Mr. DEUTCH. I do not want to know what you ended up doing.

Mr. BULATAO. Asking me to write down questions.

Mr. DEUTCH. Did he ask you about conflicts of interest?

Mr. BULATAO. The questions were written down and we provided answers to those.

Mr. DEUTCH. No, no, I understand. I am asking very specifically, and I would like you to respond specifically, did he want to ask about conflicts of interest in the emergency declaration process?

Mr. BULATAO. I was not involved with those conversations with the Inspector General. That is what I am trying to tell you.

Mr. DEUTCH. Did he want to ask about Jared Kushner's involvement in the arms sale? Did you know that? Was that made clear to you at any point?

Mr. BULATAO. I was not involved with conversations with the IG nor—

Mr. DEUTCH. You had no idea what he wanted to speak to the Secretary about?

Mr. BULATAO. I just told you what he wanted to speak to the Secretary about.

Mr. DEUTCH. And there was no specific, nothing specific?

Mr. BULATAO. That is what we were asking. That is the conversation we were having. We were trying to understand that in order to, in order to schedule the time.

So, what I committed to the IG is help us understand what you need to ask. We will try and get you the time to go and meet with the Secretary.

Mr. DEUTCH. No, no, no, I am not asking—right, I am not asking about specific questions. I am asking did he raise with you the topics in any more specificity than you are telling us now?

Mr. BULATAO. Not, not with me.

Mr. DEUTCH. With whom then?

Mr. BULATAO. I was not involved in any other—

Mr. DEUTCH. Was there anyone—the buck stops with the Secretary. You are going to make the determination about whether this interview takes place, so, not with you. Is there anyone that you are aware of that the Inspector General detailed the subject matter that he wanted to discuss with the Secretary?

Mr. BULATAO. He provided a list of written questions that we then subsequently answered upon getting those questions.

Mr. DEUTCH. Mr. String, are you aware of any of the topics that he wanted to discuss?

Mr. STRING. Congressman, as Under Secretary Bulatao—

Mr. DEUTCH. Are you aware of any, just are you aware of any of the topics that he, that the Inspector General wanted to discuss?

Mr. STRING. He was focusing on the policy decisions, Congressman.

Mr. DEUTCH. I understand. With specificity, was there any specificity?

Did he want to ask about Secretary Pompeo's knowledge that the Saudis had previously used weapons that the U.S. sold them to commit possible war crimes? Was that something specific that might or—that he explained?

Mr. STRING. Congressman, you are getting into—

Mr. DEUTCH. Just a yes or no.

Mr. STRING. You are getting into some internal deliberations.

Mr. DEUTCH. I am just asking about the topics. There is no—I am not asking about deliberations. I am asking did the Inspector General tell you or anyone that you are aware of at the State Department that he wanted to discuss with the Secretary of State whether Secretary Pompeo had knowledge that the Saudis had previously used weapons that the U.S. sold to them to commit possible war crimes? Or, did he want to ask about Jared Kushner's involvement in the arms sales?

I am not worried about deliberations. I want to know whether you were aware of what he wanted to discuss with the Secretary. It is just a yes or no question.

It is just a yes or no question.

Mr. STRING. Thank you, Congressman. So, you are getting into investigatory questions posed by—

Mr. DEUTCH. No, I am not. I am not getting into questions. I am not. I am asking about topics. There is nothing classified, there is nothing about—I am not asking about internal deliberations. None of that has anything to do with the Inspector General simply telling you that these are the topics he wanted to discuss with the Secretary of State.

Mr. STRING. Congressman—

Mr. DEUTCH. And I am asking you whether he gave you those topics?

Mr. STRING. Congressman, again, he was looking at the policy decisions and a time line for—

Mr. DEUTCH. Did he give you, was there, was there the kind of specificity that I have asked about? That is all I am asking. It is a yes or no question.

Mr. STRING. Congressman, the questions presented by the IG were focused on the policy deliberations.

Mr. DEUTCH. I understand. I understand.

I am asking when he came to you, Mr. Bulatao, you are the gatekeeper. When he wanted to meet with the Secretary of State did he provide to you, or to Mr. String, or to anyone at the State Department a list of topics that he wanted to discuss with the Sec-

retary? I do not want general policies. I want to know did he give you any of those specifics; yes or no?

Mr. BULATAO. Congressman, my role was not the gatekeeper, my role—

Mr. DEUTCH. Yes or no.

Is there anyone on this panel who can answer this question? It does not seem that difficult. And when all you want to do, Mr. Chairman, when all you want to do is tell me that he wants to talk about policies, we, guess what, we know that that is what he wanted to talk about. And we are trying to figure out why he was not allowed to do it and why he was ultimately fired. And you cannot even tell us whether these were the issues that he wanted to talk about.

If you are aware that he wanted to talk about policy, then it certainly sounds like you are aware of exactly what those policies were, and Secretary Pompeo deserves to give the American people some answers to these questions and some accountability.

And I yield back.

Chairman ENGEL. The gentleman's time has expired.

Mr. KINZINGER.

Mr. KINZINGER. Thank you, Mr. Chairman.

All that time cutting you off maybe gotten the answer that they were looking for. He said, you know, ultimately Mr.—

Mr. DEUTCH. Mr. Kinzinger, I was asking a yes or no question.

Mr. KINZINGER. I am not going to argue with you about it. I am just making the point that that was about a 3 minute thing that if they would have been able to develop maybe you would have gotten the answer you were looking for.

In terms of why, we want to ultimately get to why he was fired, I think, sir, you put out a really good reason. And quite honestly, I think had you not fired him we may be here at this very moment attacking you for not firing him for not having everything done on time. And it is the season we are in.

And I appreciate you all being here. Thank you, Mr. Chairman, for holding this hearing.

You know, oversight is, of the executive branch is something we do. It is core to what we do. And I believe we should be using this precious platform not for politics but for advancing foreign policy priorities. We have the Russians meddling in yet more European elections, potentially even in ours.

Belarus we have going on. Peace deals being signed. Communist China is continuing to grossly violate the human rights of the Uyghurs and Hong Kong. Yet, we are using this time to debate something that past administrations have done, which is to fire an inspector general for failing to do their job.

We need this, hopefully maybe after the election, to get back to focusing on big, important things going on around the world.

Assistant Secretary Cooper, I want to first start off with the important role that the Political-Military Affairs Bureau at the State Department plays in American foreign policy.

How do arms sales support our foreign policy priorities? And why is it important that the State Department maintains the authority over arms sales?

Mr. COOPER. Thank you, Congressman. And it is not just the authority over arms sales, it is also the authority and the imprimatur on Title 22 and Title 10 security assistance. So, it is the whole package.

But, if one looks at arms transfers, arms sales, security assistance, this would be including of IMET, International Military Education and Training, all of those things are implements to actually achieve our foreign policy objectives. Essentially our chiefs of mission forward, our embassies forward have a host of toolkit available to them.

These implements that reside within the political-military portfolio are some of the most significant and some of the most tangible implements of foreign policy that we provide. They are often there to make sure that a partner is able to actually, from a security standpoint, not only provide for their security, their sovereignty, in many cases there is a shared burden or shared adversity that they are facing on our behalf. And in some cases we have partners that are actually prosecuting on our behalf.

So, if one looks in the whole total of the package of what is available, it is to enable partners, bring them closer together. It is also essentially the grandest level of burden sharing.

But, I would go back to all security assistance, even the security assistance that resides under the Department of Defense authority, at the end of the day there is State Department imprimatur and concurrence on that because we want to make sure, regardless if it is an excess defense article, something new, we want to make sure that it actually does contribute to those ways and means of a strategic end.

Mr. KINZINGER. Well, let me ask you something. Do we have non-friendly competitors out there that could fill this void if we do not?

Mr. COOPER. We absolutely do.

Mr. KINZINGER. Like who?

Mr. COOPER. Well, if we look from Great Power competition we are looking at our adversaries, our competitors in places like Moscow and Beijing. You mentioned them earlier. It is why we have tailored some of our foreign military assistance, some of our foreign military financing to encourage partners to come closer to the United States, to be interoperable with our forces, to be interoperable with, say, NATO allies. It is why we have some specialized programs like the CRIF, the Countering Russian Influence Fund, and a more recent one, the CCIF, the Countering Chinese Influence Fund.

All of these, again, are part of that broader toolkit that we make available to our chiefs of mission.

In many cases there is a suite of these tools that also are tied to arms transfers.

Mr. KINZINGER. Let me ask you, also, real quickly, when you talk about Yemen, real quick, 200, there has been over 200,000 deaths. The U.N. estimated that nearly 18,000 were combat-related civilian casualties. How have the Houthis, or how has Iran attempted to address non-combat-related death?

Mr. COOPER. In an open fora I can tell you very clearly that there is, as I mentioned in my testimony, there is no compunction, there

is no rule of armed conflict that is being followed by Tehran. There is none of that by the Houthi rebels.

If anything, we have seen a direct threat to civilian populace. And that is, again, something I would be happy to talk to in more detail in a classified space. But do know that when we talk about the risk to civilians, the risk to civilian infrastructure, the Houthis, they have no parameters.

Mr. KINZINGER. Excellent.

Thank you. I yield back.

Chairman ENGEL. Thank you.

Mr. KEATING.

Mr. KEATING. Mr. Chairman, can you hear me?

Chairman ENGEL. Yes. We can hear you fine.

Mr. KEATING. Thank you.

Since the beginning of the conflict in March 2015 in Yemen it has clearly risen to a worldwide humanitarian crisis: 24 million people, 12 million children all in humanitarian need, 127,000 dead, 13,500 children targeted. So, I am about to ask some questions to Mr. Bulatao about documents, about transparency, about information.

But, I want people to focus on two things, two images: 44 children targeted and killed in a school bus; another image just within the last 3 months of almost a dozen other children killed. One strike occurred the celebration of a newborn boy. He did not survive. He did not live to be 1 week old.

So, with that in mind I would like to ask questions of Mr. Bulatao, if I have that right. It is Bulatao; is that correct, Mr. Bulatao?

Mr. BULATAO. That is correct. Bulatao.

Mr. KEATING. I just want to get it as correct as I could.

You oversee the State Department's Bureau of Administration; correct?

Mr. BULATAO. Correct.

Mr. KEATING. And that, in part, oversees information provided to Congress and our requests; correct?

Mr. BULATAO. That is part of the scope of responsibility, sir.

Mr. KEATING. Indeed, it includes the congressional Document Production unit; correct?

Mr. BULATAO. Correct.

Mr. KEATING. And this was started under the Obama Administration at the request on concerns with Benghazi. They reprogrammed \$4 million so to be able to respond quickly to congressional investigations. And, indeed, then Congressman Pompeo, part of the Benghazi Committee, sought thousands and thousands of documents produced.

Does that congressional document unit still exist today?

Mr. BULATAO. It is an element within the A Bureau that, again, has responsibility for document production—

Mr. KEATING. Okay.

Mr. BULATAO [continuing]. To share with the relevant—

Mr. KEATING. The State Department, indeed, the State Department told us it had spent \$8.1 million on this department since it was established. So, let's take a second to see what the American people are getting for their money.

How many documents has the State Department produced in response to this committee's questions into the President's communications with Vladimir Putin?

Mr. BULATAO. Congressman, I do not know what the actual numbers are on that. I am happy to take that question for the record and respond back.

Mr. KEATING [continuing]. These questions, and if you do not know, that is fine.

How about our request into the intelligence surrounding nuclear, biological, and chemical weapons, how many documents were produced at our request?

Mr. BULATAO. Congressman, again, for specific topics you want I am happy to take those questions for the record.

Mr. KEATING. All right. How many documents did the Department produce pursuant to a subpoena issued around the delay in arms production for Ukraine, suffering under Russian aggression? How many?

Mr. BULATAO. Well, let me, let me speak more broadly, Congressman.

Mr. KINZINGER. So, let me just finish this set, because I think I will help you out.

What is the total number of documents at our request related to security threats against Ambassador Masha Yovanovitch? How many?

Mr. BULATAO. Again, Mr. Congressman, our team produces thousands of documents—

Mr. KEATING. All right. All right.

Mr. BULATAO [continuing]. Every year on behalf—

Mr. KEATING. If you do not know we cannot—

Mr. BULATAO [continuing]. Of Congress in order—

Mr. KEATING. How about our request for diplomatic cables? Sir, this should be, this should be an easy one. I will get to it at the end.

Our request for diplomatic cables regarding the COVID-19 virus, what about those documents?

Mr. BULATAO. Those requests—

Mr. KEATING. Same answer?

How about our request for documents on the decision to withdraw from the World Health Organization?

Mr. BULATAO. Again, Mr. Congressman, if you would allow me to answer, what I am going to tell you again, our team produces thousands and thousands of documents every year.

Mr. KEATING. Okay, Okay. Well, I will tell you again, this is the answer from the committee, tell me if I am wrong. How many pages has the Department produced about the firing of this Inspector General that we requested a month-and-a-half ago?

Now, I want to tell you why I am surprised you do not know the answer to this question, because your team does not have to do much research. The answer is zero documents produced to this committee. Zero. That should not take a team-backed approach to calculate that.

So that State has spent \$8 million on a unit you oversee, and the purpose is to produce documents to Congress, yet you produced zero documents on key oversight investigations by the House com-

mittee with the primary jurisdiction over the State Department operations.

And yet, Secretary Pompeo got to work rushing documents immediately, after the day the impeachment trial ended, to a Senate investigation, blatantly political, President Trump's political opponent. This was even raising bipartisan concerns in the Senate, a smear built on Russian disinformation, a scheme which Russian agents were involved in, friends with Rudi Giuliani, were trying to assist. And how many pages for that investigation?

And I do not think you will know the answer to this so I will give it to you. Your team could do some work and find this because the answer is now up to over 16,000 pages for that. Zero for all our requests as a committee.

And this committee has made it clear we are not going to stand for the Secretary of State, Secretary Pompeo, which is staffed by, overseeing a staff of dedicated, non-partisan professionals, to become used to select for campaign purposes.

Chairman ENGEL. The gentleman's time has expired.

Mr. KEATING. Mr. Chairman, I will ask unanimous consent to place the rest of my statement in the record and ask Mr. Bulatao how the irony occurs that you failed—you fired Mr. Linick for not providing information, yet you are not providing core information and, indeed, sir, under that criteria you established you should be fired yourself.

And I yield back.

Chairman ENGEL. The gentleman's time has expired.

Mr. Zeldin.

Mr. ZELDIN. Thank you, Mr. Chair.

It would have been nice if Mr. Bulatao was able to give any of his answers just now as we were listening to my colleagues working their way down the 2020 resistance bingo card of words: Ukraine, Yovanovitch, Russia, Putin. I think it would be nice if Mr. Bulatao was actually able to speak.

This committee remains obsessed with irresponsible, reckless, and hyper partisan attempts to take down this Administration at any cost, including last year's impeachment debacle, which we just heard reference, and now with this charade desperately trying to score cheap dishonest political points at the expense of Secretary Pompeo.

It is sad that this once great committee had been embarrassing itself with the tactics and rhetoric during this probe, dividing this committee, dividing Congress, and dividing our country.

I have participated in almost all of the transcribed interviews that your colleagues have agreed to have with the committee from the very beginning of this investigation.

The committee interviews, under oath, revealed that no one who testified spoke to Secretary Pompeo about the investigations of the arms sales to Saudi Arabia and Susan Pompeo's travel.

Secretary Pompeo himself has said he was not aware of ongoing investigations in his correspondence with this committee. There is zero evidence, zero evidence, supporting the conspiracy theory that the Secretary was aware or attempted to influence in any way the IG's ongoing investigations.

Mr. Bulatao's opening statement clearly lays out the poor job IG Linick had done in investigating the Brian Hook leak. On September 13th, 2019, the Daily Beast published an article entitled "State IG Set to Recommend Discipline for Trump's Top Iran Hand."

This article was leaked from an ongoing IG investigation into political retaliation against career employees at the State Department. Leaks have been a major issue in this Administration and IG Linick, clearly, did not take it seriously enough.

Mr. Linick exhibited inappropriate behavior under his own IG rules when he purposefully withheld the IG's report investigating a leak into his office from the department for inconsistent reasons.

First, he said that he did not share with the department because no one followed up. Then he said he did not share with the department because he wanted to tell Deputy Secretary Biegun in person. And then he cited COVID-19.

As Mr. Bulatao lays out in this opening statement, Mr. Linick failed to carry out the core mission of the IG. According to the IG Linick, he had asked the former DoD inspector general to conduct an internal investigation after being told by the Council on Inspector General on Integrity and Efficiency and two other IG offices that they could not conduct the investigation.

It seems to me that if there is an investigation into an IG's office, that IG should not be the one shopping around for someone to investigate their office.

When the report was finalized, Mr. Bulatao, did Mr. Linick send you a copy of it as you requested?

Mr. BULATAO. No, he did not.

Mr. ZELDIN. Did you ever speak to Secretary Pompeo about the IG's ongoing investigations?

Mr. BULATAO. No, I did not.

Mr. ZELDIN. Bottom line, it was not possible for Secretary Pompeo to fire Mr. Linick because of the ongoing investigation since he had no knowledge of this work by the IG.

As you lay out in your testimony, Mr. Bulatao, there are numerous reasons you recommended firing Mr. Linick, and again, it is appropriate to reiterate that the president has the authority to hire and fire appointed personnel.

This whole House Foreign Affairs Committee investigation has been nothing more than a fishing expedition and the Democrats are still sitting here today with nothing at the end of their hook.

I appreciate all the witnesses for being here to testify today. I hope after today this issue is finally closed. And no, as far as calling on Secretary to resign, I actually think it would be fantastic to sit here and say, thank you, Secretary Pompeo, for all of the progress.

It was yesterday's announcement. It was killing Qasem Soleimani, killing Abu Bakr al-Baghdadi, eliminating ISIS caliphate, moving the embassy in Israel to Jerusalem, recognizing Israeli sovereignty over the Golan Heights, withdrawing from the fatally flawed Iran nuclear deal, getting the Taylor Force Act signed into law. That is just the Middle East and that is just a recap of some of it.

I do not want to see Secretary Pompeo fired. I want to say, thank you, Secretary Pompeo, and to all of you I wish that you were not here so you could go back and just do your darn jobs making America greater than ever.

I yield back.

Chairman ENGEL. The gentleman yields back.

Mr. Bera.

Mr. BERA. Thank you, Mr. Chairman.

It is pretty rich to hear my Republican colleagues talk about this but, I appreciate the fact that I heard Mr. Kinzinger say our main job is to do oversight, and that is our main job.

The reason why I love the United States is our founding on the rule of law spelled out in the Constitution, which talks about the checks and balances.

I am not a lawyer but I would like to ask Mr. String a couple questions since he is a lawyer and it is accurate, I believe, for me to portray Mr. String as the lead legal counsel and the acting legal counsel for the L Bureau.

So I know the rules that we are held in Congress under that suggest we have to keep all our documents, emails, et cetera, that pertain to policy decisions that we make and how we arrive at those decisions.

There is communication that happens on Gmail we have got to make sure those are—those are also catalogued, especially around policy decisions and how we make those decisions.

And I know my Republican colleagues certainly know that even after a Secretary of State leaves office, it is still our responsibility to conduct oversight because that is what they did with former Secretary of State Clinton. They even set up a special committee to do investigation of correspondence, et cetera, because they understood that.

So, Mr. String, as lead legal counsel, and this is really for all the State Department employees, you know, whether it is 5 months from now or 5 years from now, there will be an administration that will want to look back and identify documents, correspondence, et cetera, that led to policy decisions.

Mr. String, is it your recommendation that every State Department employee, absent the Secretary of State, keep those documents? They do not destroy any of those documents; they keep correspondence and emails, and that would be the letter of the law?

[No response.]

Mr. BERA. Mr. String?

Mr. STRING. Thank you, Congressman.

Yes. As you know, document preservation is something we take very seriously under the Federal Records Act, and so we take significant steps to ensure compliance with that.

Mr. BERA. So if there's a transition to a new administration 5 months from now, any employee that were destroying legal records, documentation, corresponding—correspondence as it pertains to policy decisions and deliberations. Again, whether that is on the Gmail server or elsewhere, that would be illegal.

Is that correct, Mr. String?

Mr. STRING. Thank you for the question, Congressman.

So destruction of documents would not be something that would be consistent with the Federal Records Act.

Mr. BERA. I guess let me clarify. Would it be illegal to destroy documents?

Mr. STRING. To destroy Federal records that were required to be preserved under the Federal Records Act? That would be inconsistent with the law.

Mr. BERA. Okay. So, again, just the message to any State Department Employees, you know, oversight does not stop when an administration leaves. We will continue to conduct oversight.

We will continue to look into how decisions were arrived to better understand those decisions. You know, hopefully, there is nothing there.

But the fact that we have not been able to get the administration to work with us to talk about, you know, the rationale behind going around Congress for the Saudi arms sales, who approved and wrote those decisions, who cleared those decisions, that is something, legitimately, if we have an administration that is willing to cooperate with us, we can go back and look at.

And, again, for every State Department employee, you know, we just heard from lead legal counsel that says any destruction of documents, any destruction of correspondence, even if it's on your personal Gmail server or Gmail account, would be considered illegal and, you know, we certainly will be looking into that. That is of concern.

I am out of time. So, again, I will yield back to the chairman. Chairman ENGEL. The gentleman yields back.

Ms. Titus.

[No response.]

Chairman ENGEL. Ms. Titus.

Ms. TITUS. I just lost you for a second. Thank you.

Chairman ENGEL. I did not want to lose you.

Ms. TITUS. Yes. Thank you very much. I appreciate that.

I have listened with interest to all the discussion about the inspector general. I just want to return to the Madison dinners for a little while. They are making the news again.

I think many of you probably saw this article that was in the paper. These are dinners, so-called Madison dinners, in the Madison Room that are hosted by the Secretary and his wife. They are restarting this week and they are using taxpayer money.

So I would like to present some statistics that have been reported in press accounts. Twenty-nine percent of the invitees came from the corporate world.

Another 25 percent came from the media, which was mostly conservative media. Just 14 percent were diplomats or foreign officials and those names seemed to be interchangeable.

Finally, every single member of the House or Senate who has been invited is a Republican. Roughly, two dozen of these dinners have been held since April 2018 when Mr. Pompeo took office as Secretary of State and at least three more are planned to be held not at the Madison Room but at the Blair House.

Does that sound accurate to you, I would ask your witnesses?

Mr. BULATAO. Congresswoman, I do not have access nor do I—am involved in any of the invitations or the execution of the Madison dinners.

Ms. TITUS. And I believe that may be the point. But we do not have any indication that Democratic members have ever attended these or—we've been hearing about how foreign policy is not supposed to be political. Politics—partisan politics stop at the country's border, at the water's edge. How many times we have heard that.

We have heard our Republicans criticize us this morning for making this political, and yet no Democratic members have attended these or been invited as far as we know. Is that correct?

Mr. BULATAO. Let me—let me make this comment on it. I think American foreign policy is uniquely a reflection of the broad spectrum of American society.

Secretary Pompeo recognizes the strongest foreign policy—

Ms. TITUS. I appreciate that. I appreciate that. A yes or no—yes or no. I am sorry. Yes or no, any Democrats have been at this—these dinners that are supposed to be about foreign policy?

Mr. BULATAO. Again, Congresswoman—

Ms. TITUS. I think the answer is no.

Mr. BULATAO. Congresswoman, I do not have that answer—

Ms. TITUS. All right. I guess you—

Mr. BULATAO [continuing]. Because I am not involved in the Madison dinners.

Ms. TITUS. Okay. Well, is anybody there at the table involved in these dinners?

[No response.]

Ms. TITUS. Apparently no, so—

Mr. COOPER. No, ma'am.

Ms. TITUS. Okay. Well, we had Toni Porter before this committee and she was involved in the dinners. She was the former person who planned fundraisers for Mr. Pompeo's campaigns and now she plans these Madison dinners.

Her recollection is that aside from Mr. Pompeo himself there were no State Department diplomats or foreign experts at any of these dinners. She said usually it was just herself and a protocol officer. They set up the dinner but they did not go behind the closed doors.

However, it did take a lot of foreign—State Department staff because you had caterers, security officers, facilities management to set these up.

So it took a lot of time and effort, and many of the—talk about morale, many of the people at the State Department did not think this was an appropriate use of their time.

Who did attend these dinners, however, was Mrs. Pompeo, and I believe you know the answer to this even though you were not involved, she is not a State Department employee. Is that correct?

Mr. BULATAO. Mrs. Pompeo is not a State Department employee. But as the spouse of the Secretary, she is involved in many official functions and representational events.

Ms. TITUS. Okay. And yet, she had all the information from the dinners and the people who attended the dinners sent to her personal email. Is that correct?

Mr. BULATAO. I could not hear your question, Congresswoman. Could you please repeat?

Ms. TITUS. All right. I said and even though she is not a member of the State Department, not an employee of the State Department, she had all of the information from the people who attended these dinners sent to her personal email. Was that—maybe that was for a Christmas card list or something. I do not know. Is that correct?

Mr. BULATAO. Congresswoman, it would not be—as the host, as part of the host team for a representational event, for Mrs. Pompeo attending that event with the Secretary to know who was going to be at any event.

So all events like that in terms of representational, whether they are domestic or overseas, it would be appropriate to send the list of attendees.

Ms. TITUS. Even though she is not an employee and we do not know what information was included that was sent to her besides addresses and names to put in her personal Rolodex, perhaps to use for a future political campaign for Mr. Pompeo.

But do not you think it is a little odd that we also heard that no information was prepared for Mr. Pompeo for these dinners?

No briefings, no facts, no figures, nothing to use to explain the State Department's work or what they were doing in a particular country, which was allegedly the function of these dinners? Nobody did any of that? They did not really care about talking about any of that?

Mr. BULATAO. Congresswoman—

Ms. TITUS. Do you think that is appropriate? Don't you think that is a little odd?

Mr. BULATAO. The Secretary is well-versed on a multitude of foreign policy issues. That is his job as our lead diplomat.

I believe these events are a valuable opportunity to educate disparate elements of our society about current foreign policies and to introduce foreign diplomats to Americans. I think they serve a useful function.

Chairman ENGEL. The gentlewoman's time has expired.

Ms. TITUS. Especially for movie stars and press and all that. But let us also remember, and I will yield back in just a second, Mr. Chairman. These are—these dinners are paid for by taxpayers. They pay for these dinners.

And yet, I wonder what taxpayers' benefit is from these dinners hosted for Mr. Pompeo and Mrs. Pompeo to make political contacts for their future. When they were looked into, shortly thereafter that is when the firing of this inspector general occurred.

And I yield back. Thank you.

Chairman ENGEL. Mr. Cicilline.

Mr. CICILLINE. Thank you, Mr. Chairman.

The chairman, in his opening statement, laid out a pattern of corruption, nepotism, and mismanagement occurring at the Trump State Department, and as I was listening it seemed more like examples from dictatorships around the world that our country has a history of condemning.

And in the face of staggering evidence of misconduct and lawlessness, it is important we take a moment to applaud the men and women at the State Department who continue to serve as this Ad-

ministration erodes our standing in the world, works around enacted legislation to sell arms to Saudi Arabia, or fires those brave enough to investigate their wrongdoing.

So, Secretary Bulatao, I want to begin with you. I want to ask you some statement—about some statements Secretary Pompeo made. When the Secretary was asked about whether he knew the fired inspector general was investigating him, he claimed that he had no knowledge of this.

Here is what he told the Washington Post: “It is not possible. My recommendation to the president was based on any effort to retaliate for any investigation that was going on or is currently going on because I simply do not know.

I am not briefed on it so it is simply not possible for this to be an act of retaliation. End of story.” That was the end of his quote.

That was not true, was it? Because there were two investigations the IG was doing of the Secretary. One involved his role in bypassing a congressional prohibition on arms sales to Saudi Arabia, and as the New York Times revealed, Secretary Pompeo knew that the inspector general was investigating this issue because the inspector general had asked to interview him and Secretary Pompeo refused and instead chose to answer written questions.

So it is indisputable that Secretary Pompeo knew about this investigation.

The other investigation was examining whether Secretary Pompeo and his wife abused his office by asking State Department employees to run personal errands for them.

Mr. Linick, the inspector general, told the committee that he spoke to you and Deputy Secretary Biegun in late 2019 about the fact that his staff would be requesting documents from the office of the Secretary related to the alleged misuse of government resources by Secretary Pompeo and his wife.

And he said he told you this so that you and the Secretary would not be surprised and would understand why they were requesting those documents. Mr. Linick testified under oath, under the penalty of false statement, rather, when he told the committee this.

So my first question, Mr. Bulatao, was Mr. Linick lying when he told the committee that he spoke with you about this investigation in 2019 months before he was fired?

That is a yes or a no.

Mr. BULATAO. No. Let me make—

Mr. CICILLINE. Okay. So he was not lying?

Mr. BULATAO. No. No. Let me clarify to the question there.

Mr. Linick never talked to me about that in 2019. No, he did not talk to me about that.

Mr. CICILLINE. Okay. So, Mr. Bulatao, I find this very hard to believe. Secretary Pompeo is one of your oldest and closest friends. You have known him since your days at West Point. You were business partners.

And you are asking this committee to accept that you cannot—that you did not, in fact, have a conversation with the inspector general where you were told that he was conducting an investigation of a person close—one of your closest friends for abusing his office. I find that very hard to believe.

Now, Mr. Linick also requested—

[Simultaneous speaking]

Mr. BULATAO [continuing]. To the Congress.

Mr. CICILLINE. You said he did not speak to you. I do not believe you. Mr. Linick then requested documents for his investigation of Secretary Pompeo's misuse of staff.

You were aware of these document requests, correct?

Mr. BULATAO. No.

Mr. CICILLINE. You were not—you were not aware that document requests were made of the Secretary?

Mr. BULATAO. No. What I—what I was aware of was that the inspector general was conducting a preliminary inquiry on travel—

Mr. CICILLINE. Okay. So change the word. Preliminary inquiry, which is another word for investigation, of the Secretary, correct?

Mr. BULATAO. No. The topic that I was informed of, and I received an email from the IG's office, was they were conducting a preliminary inquiry on official travel.

Mr. CICILLINE. And did you tell Mr. Pompeo that he and his wife were under investigation for allegedly misusing State Department staff?

Mr. BULATAO. No, sir.

Mr. CICILLINE. Again, I find that difficult to believe, sir.

Again, Mr. Pompeo is one of your closest friends.

Mr. Bulatao, did you—Secretary Pompeo has said that he recommended to President Trump that Mr. Linick be removed from office. This was a big step for the Secretary to take. I presume he discussed it with you.

Mr. BULATAO. The Secretary mentioned that he was going to make a recommendation to the president sometime in early April.

Mr. CICILLINE. And I presume, Mr. Bulatao, that when he made that—when you had that conversation with Secretary Pompeo you must have thought to yourself, oh my goodness, this will look bad. If you fire an inspector general who is investigating you and your wife for misconduct it will look bad. And you must have given him some advice or at least told him about that.

Mr. BULATAO. Again, Congressman, you keep alluding to that I knew about some kind of investigation about—

Mr. CICILLINE. But you just said you knew about a preliminary inquiry.

Mr. BULATAO. About travel. That's what I told you. About travel.

Mr. CICILLINE. An investigation—

Mr. BULATAO. And I welcome an investigation about travel. It is good. We got to make sure we get travel right. So that was not an issue.

There was no issue about the IG investigating travel. None whatsoever, although I was surprised when the Secretary mentioned that he was going to do that because I was surprised it took him that long.

Mr. CICILLINE. Well, Mr. Bulatao, what you are saying—

[Simultaneous speaking]

Mr. BULATAO [continuing]. Performance.

Mr. CICILLINE [continuing]. To be frank with you, just does not add up. We know that Mr. Pompeo was not telling the truth when he denied knowing about the IG's arms sales investigation.

I think he is also misleading the public when he denies knowing about the investigation of his misuse of State Department employees—

Mr. BULATAO. I think it's outrageous that you are calling the Secretary of State a liar.

Mr. CICILLINE [continuing]. Just as he tried to obfuscate the reasons around Mr. Linick's firing and stymie everyone except his best friend from coming forward, coming to Congress to tell us what happened.

And with that, Mr. Chairman, I yield back.

Chairman ENGEL. The gentleman yields back.

Mr. Castro.

Mr. CASTRO. Thank you, Chairman, and thank you, gentlemen, for being here, for your testimony today.

Since the beginning of his presidency's term, many of us have been very concerned about President Trump's undermining of the rule of law, including his use of the State Department and the Secretary of State to do it, and also his disregard for the oversight function of the legislative branch and that is why I believe you see a lot of the questions that you have been fielded today.

And you all made the point that one of your chief complaints with Inspector General Linick was that he was not providing you the information that you needed to do your jobs.

I am saying that you all so far are not providing us the information that we need to do our jobs and in so doing are probably permanently changing the balance of power between the executive branch and the legislative branch by burying everything in either disregard or forcing everything to go to court.

So I sent a letter to the department on August 25th raising a number of questions regarding the use of department resources to facilitate the Secretary's speech to the RNC including on issues that are directly under your purview, Mr. Bulatao, such as the use of staff time—such as the use of staff on official time for that purpose, and I have yet to get answers from the department.

I want to ask you today whether you will commit to this committee that you will provide answers to those questions and provide a full accounting of the expenses incurred during the Secretary's travel to Israel.

Now, before you answer, I want to say this. If you have nothing to hide, why do not you call provide us the information that we are looking for?

If it is clear that nothing was done wrong, why not send over the documents that we have requested? Again, this is consistent with a string of what I would consider an abuse of ignoring the legislative branch, and the temptation then is the next time you get either a Republican or a Democratic president that the executive branch is going to make—is going to issue the same abuses.

And also before you answer the question, please know that I am requesting two things: No. 1, that whatever documents pertaining to that inquiry exist that they be protected and not destroyed at any time, and second, if we do not wrap this investigation up, because I am chair of the Subcommittee on Oversight and Investigations for this committee, I am going to ask this committee to make

sure that those investigations continue past November and past January.

With that, please.

Mr. BULATAO. Congressman Castro, again, we take very serious the role of oversight for this committee. I will work with our legislative affairs team to understand where the status of that document request is.

I will also note that the Secretary of State himself made known that his remarks were in no way used any resources from the department. It was in his personal capacity and no resources from the department were used in him making those remarks.

But I will followup and understand where that document request is and we will continue to work to comply with our oversight requirement.

Mr. CASTRO. And I understand that he—that he issued that statement and I respect that statement. But as you know, this is not just about one person's word. We are entitled to engage in an oversight function and we have not been provided the documents and the resources that we need to do our jobs.

So I am asking you, please give us what we need.

All right. You know, I want to ask Mr. String, because it remains stunning to me that Mr. Pompeo recorded a speech for the RNC while he was on official travel in Jerusalem. In fact, it shattered decades-long norms that have kept our diplomats in the State Department out of politics.

In fact, this raised such serious concerns that, as chairman of the Oversight Committee, I raised a number of questions to the department about this abuse.

But we have also learned in October and November 2019 President Trump asked the Secretary to speak at one of his campaign rallies. Apparently, the Secretary wanted to but, ultimately, backed down in light of the existing guidance.

Is this correct?

Mr. STRING. Congressman, thank you—thank you for the question and I will echo what the under secretary said about our commitment to responding to the committee's request.

So as I recall, there was a period in 2019 when that issue that you raised came up and it was reviewed.

Mr. CASTRO. So the issue did arise? That request was made by the president to the Secretary of State?

Mr. STRING. I do not know the details of it, Congressman. My recollection is that it was an issue.

Mr. CASTRO. Okay. With that, I am out of time. I yield back.

Thank you, gentlemen, for your testimony.

Chairman ENGEL. Thank you.

Mr. Lieu.

Mr. LIEU. Thank you, Mr. Chair.

I have criticized both the Obama and Trump Administrations for supporting a Saudi-led military coalition that has committed multiple war crimes in Yemen. This is not a partisan issue. It is a moral issue and a criminality issue.

I previously served active duty in the military as a JAG, and one of my responsibilities was to advice commanders on the law of armed conflict. It is clear to me that officials in the State Depart-

ment and the Department of Defense have potential legal liability for aiding and abetting war crimes.

That is one reason that on December 16 the Obama Administration halted a shipment of precision guided munitions to Saudi Arabia, because they realized the Saudis were using these very precise weapons to precisely target and kill civilians at funerals, wedding parties, civilian marketplaces, hospitals, and recently a school bus filled with children.

Unfortunately, the Trump Administration reversed this sale and these are the kinds of weapons being used in war crimes that Mr. Cooper and Mr. String worked so hard to let Secretary Pompeo and Donald Trump bypass congressional oversight.

And now we learned this past Monday the New York Times has confirmed what some of us were told, that in 2016 State Department lawyers wrote a memo that concluded, quote, "American officials could plausibly be charged with war crimes," unquote.

So, Mr. String, I have been asking for a copy of this memo for years. Let me ask you, have you read that 2016 memo?

[No response.]

Mr. LIEU. Would you like me to repeat my question, Mr. String?

Mr. STRING. No, Congressman. Thank you for the question.

To the best of my recollection, the first time I read about a 2016 memo was in the press a few days ago.

Mr. LIEU. So you were not aware that the inspector general got a copy of this 2016 memo as the Daily Beast had reported?

Mr. STRING. Congressman, in 2016 it was, obviously, under the previous administration. So I was not in the State Department at that point. To the best of my recollection, again, I do not recall hearing about a 2016 memo until I read it in the press.

Mr. LIEU. Okay.

Mr. Bulatao, were you aware of this 2016 memo?

Mr. BULATAO. Again, I was confirmed as the under secretary May •19 and I am not aware of this 2016 memo.

Mr. LIEU. Okay.

And Mr. Cooper, the New York Times reported that some of the folks in the political and military bureau had already seen this memo. Have you seen this memo?

Mr. COOPER. No, Mr. Lieu. But I want to go back to the beginning of the hearing today where I cited the Trump Administration reaffirming a previous executive order to actually commit to enabling and training to prevent civilian casualties and also citing, going back to spring of 2018, for the updated conventional arms transfer policy which specifically addresses the need to mitigate and reduce the risk of civilian casualties.

So as far as addressing the issue, yes, I am very familiar with it, which is why we have developed the advanced targeting initiative per the direction of President Trump and his conventional arms transfer policy.

So the issue is not new. As you noted, it is one that has vexed several administrations and the work continues.

Mr. LIEU. Thank you. First, I thank you for those efforts. I note that since the spring of 2018 it actually have not worked because that school bus filled with children was very precisely struck by precision-guided munition.

Now, I have a question related to what the OIG also said. The OIG found that the State Department failed to fully assess risks and implement mitigation measures to reduce civilian casualties and legal concerns associated with the transfer of precision-guided munitions included in the Secretary's May 2019 emergency certification.

Do you agree with the OIG's findings? And if you do not, why not?

Mr. COOPER. What I said we agreed to is that more could be done. There certainly had been assessment to that point. In fact, we remind the committee that before the emergency certification process and decision point the work on all these cases, the inter-agency assessment on the applicability, the requirements that were needed for our partners in Saudi Arabia, in the United Emirates, and in Jordan had been addressed and had been notified to Congress.

Mr. LIEU. Thank you. I would additionally request—

Mr. COOPER. What I added is that the work—there is additional work that needs to be done, Mr. Lieu.

Mr. LIEU [continuing]. Please read the memo. All three witnesses, please read that 2016 memo, and the second request is please give Congress a copy of that memo.

Thank you, and I yield back.

Chairman ENGEL. The gentleman yields back.

Mr. Phillips.

Mr. PHILLIPS. Thank you, Mr. Chairman, and to our witnesses, thank you for being with us today.

I would like to speak about Secretary Pompeo's senior advisor, Toni Porter, who voluntarily sat for a transcribed interview before this committee and answered our questions about the Secretary's misuse of official resources, a topic about which she also spoke to the IG about.

Mr. Bulatao, how long have you known Ms. Porter and what are her official duties?

Mr. BULATAO. I have known Ms. Porter for probably, roughly, 5 years.

Mr. PHILLIPS. Okay. And her official duties?

Mr. BULATAO. She serves as a special advisor to the Secretary. In that role, her role is to help maximize the productivity and the impact of the Secretary as our lead foreign policy expert on behalf of the American people.

Mr. PHILLIPS. Okay. So she works for the State Department, not the Pomepos personally? Is that a fair statement?

Mr. BULATAO. She is an employee of the State Department.

Mr. PHILLIPS. Okay. And taxpayers pay her salary, over \$140,000—

Mr. BULATAO. Yes.

Mr. PHILLIPS [continuing]. A year? That is correct?

Okay. I am sure you know, Mr. Bulatao, that as a public employee, government employee, that she has a legal obligation—Ms. Porter, that is—to, quote, “use her official time in an honest effort to perform official duties,” end quote, which to all of us means when the government is paying you, you have to be working for the government.

So my question is Mrs. Pompeo, the Secretary's wife, is not a government employee. So running errands for her could not be considered an official duty. Is that a fair statement?

Mr. BULATAO. Mrs. Pompeo is not a government employee. That is a fair statement.

Mr. PHILLIPS. So running an errand for her would not be considered an official duty?

Mr. BULATAO. Who was running the errand? I am not clear.

Mr. PHILLIPS. In this case, we are speaking about Ms. Porter.

Mr. BULATAO. Yes. What—

Mr. PHILLIPS. Any public—let me ask, any public employee running an errand for an executive branch official.

Mr. BULATAO. Well, again, what public employees choose to do on their own time, if it is not violating their work matters or any of the guidelines that we placed out would be up to them.

Mr. PHILLIPS. But running official—running errands for officials is not considered an official duty.

Mr. String, let me ask you, it would not be considered legal to—for the Secretary or anyone at the State Department to direct Ms. Porter to do work for Mrs. Pompeo. Is that correct?

Would it be legal for the Secretary or anyone else at the State Department to direct Ms. Porter to do work for Susan Pompeo?

Mr. STRING. You are asking a hypothetical question?

Mr. PHILLIPS. No, just a yes or no question.

Mr. STRING. I have not reviewed the—well, I have not reviewed the transcript and I think it would depend on a lot of factors.

Mr. PHILLIPS. I am not asking about the transcript. Is it—is it legal for the Secretary or anyone at the State Department to direct Ms. Porter to do work for Susan Pompeo? Plain and simple, yes or no. This is not a hard question.

Mr. STRING. Again, Congressman—

Mr. PHILLIPS. It might be hard question for you.

Mr. STRING [continuing]. The transcript was just released. I have not—

Mr. PHILLIPS. We all know the answer.

Mr. STRING [continuing]. I have not reviewed the transcript.

Mr. PHILLIPS. I am not asking about the transcript, Mr. String. You know what I am asking. It is a yes or no question you are unwilling to answer. We all know the answer.

You know that the law provides that, quote, “an employee shall not encourage, direct, coerce, or request a subordinate to use official time to perform activities other than those required in the performance of official duties or authorized in accordance with law or regulation.” That is how the law reads.

Ms. Porter testified she arranges private dinners for the Pompeos and their family.

So, Mr. String, another question. If that is true, is that an appropriate use of Ms. Porter's time when she is on the clock? Arranging private dinners.

Mr. STRING. Congressman, again, you are referring to, I believe, items in a transcript that I have not had the chance to review.

Mr. PHILLIPS. I am just—I am asking a yes—Mr. String, I am making it so easy. A yes or no question. Is that legal? In that hypothetical, is that legal?

Mr. STRING. Congressman, I appreciate your question and I know—

Mr. PHILLIPS. You will not answer the question.

Mr. STRING [continuing]. I understand what you are asking. But this is a—you are asking for a legal conclusion about a transcript—

Mr. PHILLIPS. I am asking for a simple answer.

Mr. STRING [continuing]. That I have not reviewed.

Mr. PHILLIPS. Every one of us in this entire city knows the answer to the question, apparently other than you. It has been reported that in exchange for her six-figure government salary that Ms. Porter walks Mrs. Pompeo's dog and drives the dog to doggy daycare.

One more question, Mr. Stringer. Are these appropriate activities for a State Department official to be doing on the clock of the taxpayer? One more opportunity.

Mr. STRING. Again, Congressman, I have not reviewed the transcript. I do not know the specifics. But what a State Department employee chooses to do on his or her personal time—

Mr. PHILLIPS. You have said this—with all due respect, sir, you have said the same thing five times in a row.

Lisa Kenna, the executive secretary who assists Mr. Pompeo in his actual job, claimed in her interview with the committee that she and the diplomats who work for her only assist Mrs. Pompeo when she is formally invited to official events or travel for protocol purposes.

But just this weekend the media reported the Mrs. Pompeo was demanding that Ms. Porter spend her official time at work sending out the Pompeo's personal Christmas cards.

So the beat goes on. You know, I—gentlemen, it is hard for all of us to go back to our districts at a time like this with COVID, people struggling so mightily having to make ends meet and explain to them why our Secretary of State cannot do what everybody else does, which is either find the time to do it themselves but, certainly, not on the taxpayers' dime.

I yield back.

Chairman ENGEL. Thank you.

Ms. Omar.

Ms. OMAR. Thank you, Chairman.

In 2016, the Saudi targeted a funeral in Sanaa, Yemen, killing a hundred civilians. The Saudi government admitted to this in a press statement, said that they did this without taking any precautionary measures to ensure the location was not a civilian one.

Mr. String, were you—are you aware of this?

Mr. STRING. Congresswoman, what timeframe was that?

Ms. OMAR. 2016.

Mr. STRING. I was not in the government at that period of time.

Ms. OMAR. That was not the question, sir. I asked if you are aware of it.

Mr. STRING. I have—Congresswoman, I have a vague recollection of that, although I was not in government. I was in private legal practice at the time. But I—

Ms. OMAR. Thank you.

How about Mr. Cooper?

Mr. COOPER. Thank you, Congresswoman.

I can say in my previous capacity in the National Security Enterprise before going over to the Department of State—

Ms. OMAR. It is just a yes or no question. I do not have too much time.

Mr. COOPER [continuing]. I was acutely aware of Houthi actions in Yemen dating back years.

Ms. OMAR. Were you aware—were you aware of this, yes or no?

Mr. COOPER. I was aware of the Houthi threat and the—and the cause of the ongoing civil war that did bring the death and displacement of Houthis.

Ms. OMAR. Were you aware of—were you aware of the actions of Saudi Arabia in killing a hundred civilians and not taking precautionary actions and admitting to it? That is the question, yes or no.

Mr. COOPER. So the—the answer to your question is we could do better on mitigating civilian casualties, full stop. No one is arguing that.

Ms. OMAR. So I would take that as a yes. The Obama—

Mr. COOPER. But to a specificity about a particular entity in 1916 I cannot—I cannot answer that.

Ms. OMAR. I reclaim my time. The Obama Administration suspended sales of certain weapons including precisionary-guided missiles because they were afraid that this hardware will be used to kill civilians.

In 2017, the Trump Administration decided to resume the arms sales. It sought unique written assurance from Saudis that they would comply with the law of war.

Mr. String, are you familiar with this?

Mr. STRING. Congresswoman—

Ms. OMAR. Again, yes or no.

Mr. STRING. Congresswoman, I believe this veers into potentially classified material. So I am not comfortable talking further about that item.

Ms. OMAR. Okay. So we can assume that the Trump Administration was also concerned that Saudi Arabia might use weapons we sell to them to target civilians. Would you consider targeting civilians as a crime of war, Mr. String?

Mr. STRING. Congresswoman, the specific targeting and intentional targeting of civilians would be—would be very concerning.

Ms. OMAR. Concerning or a crime of war? I am confused.

Mr. STRING. If there was specific intent to target noncombatants, that would be inconsistent with a variety of laws.

Ms. OMAR. So it seems odd that we should seek those kind of assurances and making sure that they were not targeting civilians but we are still selling weapons to them, that they are confessing to have used to commit such crimes.

Mr. String, can you give me another specific example where we sought such assurances?

Mr. STRING. As a—as a general matter, Congresswoman, we seek assurances from partners for a variety of reasons around the world and I can say that we are aware of the issues that you raise.

We take the issues very seriously. It is not just at the State Department. It is an interagency issue, and I can assure you that the

U.S. Government is focused on continuously and comprehensively addressing these issues through a variety of the training measures that Assistant Secretary Cooper mentioned earlier, including training and other forms of assistance.

Ms. OMAR. All right. So with all of that, in June—on June 11th, 2018, the Saudi coalition targeted and destroyed Doctors Without Borders treatment facility in Yemen, and on August 9th, 2018, using weapons from the United States that we sold to them, the Saudis targeted a school bus in northern Yemen, killing dozens of children.

In 2018—June 2018—Senator Menendez had put a hold on future arms sales to Saudi Arabia because of these concerns of targeting civilian casualties. Chairman Engel did the same thing.

Are you aware of this, Mr. String, and do you think these were legitimate concerns?

Mr. STRING. Just so I understand, Congresswoman, are you asking whether I was aware of the concerns expressed by some Members of Congress?

Ms. OMAR. Yes, and the fact that the Saudis targeted and destroyed the Doctors Without Borders and targeted the school bus.

Mr. STRING. Congresswoman, yes, my recollection I was aware of concerns at that time.

Chairman ENGEL. The gentlewoman's time has expired.

Mr. BULATAO. Mr. Chairman?

Mr. Chairman, would it be possible to take a 5-minute health break? We have been at this for about 3 hours. A quick 5-minute restroom break.

Chairman ENGEL. Certainly. Five minutes. I think we have votes coming so that is why we want to speed it. Want to try to get through the whole thing before the vote. But 5 minutes recessing.

[Recess.]

Chairman ENGEL. Okay. We will continue.

Mr. Connolly.

Mr. CONNOLLY. Thank you very much, Mr. Chairman, and thank you to our panelists for being here.

I have a long convoluted markup. That is why I have been coming back and forth.

I chair the Government Operations Subcommittee, which has jurisdiction over inspectors general.

So, Mr. Bulatao, could you describe for us your understanding of the roles and functions of an IG—of an inspector general?

Mr. BULATAO. The inspector general reports to the head of the agency. It is under the direct supervision, according to the IG Act. They have the responsibility to identify areas of waste, fraud, and abuse.

They have the mission to conduct independent audits, to conduct inspections and to conduct investigations, and they have a strong commitment to be independent of any inappropriate influence.

Whether that influence is coming from within their agency or from Congress or from any other place, there is a commitment to be independent from inappropriate influence.

Mr. CONNOLLY. Would you—would you believe—do you believe that an IG is subject to a supervisor's review and approval of the subject matter that IG may be pursuing by way of investigation?

Mr. BULATAO. Again, the IGs have wide latitude to investigate lots of areas, and that is my point. They are independent from any kind of inappropriate influence.

Mr. CONNOLLY. So you, according to Mr. Linick, had conversations with him, in fact, about the subject matter he was proposing to or actively investigating. Is that correct?

Mr. BULATAO. Are you referring to a specific subject matter?

Mr. CONNOLLY. Well, I guess I am starting with the general and I will get to the particular. But I am following up on your description and their broad independence, and we are now in the territory of what is proper and what is not proper about a supervisor choosing to intervene by way of discussion on the subject matter of a pending investigation by an IG.

And I asked you—we have testimony from Mr. Linick that you did have conversations with him about such subject matter and I am asking you to confirm that that is true, that you had conversations with him about ongoing investigative matters.

Mr. BULATAO. Mr. Congressman, many times the IG would ask are there areas that we should look at. So, of course, they asked for my input—

Mr. CONNOLLY. Did you—

Mr. BULATAO [continuing]. On areas that he thought would be helpful so we could help prioritize what his priorities were in areas that we thought needed attention.

Mr. CONNOLLY. Quite right. So he approached you to solicit—

Mr. BULATAO. And—yes, and I—

Mr. CONNOLLY. But the question here is did you go to him? Because he described some of those conversations that you initiated with him as, from his perspective, bullying.

Mr. BULATAO. That is a mischaracterization. I can recall the conversation that I had with IG Linick on that topic. The exact conversation went along the lines of me asking Mr. Linick if there are any areas that I could help him on.

Mr. CONNOLLY. Help him?

Mr. BULATAO. Yes. Assist him. I normally do that in our bi-weekly—

Mr. CONNOLLY. Was one of those areas the issue of arms sales to Middle East?

Mr. BULATAO. Yes, in that conversation Mr. Linick described to me—he said we are complete with the arms sale report. This would have been in early 2020 timeframe. It may have been at the very end of the year.

He said, we are complete. We are done. We just need to finish it by interviewing the Secretary, and I said, great, let me try and figure out when we could do that, how fast we can do that.

Help me understand how much time do you need, because the Secretary is getting ready to go out of town. He is going to be traveling for multiple weeks straight.

Mr. CONNOLLY. So—

Mr. BULATAO. So my endeavor was to help the IG complete whatever he needed on the arms sale. That was the first time I was made aware that there was any such inspection ongoing was in January or the end of 2019 or early 2020.

Mr. CONNOLLY. So just to be clear on the record because my time is running out, under oath it is your testimony that you never bullied Mr. Linick or sought to bully him with respect to any ongoing investigation. Is that correct?

Mr. BULATAO. That is correct. If asking questions is bullying, then—there was no bullying going on.

Mr. CONNOLLY. So stipulated. And that you did not seek to derail or suppress or influence in any undue way an investigation with respect to arms sales in the Middle East that Mr. Linick was conducting or had completed.

In fact, it is your testimony not only did you not do that, you sought to facilitate his access to the Secretary of State in order to put the final touches on that report. Is that correct?

Mr. BULATAO. It is correct, and even in—even in the IG's testimony he says no, the under secretary did not try and stop me from this work. He said it several times. He said it on his testimony on page 206 and he said it on page 208.

Mr. CONNOLLY. My time is up.

Chairman ENGEL. The gentleman's time has expired.

Ms. Wild.

Ms. WILD. Thank you, Mr. Chairman. I would like to direct my questions to Mr. Bulatao, and my predicate for my questions is primarily going to be the affidavit about Ambassador Stephen Akard, which—I am not going to go through the contents of that in detail. I think we have all seen it and know what is in there.

But it is worth noting that Mr. Akard's appointment was first announced right after Mr. Linick was fired. But he resigned only a few months later.

I mean, Mr. Akard resigned only a few months later in August after being forced to recuse himself from involvement in the arms sales matter and the investigation into the Pompeo's misuse of resources.

So my first question to you is who suggested the Ambassador Akard should be the one to replace Mr. Linick?

Mr. BULATAO. Congresswoman, we were—many candidates we wanted to understand who would be best qualified to serve in that role so we looked according to folks that were in the department for at least 90 days or folks that were already serving in a Presidentially appointed Senate-confirmed position. Ambassador—

Ms. WILD. I am sure there were many people you considered. I am going to reclaim my time and just ask who suggested that Ambassador Akard be the one to replace Mr. Linick?

Mr. BULATAO. There was—there were myself and the deputy secretary that looked to evaluate potential candidates.

Ms. WILD. And did you speak to Mr. String about it?

Mr. BULATAO. I do not recall a comment, only in that I would have generically asked Mr. String when we looked to replace what are the rules and the requirements that we need to follow so that we are going in accordance with all legal guidelines.

Ms. WILD. And it is correct that you contacted Mr. Akard back in April—mid-April, a full month before—and told him that Mr. Linick was going to be removed imminently?

Mr. BULATAO. I do not remember the exact date. It would have been around mid-April where I would have had an initial conversation with Mr.—

Ms. WILD. And so you admit that that conversation took place, yes, regardless of the date?

Mr. BULATAO. Sometime around April there would have been a conversation—

Ms. WILD. Okay.

Mr. BULATAO [continuing]. Asking about his interest.

Ms. WILD. And Mr. Akard has told us that you told him that he could also expect a call from Secretary Pompeo to express his views of the Office of the IG. Do you remember telling him that?

Mr. BULATAO. I do not recall making that comment.

Ms. WILD. And if that—but you do not deny making that comment?

Mr. BULATAO. No, I do not recall making a comment that you just stated and I do not have the benefit of the transcript. So I am not sure what context that statement was made in.

Ms. WILD. And if that comment were true, it suggests to me that Secretary Pompeo was trying to influence the inspector general position before Mr. Akard even started. Do you know anything about what Mr. Pompeo wanted to tell Mr. Akard before starting as IG?

Mr. BULATAO. Again, there was no statement of that that I recall making to Mr. Akard. I do—I will tell you what I remember calling in to him.

What I said to him is there is a huge trust deficit between the department and the IG, and the leadership of the department, including the deputy, the Secretary, all of the leadership, really wants to find a person who can help to restore and build the bridges of that trust deficit.

Ms. WILD. And all of that that you have just relayed is information that you would be able to relay directly to Mr. Akard? That would not be something that the Secretary would need to impart to Mr. Akard, would it be?

Mr. BULATAO. No.

Ms. WILD. Okay. And do you know whether Secretary Pompeo wanted to convey to Mr. Akard subjects that should be stayed away from in terms of IG investigations?

Mr. BULATAO. Again, the Secretary was not involved in any of these discussions regarding trying to identify a replacement. He was not involved in saying, I want to have a conversation, I want to do any of that. I have no recollection of those statements as you characterize them.

Ms. WILD. Well, did he have any role at all in the choice of Mr. Akard?

Mr. BULATAO. At the very end, the deputy secretary and I briefed him on our nomination. We explained to him that Ambassador Akard had served in several regions of the department.

He was a Foreign Service officer. He had served as a consular officer in South/Central Asia. He has served as a political econ officer in the EUR region. He had served as an executive assistant in the exec sec.

He has served as the acting chief of staff in the E Bureau for Economic, Energy, and the Environment and that he would be a good choice to start to rebuild that trust deficit that we saw.

Ms. WILD. Okay. So your answer suggests to me that Secretary Pompeo had no real awareness of who Mr. Akard was until you informed him of his credentials.

Mr. BULATAO. That is not what I am suggesting. What I am suggesting to you is what we described to the Secretary as our rationale—

Ms. WILD. Okay.

Mr. BULATAO [continuing]. For nominating Ambassador Akard as a replacement.

Ms. WILD. Now, there was also a suggestion that Ambassador Akard should keep his job in the Office of Foreign Missions where he was one of your subordinates in addition to taking on the role of IG. And is that correct?

Mr. BULATAO. That is not correct. The conversation we had with Ambassador Akard is you absolutely need to divorce yourself from any decision authorities or operations.

As a matter of fact, we need to delegate your authorities in the Office of Foreign Missions to your deputy. You should not have any operational or any day-to-day contact with your team.

You need to focus on being the full time acting IG, and when that acting assignment is done we will then move those delegations of authorities back to you. But from a operational perspective you just need to separate and divorce yourself from that role.

Chairman ENGEL. The gentlewoman's time has expired.

Mr. Levin.

Ms. WILD. Thank you, Mr. Chairman. I yield back.

Mr. LEVIN. Thank you, Mr. Chairman. Thank you, gentlemen, for appearing.

Mr. Cooper, it is good to see you again.

Last year, I asked you about the timing of the emergency declaration, noting that when Secretary Pompeo briefed Congress on May 21st, 2019, he made no mention whatsoever of any emergency. Here is what you said.

[Video is played.]

Mr. LEVIN. But an emergency did not pop up in those 3 days. The department was cooking up this emergency almost 2 months earlier. I gave you the chance then to correct yourself but you doubled down.

Now, I have just—I have read your letter laying out the long history of bad acts by Iran to justify this emergency declaration.

But none of that changes the fact that your testimony that an emergency arose between May 21st and 24th just was not true. Were you lying to the committee or did you have bad information?

Mr. COOPER. Congressman, as you said, I covered this fully in my August 17 letter to you and there was a copy that was provided to the chairman. But I do appreciate the opportunity to yet again set the record straight here. I stand by my statements.

They were faithfully summarizing everything, the factual basis for the emergency that reflected the Secretary's certification that was submitted to Congress—

Mr. LEVIN. Okay. I am—

Mr. COOPER [continuing]. And to the dates, to be clear, Mr. Levin, between May 21 and May 24, the Secretary made the decision to exercise a long-standing statutory authority due to the emergency circumstances described in his certification, which we reenumerated in my testimony, which you decided to not fully show the entire video.

Mr. LEVIN. All right. Mr. Cooper—

Mr. COOPER. I categorically reject repeated partisan political attempts to publicly mischaracterize my remarks.

Mr. LEVIN. Okay. Mr. Cooper, your remarks were—stand for themselves. We just played them.

Mr. COOPER. Play all of them, Mr. Levin.

Mr. LEVIN. That is what you actually said. That is what you actually said.

Mr. COOPER. Don't parse them.

Mr. LEVIN. Let us talk about the OIG report. The State Department, in fact, we understand it was you personally, sir, demanded unprecedented redactions on this unclassified report. Those redactions deal with the time line, the very information that contradicts your testimony.

The report shows the department first proposed using this emergency authority on April 3d, that the first drafts of that emergency were circulated on April 23d, and that on May 4th, Secretary Pompeo handpicked the day 3 weeks in the future on which he would send you up here to claim an emergency had suddenly appeared.

Those dates are nowhere near the May 21st to May 24th window you testified to, and you covered them up, literally, with a big black box in the redactions.

Who asked for those redactions, sir? Who signed the letter to the OIG pushing for them? Was it you, yes or no? Did you ask for them, sir?

Mr. COOPER. No. But I want to tell you—

Mr. LEVIN. Okay. Then let me ask Mr. String.

Mr. COOPER. Congress received full—Congress received an unredacted report. Mischaracterizing—

Mr. LEVIN. So—

Mr. COOPER. Congress received a full report, sir.

Mr. LEVIN. I understand that, sir. That is not what I am asking you about.

Mr. COOPER. But—

Mr. LEVIN. Sir—

Mr. COOPER [continuing]. You asked a question about redacted passages. That is internal information.

Mr. LEVIN. Sir, I am going to reclaim my time and continue asking Mr. String. Did you ask for those redactions, sir? Yes or no.

Mr. STRING. Congressman, I would like to—

Mr. LEVIN. I am going to ask you to answer the question, sir. Did you—it is not a complicated matter. Did you ask for those redactions?

Mr. STRING. The unclassified report that was provided to Congress, as I understand it, was fully nonredacted.

Mr. LEVIN. The public report.

Mr. STRING. But the elected representative of the American people—

Mr. LEVIN. Who asked for the—who asked for the redactions in the report that was public?

Mr. STRING. Well, the elected representatives—

Mr. LEVIN. Okay. You are not going to answer the question.

Mr. String, did anyone in your office tell Mr. Cooper that he might have an ethics problem if he pushed to redact in this report? If he pushed to redact the time lines which contradicted his testimony to the Congress?

Mr. STRING. Not to my awareness.

Mr. LEVIN. Okay. And when did you first see a draft of the declaration with the redactions?

Mr. STRING. Just a clarifying question. The declaration?

Mr. LEVIN. Well, let me—let me ask Mr. Cooper.

What is the first day that you learned an emergency would be certified to Congress on May 24th? Was it that first day? Was it April 3rd? Was it April 4th? What was the first day that you learned of this?

Mr. COOPER. Congressman, first of all, I was confirmed by the Senate April 30th. I was serving an additional capacity in the National Security Enterprise earlier in April, not at the State Department.

As far as the decision process, the—it would have been before the Secretary certified it. Again, that window is between May 21, 24 where he made the decision—

Mr. LEVIN. So are you saying you never knew before May 21st? Chairman ENGEL. The gentleman's time has expired.

Mr. COOPER. Congressman, we had to provide him the opportunity to make that decision.

Mr. LEVIN. So you did know before?

Troubling. All right, Mr. Chairman. Thank you. I—

Mr. COOPER. No, what is troubling are the Houthi threats and the Iranian threats to U.S. interests and our partners. That is troubling, Mr. Levin.

Mr. LEVIN. Sir, the process of dealing with the U.S. Congress stands on its own as a responsibility of the State Department and every other part of the executive branch, and you cannot hide behind what we all agree are the very important foreign policy concerns that we all share. You cannot hide behind them, sir.

I yield back.

Chairman ENGEL. Ms. Spanberger.

Mr. COOPER. By congressional notification it is public.

Ms. SPANBERGER. I reclaim my time.

Yesterday the State Department Office of Inspector General sent HFAC four letters that were part of a back and forth between the IG's office and the State Department. I will begin with questions for Mr. Cooper.

On July 10th, 2020, about 2 months after Mr. Linick was fired and a week after Mr. Bulatao postponed his last scheduled appearance before the committee, you sent a memo to the State Department Office of the Inspector General asking them to make redactions in the draft arms sales report. Is this correct?

Mr. COOPER. If you are referring to the—

Ms. SPANBERGER. Yes or no, sir.

Mr. COOPER. We sent a memo to release the report, ma'am.

Ms. SPANBERGER. And the Office of the Inspector General interviewed you as a witness in this probe last November. Is that correct?

Mr. COOPER. Say that again. You stepped away from the mic for a sec.

Ms. SPANBERGER. And the Office—the OIG interviewed you as a witness in this probe last November. Is that correct?

Mr. COOPER. That is correct, and that is withstanding with the OIG—

Ms. SPANBERGER. So you were asking for redactions about an investigation of something you had personally been involved in, the arms sale. Is that correct?

Mr. COOPER. No, ma'am. What is correct is that we—any assistant secretary or bureau leader would be part of any—

Ms. SPANBERGER. But, sir, you were before Congress last year talking about those very arms sales. So you are now saying that you were not involved in them?

Mr. COOPER. Ma'am, no. What I was saying is we were part of the report that was being done. It is normal course of business for the Inspector General to sit down and interview all of us who were part of the process.

Ms. SPANBERGER. But you did not—Okay. So you were asking for redactions about an investigation and something that you had been involved with. Who told you to write that memo?

Mr. COOPER. There are no redactions in the report sent to Congress. The redactions that were done were to protect on deliberate decisionmaking matters.

Ms. SPANBERGER. So the challenge there, though, is that the OIG, of course, disagreed with you. So I am very concerned, as I believe we all should be, about civilian casualties and what appears to be the administration's lacking commitment to reducing civilian staff deaths.

When it came to the section of the report on civilian casualties, you recommended, and I am quoting here, that the, quote, "OIG consider removing this element from the unclassified report in order to allow that that report be finalized, briefed to Congress, and released to the public."

If the OIG had taken your advice, the public would never have seen the part about the civilian casualties. Congress would not talk about it and we would be in the dark. Is that correct, sir?

Mr. COOPER. That isn't to my recollection because we actually supported the finding that we do more on civilian casualties.

Ms. SPANBERGER. Okay. So in response to your request for that information to be classified, the OIG wrote back on July 21st and they did not mince words. They said that you failed to, quote, "properly invoke a claim of privilege that would justify withholding the information."

It further stated the department's proposed redactions appear to be overly broad, and do not conform to U.S. Government practices.

What is more, your redactions would cover, quote, "nonprivileged factual information" about, quote, "specific actions taken by the

U.S. Government.” They gave you all 3 days to get back to them with defensible redactions.

On July 27th, past the deadline, the deputy legal advisor, Joshua Dorosin, wrote back to the guidance that you had received, and in the July 27th memo to the OIG Mr. Dorosin wrote this.

It claims that, quote, “The Inspector General is subject to the supervision of the Secretary.” Now, while those words do appear in the IG Act, Mr. Dorosin left out that the courts had been very clear that the, quote, “supervision phrase” does not, quote, “include any authority to compromise the investigatory rights conferred to Inspectors General.”

The letter further points to U.S. v. Nixon to claim that the OIG has to defer to Secretary Pompeo in these redactions.

So in response, Mr. Cooper, the OIG gets back to you on August 3d with their final version of the report and we know, despite your best efforts, that unclassified report still notes the administration did not do enough to mitigate civilian casualties.

So to recap what we are looking at, Mr. Bulatao and Mr. String tried and failed to shut down the investigation. Secretary Pompeo got IG Linick fired.

Mr. Bulatao puts one of his own subordinates, which my colleagues have talked about, and then immediately starts trying to influence, through your efforts, Mr. Cooper, the arms sale report only to find out that that would not be successful.

Since then, the department has tried and failed to get Congress to drop its investigation and, in the end, you and your colleagues tried to cover up the most alarming reports, parts of that report, with big black redaction boxes and put them in a classified annex.

Mr. Cooper, if the department has done the due diligence to make sure these weapons were not being used to slaughter civilians, it seems like you all could have saved yourself a lot of time trying to cover up the fact that you were preventing these—trying to cover up the fact that you were not preventing these needless deaths.

But it does not appear that that was important to you. Instead, families have suffered and I am glad—and I appreciate that you have come before Congress today.

But rather than trying to keep this information out of the public view and, certainly, out of the hands of Congress, you have done a disservice to the department.

And I yield back, Mr. Chairman.

Chairman ENGEL. Thank you.

Mr. Trone.

[No response.]

Chairman ENGEL. Okay. We will go to Mr. Malinowski.

Oh, I am sorry. No, we will not.

Ms. Houlahan.

Ms. HOULAHAN. Thank you, Mr. Chairman.

Mr. Under Secretary, I would like to go back to the problem that the State—at the State Department, what appears to be politically motivated retaliation against career employees.

It seems to stretch back to 2017 and 2018 during Secretary Tillerson’s tenure. We certainly hope that Secretary Pompeo would

not allow such conduct. But it does seem that politicized retaliation is too often the case of—been the case of this Administration.

So this is the environment in which Mr. Linick was working when you demanded that he hand over a Department of Defense Inspector General's report with conclusions in the investigation into the alleged leak of the State OIG work product that you ordered him to get to the bottom of and that included the names of people at the State Department—I am sorry, at State OIG who had been investigating the department for politically motivated retaliation.

So, Mr. Linick credibly testified, and I can certainly understand this, having been involved in organizations such as this, that he was concerned for his staff when the department sought out this report and he said, I quote, "I could imagine the department using information in the report against them and wanted to make sure that their confidentiality was protected."

So my first question is just a baseline question. Do you think that politicized retaliation has occurred at the department during this Administration against career employees due to their perceived ethnic, national, or work for prior administrations?

Mr. BULATAO. Congresswoman, as I stated in my confirmation hearing, which was back in July, I said that once I was in place we would do everything in our power to make sure that there were only merit-based factors being used to evaluate employees.

Ms. HOULAHAN. So the answer is that you do not think that this has happened? Because the IG has a report that says that this has, in fact, happened historically.

Do you think it is wrong? It seems as though you do think it is wrong, and I agree, for people to be targeted for those particular reasons other than performance.

Mr. BULATAO. And to clarify, the IG report found out of the five Foreign Service officers investigated that four were no fault found with—

Ms. HOULAHAN. So five minus four—like, so I am missing the point that you are trying to make. Are you trying to say that there is—there has never been a case where there has been discrimination?

Mr. BULATAO. I am referring—I am referring to the specific case because it did contain the sensitive information that was leaked somehow and it—

Ms. HOULAHAN. So I am just going to reclaim my time because I know that votes are going to be called and I want to move on.

Secretary Pompeo did say that there is no place in the State Department for people to be targeting employees based on their national origin or because they were perceived as not being sufficiently loyal to the president and you seem to have indicated that as well.

Have you ever personally participated in this sort of targeting, Mr. Bulatao?

Mr. BULATAO. No, I have not.

Ms. HOULAHAN. So we know that Mr. Linick was more than willing to prove to you that his staff had not leaked the IG report.

But his concern, which was very well founded, as it turned out, was that the DoD IG report proving his staff's innocence, could and

would be used to bully and target his line employees for simply doing their work, and it was actually done.

And I am assuming that you know that on June 9th, a right-wing media outlet published the entire unredacted DoD IG report that concluded that Mr. Linick and his staff actually did not cause the leak. Is that true?

Mr. BULATAO. Well, I do not know who published it. But the only person that had it at that time was the IG, and then the IG turned it over to Congress.

Ms. HOULAHAN. And that is kind of what I am trying to get to the bottom of. Did you release or authorize the release of that unredacted information?

Mr. BULATAO. No, we never received the report directly.

Ms. HOULAHAN. Do you know who did?

Mr. BULATAO. I am unaware who may have done that.

Ms. HOULAHAN. Can you tell me today that you are confident that the leak of this unredacted DoD IG report to the right-wing media did not come from the State Department?

Mr. BULATAO. I am unaware of what sources of that unredacted version of that report came from.

Ms. HOULAHAN. So if you are not aware of where it is coming from, are you trying to get to the bottom of where it might have been leaked from? Because it is evident that it was not leaked from the sources that you are specifically blaming at this point in time.

Mr. BULATAO. Actually, that is incorrect, Congresswoman. We have actually gone back to the council—CIGIE council to look at this again because what came out from the DoD investigation is that it was a very superficial investigation.

There was not a thorough investigation done, and our understanding as why that was done is the way the IG characterized that investigation to his pal in the DoD IG. So if it was not done properly we are asking the integrity committee to please look at that again.

Ms. HOULAHAN. It just seems as though this report in its—in its leaking and nonredacted form is further evidence of an administration that has a culture of retaliation, and it would seem that you should be aggressively looking for where this report might have come from and been leaked to in order to be, I guess, trying to give us the impression that this is an administration that is about retaliation against employees who have indicated any sort of nonallegiance to this president.

And I am, unfortunately, out of time and I appreciate you coming. But I am really surprised and disappointed because it does feel as though that this Administration has a pretty consistent course of firing people who do not appear to agree with them for one reason or another, and that is a disappointment to me.

I yield back.

Chairman ENGEL. The gentlewoman yields back.

Mr. Malinowski.

Mr. MALINOWSKI. Thank you, Mr. Chairman.

Mr. Cooper, how does the provision of Paveway bombs for bombing targets in Yemen help Saudi Arabia or how did it help Saudi Arabia meet an emergency imminent threat from Iran to its oil

fields, to shipping in the Gulf, targets in Iraq and Lebanon that you mentioned, all the threats that you mentioned?

Mr. COOPER. Thank you for that question. So the key word there is precision guidance. They are available not just for defenses of which you just enumerated but it is also to actually address targets, to mitigate any targeting on anything that would be of Saudi interest.

Mr. MALINOWSKI. None of those things were being hit from Yemen. Those were direct Iranian threats against Saudi oilfields, shipping. Paveway bombs are not defensive weapons against those kinds of threats.

Mr. COOPER. I would like to add that—in a classified fora I would like to further provide information on specificity on threats of not just infrastructure—

Mr. MALINOWSKI. Let me just ask you here—

Mr. COOPER [continuing]. But civilians as well.

Mr. MALINOWSKI [continuing]. What share of those Paveways have been delivered at this point?

Mr. COOPER. Anything that would have been a direct commercial sale would have been delivered. In fact, I would note that at the time the OIG concluded the report we had asked them to update it. Their date of information was old. It was in late 19—

Mr. MALINOWSKI. Were the Paveways delivered within, say, two or 3 weeks of the emergency declaration?

Mr. COOPER. They were—I could not tell you the exact date but they were delivered—those were some of the first things delivered because they were ready for delivery.

Mr. MALINOWSKI. Okay.

Mr. COOPER. Anything that was foreign military sales which would have acquired additional development—

[Simultaneous speaking]

Mr. MALINOWSKI. Why—let me move on. Why did you spend 2 months deliberating and executing a decision to use this emergency declaration when you could have gotten the sale through in a month by going through the normal congressional notification?

Mr. COOPER. Speaking of notification, all the sales had been notified to Congress. This was part of the open and transparent process that we have.

It is a feature, not a bug. If anything, it does show that we are stronger against our adversaries who do not have transparent processes.

But to your question as to on meeting those conditions, some of those conditions that we laid out was the Secretary of the United States providing confidence and assurance to our partners, Saudi Arabia and United Arab Emirates in particular—

Mr. MALINOWSKI. I understand.

Mr. COOPER [continuing]. While making—sending a message to Tehran.

Mr. MALINOWSKI. And that is a policy goal that is ever present. It is not an emergency.

Now, let me go through civilian casualty mitigation. Spring of 2017, we made a real effort. The Trump Administration made a real effort, laying out actual conditions to Saudi Arabia for the receipt of these weapons.

And those conditions were not just about training, sir. They were also—they included the provision of a no-strike list with 33,000 specific targets.

Are you aware that the Saudi air force has continued to strike specific coordinates on the no-strike list that the United States gave them since that was handed over, in fact, repeatedly handed over? Yes or no.

Mr. COOPER. I could speak fully in another fora about the target integrity and challenges that are—that the partners have had to meet from the Houthi rebels and others.

Mr. MALINOWSKI. I look—I look forward to that. They have precisely continued to strike targets that we have precisely identified them as being on a no-strike list.

Sir, if you were teaching me to drive for 5 years and I continued to hit passersby, continued to total my car, would you continue to give me the keys?

Mr. COOPER. Sir, we have a partner that is under extreme threat, a continuous threat and a developing one.

Mr. MALINOWSKI. Yes, I—

Mr. COOPER. Those include our interests. We remain steadfast and shoulder-to-shoulder in our partnership.

Mr. MALINOWSKI. Okay. State Department talking points, and you know what? I do not think under those—you know, we have gone from actually providing conditions to the Saudi, from serious people like General Jim Mattis, to having you sit here and tell us that the new and improved policy is we are giving them a tool kit—we are giving them a suite of technical solutions when they have continued to deliberately and precisely hit targets we have asked them not to hit.

Mr. String, one of the recommendations in the IG report, reportedly, was that the department, quote, “update its analysis of legal and policy risks related to selling these bombs to Saudi Arabia.”

Why was that recommendation moved to the classified annex of the report? Why is that classified?

Mr. STRING. Congressman, if I understand your question correctly, you are asking about a classified recommendation?

Mr. MALINOWSKI. I am asking about a report that that was moved to the classified annex. Why was that classified?

Mr. STRING. I do not have specific recollection of the deliberations by the IG that went into that. But I am not comfortable talking here about anything in the classified annex.

Mr. MALINOWSKI. And then let me just, finally, ask you I do not care whether you saw a memo from 2016. I saw it. I was a assistant secretary at that point. But you are the acting legal advisor.

Is it still the view—is it still your view—is it still the view of the Office of the Legal Advisor that State Department officials potentially face personal legal liability if they provide weapons to a partner country without adequate safeguards as to mitigating civilian casualties when you have this 5-year record of war crimes being committed and documented by our partner? Is it still—is that still the view of your office?

Mr. STRING. Congressman, thank you for that question. We are very aware of the issues that you raised. We take the issue very seriously and all of the legal work that we do in the Office of the

Legal Advisor ensures to the maximum extent possible that the risk is reduced as close to zero as possible.

Mr. MALINOWSKI. That is a mission statement. It is not an answer to my question. Is it still your view that U.S. officials face, potentially, personal legal liability if adequate safeguards are not met?

I am not asking you whether those safeguards have been met. Obviously, that is a much more controversial question. But as a legal matter, is that still the view or have you changed it? Because that was the view at the office.

Mr. STRING. Again, Congressman, our legal work, our legal analysis, ensures that the U.S. Government, across the government, takes every possible effort to address this serious issue.

I can assure you we take it very seriously in the Office of the Legal Advisor and other bureaus in the department and throughout—

Mr. MALINOWSKI. If they do not, do they, potentially, face personal legal liability?

Mr. STRING. Congressman, I have answered your question.

Mr. MALINOWSKI. You have not, actually.

Mr. STRING. I am not going to get into specific legal conclusions. But I can tell you that we take the work very seriously and that work continues.

Mr. MALINOWSKI. Let me just say, if we find out at some point that you or any other official in the State Department has changed that analysis, it would be an incredibly serious matter and, personally, I would consider you to face personal legal liability for that decision.

With respect, I yield back.

Mr. BULATAO. Mr. Chairman, can I offer a clarification on a statement for the record that I made to Congresswoman Houlihan earlier?

When I was making the statement that I had not received the DoD report, I mean I had not received it from Director Linick. The department did receive a copy of that report at the same time that Congress received it prior to Linick's interview here on the committee.

Chairman ENGEL. Okay. Thank you.

That concludes the questioning of our witnesses, and let me make an announcement since we are voting.

In a change of plans, in agreement with the State Department we are going to cancel the classified session that we had originally scheduled. The Department has indicated its willingness to schedule classified calls for any Members who wish to followup on this matter.

So this will wrap up our proceedings for today. I thank our witnesses for their time, and without objection the Committee on Foreign Affairs is adjourned.

[Whereupon, at 1:41 p.m., the committee was adjourned.]

APPENDIX

**FULL COMMITTEE HEARING NOTICE
COMMITTEE ON FOREIGN AFFAIRS
U.S. HOUSE OF REPRESENTATIVES
WASHINGTON, DC 20515-6128**

Eliot L. Engel (D-NY), Chairman

September 16, 2020

TO: MEMBERS OF THE COMMITTEE ON FOREIGN AFFAIRS

You are respectfully requested to attend an OPEN hearing of the Committee on Foreign Affairs to be held in Room 2172 of the Rayburn House Office Building. Pursuant to H. Res. 965, Members who wish to participate remotely may do so via Cisco WebEx. The hearing is available by live webcast on the Committee website at <https://foreignaffairs.house.gov/>.

DATE: Wednesday, September 16, 2020
TIME: 10:00 a.m., EDT
LOCATION: 2172 Rayburn House Office Building
SUBJECT: Why did the Trump Administration Fire the State Department Inspector General?
WITNESS: The Honorable Brian Bulatao
Under Secretary of State for Management
United States Department of State

Marik String, Acting Legal Adviser
United States Department of State

The Honorable R. Clarke Cooper
Assistant Secretary of State for Political-Military Affairs
United States Department of State

*NOTE: Witnesses may be added.

By Direction of the Chairman

The Committee on Foreign Affairs seeks to make its facilities accessible to persons with disabilities. If you are in need of special accommodations, please call 202/225-5021 at least four business days in advance of the event, whenever practicable. Questions with regard to special accommodations in general (including availability of Committee materials in alternative formats and assistive listening devices) may be directed to the Committee.

HOUSE COMMITTEE ON FOREIGN AFFAIRS
FULL COMMITTEE ATTENDANCE

<i>PRESENT</i>	<i>MEMBER</i>
X	Eliot L. Engel, NY
X	Brad Sherman, CA
X	Gregory W. Meeks, NY
	Albio Sires, NJ
X	Gerald E. Connolly, VA
X	Theodore E. Deutch, FL
X	Karen Bass, CA
X	William Keating, MA
X	David Cicilline, RI
X	Ami Bera, CA
X	Joaquin Castro, TX
X	Dina Titus, NV
	Adriano Espaillat, NY
X	Ted Lieu, CA
X	Susan Wild, PA
X	Dean Phillips, MN
X	Ilhan Omar, MN
X	Colin Allred, TX
X	Andy Levin, MI
X	Abigail Spanberger, VA
X	Chrissy Houlahan, PA
X	Tom Malinowski, NJ
X	David Trone, MD
	Jim Costa, CA
X	Juan Vargas, CA
X	Vicente Gonzalez, TX

<i>PRESENT</i>	<i>MEMBER</i>
X	Michael T. McCaul, TX
X	Christopher H. Smith, NJ
X	Steve Chabot, OH
	Joe Wilson, SC
X	Scott Perry, PA
X	Ted Yoho, FL
X	Adam Kinzinger, IL
X	Lee Zeldin, NY
	James Sensenbrenner, Jr., WI
	Ann Wagner, MO
X	Brian J. Mast, FL
	Francis Rooney, FL
X	Brian K. Fitzpatrick, PA
	John Curtis, UT
X	Ken Buck, CO
	Ron Wright, TX
	Guy Reschenthaler, PA
X	Tim Burchett, TN
X	Greg Pence, IN
	Michael Guest, MS
	Mark Green, TN

STATEMENTS SUBMITTED FOR THE RECORD

Statement for the Record from Representative Connolly
“Why did the Trump Administration Fire the State Department Inspector General?”
September 16, 2020

On a late Friday evening in May 2020, President Trump fired State Department Inspector General (IG) Steve Linick – his fourth such firing of an Inspector General in about as many weeks. The President’s complete disregard for oversight and accountability is both troubling and dangerous. In this case, Mr. Linick was in the process of conducting at least two investigations involving Secretary Pompeo’s conduct when he was fired at Secretary Pompeo’s behest – an act that reeks of unlawful retaliation. It is incumbent upon Congress to get to the bottom of Mr. Linick’s ouster and protect these vital investigations and others from direct political interference or threat of political retaliation from the White House.

That is why the House Foreign Affairs and Oversight committees, together with Senate Foreign Relations Committee Ranking Member Bob Menendez, initiated an inquiry into Mr. Linick’s firing shortly after it was announced. We learned that, at the time of his dismissal, Mr. Linick’s office was examining the State Department’s 2019 emergency declaration to ram through \$8 billion in arms sales to Saudi Arabia and the United Arab Emirates. And now we know why Secretary Pompeo was worried and acted in haste to remove Mr. Linick. The State Department OIG report, published on August 11, found that the Department, with Secretary Pompeo’s knowledge, began working on the emergency declaration nearly two months before the “emergency” arose in late May 2019. We know that simultaneously Mr. Linick had begun an investigation into the misuse of State Department resources by the Secretary and Mrs. Pompeo. We should be seriously concerned about potential corruption and misuse of taxpayer dollars by the Pompeos. Not only is the integrity of the State Department at stake, but also its ability to conduct American foreign policy and protect our national security.

According to Mr. Linick, Under Secretary of State for Management Brian Bulatao “was unfamiliar with the role of inspectors general,” including the need for Inspectors General to be independent from the agencies they oversee. Furthermore, Mr. Bulatao even “tried to bully” him on multiple occasions, including an attempt to block the investigation into the 2019 emergency declaration. Despite this inappropriate pressure, Mr. Linick insisted that the investigation fell squarely within the IG’s jurisdiction under the Foreign Service Act. On the misuse of State resources investigation, Mr. Linick confirmed that he spoke directly with Undersecretary Bulatao and Deputy Secretary Biegun about the allegations and the nature of documents that his office would be requesting so that no one on the Seventh Floor would be surprised.

Mr. Linick’s testimony makes clear that the Secretary and some of his closest advisors on the Seventh Floor were not only informed but engaged in a concerted effort to suppress the IG’s critical work.

Inspectors General were created to speak truth to power and play a critical role in federal oversight especially at a time when facts themselves are under fire on a daily, if not hourly basis by the Oval Office. Yet, the Trump Administration has sought to undermine the independence and integrity of Inspectors General across federal agencies through groundless and abusive attacks, up to and including their unsubstantiated dismissal.

As the Chairman of the Oversight Subcommittee on Government Operations, which has jurisdiction over Inspectors General, I joined other House Committee chairs to condemn Trump's unjustified assault on IGs and requesting direct input from the Council of the Inspectors General on Integrity and Efficiency on legislative and other proposals to increase the independence of IGs and protect them from retaliation. I also joined Chairwoman Maloney, Majority Leader Hoyer, and Chairman Lynch to introduce the Inspector General Independence Act (H.R. 6984), which would protect Inspectors General across the Executive Branch from being fired as a result of political retaliation.

This Committee's investigation into Mr. Linick's firing is as much about Mr. Linick as other Inspectors General who have been unjustly mistreated in the execution of their oversight duty. They have done their job, and we must do ours. We must ensure that the President's attempts to shield himself and his political allies from accountability are not successful and that these critical IG investigations do not get buried.

RESPONSES TO QUESTIONS SUBMITTED FOR THE RECORD

Questions for the Record from Chairman Engel

**“Why did the Trump Administration Fire the State Department Inspector General?”
September 16, 2020**

For Under Secretary of State for Management, Brian Bulatao:

Question:

“In response to an August 2019 Inspector General report entitled “Review of Allegations of Politicized and Other Improper Personnel Practices in the Bureau of International Organization Affairs”, we understand that Undersecretary for Political Affairs David Hale in a meeting with employees acknowledged shortcomings in the Department’s response to complaints about the IO bureau and pledged to make amends for staffers whose careers were upended while serving in the IO Bureau. How did the Department make amends? Did the Department make any settlements with any of the victims cited in the November 2019 Inspector General’s report entitled “Review of Allegations of politicized and Other Improper Personnel Practices Involving the Office of the Secretary,” or the August 2019 OIG report cited above? How many in response to the August report and how many in response to the November report?”

Answer:

Mr. Bulatao: I cannot speak to what you understand that Undersecretary Hale may or may not have said to employees. The Department has made no settlements based upon “politicized” personnel practice with any of the individuals you reference.

Question:

“After reading the Aug 2019 IG report, did Secretary of State Pompeo believe Kevin Moley delivered on the core State Department Mission, led with integrity or took care of the IO Bureau team?”

Answer:

Mr. Bulatao: I cannot speak to what the Secretary of State “believes” about these issues.

Question:

“From then Deputy Secretary of State John Sullivan’s comments to employees following the August 2019 report, we understand that the Department’s position was that Secretary of State Pompeo did not have the authority to fire Kevin Moley, but that only the President could dismiss the Assistant Secretary. The August 2019 State OIG report found “evidence of leadership and management deficiencies and mistreatment of career employees in the Bureau of International Organization Affairs”, to include “disrespectful and hostile treatment of employees, accusations against and harassment of career employees premised on claims that they were “disloyal” based on their perceived political views, and retaliation associated with conflicts of interest,” and that the Assistant Secretary for IO, Levin Moley did not take significant action to respond to such concerns. Did Secretary Pompeo request Kevin Moley’s resignation? Did Secretary Pompeo ask the President to fire Kevin Moley? Why not?”

Answer:

Mr. Bulatao: I cannot speak to matters that you base on your understanding of what Deputy Secretary Sullivan may or may not have said to employees, or to actions, inactions or motivations relating thereto by someone other than me.

Question:

“Does the Department believe misleading the State Department inspector General is unlawful? Should employees who lie to the State Department inspector general be working at the State Department?”

Answer:

Mr. Bulatao: I cannot provide legal advice on what may or may not be unlawful. If alleged misconduct of an employee in their interactions with the Inspector General is proved, the Department follows Federal and Department rules as to any action that is warranted after compliance with all due process requirements.

Question:

“In the November 2019 report, the State Department Inspector General office found that Mr. Hook was involved in ending the detail of a career employee in the Office of Policy Planning, and I’m quoting here, “after significant discussion concerning the employee’s perceived political views, association with former administrations, and perceived national origin.” Secretary Pompeo specifically testified to this committee that he would not tolerate that sort of improper treatment of personnel... that anyone who was responsible for such conduct would be fired. For several months following the IGs findings, Mr. Hook remained employed at the State Department, even after the inspector general found that Mr. Hook had misled the IG. Why?”

Answer:

Mr. Bulatao: I believe the Management Response from the Department that is included in the November 2019 IG Report you reference makes clear that the Department found Mr. Hook’s testimony in this regard to be credible and disagreed with the conclusions of the Report in this regard.

Question:

“What message does the Department’s inaction to hold accountable an employee the IG found discriminated against a career employee based on a variety of factors including perceived national origin have on morale at the State Department or on the teeth of the IG’s findings?”

Answer:

Mr. Bulatao: That all employees, when accused of something, are entitled to a full and fair assessment of the matter, not just by the Inspector General, but by the Department.

Question:

“What is the total amount of money the Department has spent on the Madison Dinners to date, and on what goods or services specifically? Has the Department paid for costs related to the Madison Dinners solely out of the K Fund, or has it used other accounts of appropriated funds (and if so, please specify those accounts and amounts)? Have any funds appropriated to the Department covered musicians, entertainment, or gifts to guests at the Madison Dinners (and if so, please describe the nature of these expenditures)?”

Answer:

Mr. Bulatao: The Quarterly K Fund Reports already provided by the Department to Congress reflect the totality of the direct expenditures you have asked about.

For Mr. Marik String, Acting Legal Adviser:

Question:

“Regarding his recent speech to the Republican National Convention while on official travel in Israel, Secretary Pompeo has reportedly stated “All I can say in my role as secretary of State is the State Department reviewed this, it was lawful, and I personally felt it was important that the world hear the message of what this administration has accomplished...”

Did you personally review the lawfulness of delivering that speech before it occurred? If not, who did?”

Answer:

Mr. String: Consistent with the longstanding practice, the Department is not in a position to comment publicly on legal advice that may have been provided in connection with this matter

Question:

“Did you approve the lawfulness of delivering that speech before it occurred? If not, who did?”

Answer:

Mr. String: Consistent with the longstanding practice, the Department is not in a position to comment publicly on legal advice that may have been provided in connection with this matter.

Question:

“What is the Department guidance on Hatch Act compliance to which the Secretary was subject at the time of his August 2020 RNC speech? Does it differ in any way from the guidance reiterated to all Department employees in a July 24, 2020 cable? If so, please describe the differences, the date on which the new guidance was issued, and furnish a copy of the new guidance in your response.”

Answer:

Mr. String: Consistent with the longstanding practice, the Department is not in a position to comment publicly on legal advice that may have been provided in connection with this matter.

Questions for the Record from Representative Castro
“Why did the Trump Administration Fire the State Department Inspector General?”
September 16, 2020

For Under Secretary of State for Management, Brian Bulatao:

Question:

“Which Department of State employees were present at the rooftop of the King David Hotel to support Secretary Pompeo’s address to the Republican National Convention?”

Answer:

Mr. Bulatao: For operational security needs the Department does not comment upon which employees, if any, closely accompany the Secretary to any particular event or location, whether it be personal or official in nature.

Question:

“Has the Department of State incurred all costs related to airfare to Israel or travel between countries on the trip?”

Answer:

Mr. Bulatao: All costs and expenses related to the entirety of this trip have been incurred and paid for in compliance with the Federal travel rules applicable to a Secretary of State.

Question:

“Has the Republican National Convention or the Trump campaign reimbursed the Department of State for any expenses related to the Secretary’s trip to the region? If so, what expenses did they reimburse?”

Answer:

Mr. Bulatao: Not to my knowledge.

Question:

“On August 25th, I sent a letter to the Department of State that included a request for the material listed below by September 10th, which pertains to your duties as the Under Secretary of State for Management:

- A list of expenditures from the trip during which Secretary Pompeo recorded his remarks to the RNC, including receipts demonstrating that any expenses incurred by the State Department were reimbursed by the RNC, Trump’s campaign, or other outside sponsors.

I have not received these documents from the Department of State, which I raised with you during the hearing. When will you turn those documents over to the Subcommittee on Oversight & Investigations?”

Answer:

Mr. Bulatao: I think my previous answers address and obviate the need for any such documents.

For Acting Legal Adviser, Marik String:

Question:

“As I referenced during the hearing, in October or November of 2019, Secretary Pompeo wished to speak at a campaign rally and backed down after consideration of the request within the department. When did you first find out about the Secretary’s possible appearance at this event?”

Answer:

Mr. String: Consistent with the longstanding practice, the Department is not in a position to comment publicly on legal advice that may have been provided in connection with this matter.

Question:

“Did the State Department or the Office of Legal Affairs provide any guidance, formal or informal, into the Secretary’s participation at the event? If so, what did that guidance say?”

Answer:

Mr. String: Consistent with the longstanding practice, the Department is not in a position to comment publicly on legal advice that may have been provided in connection with this matter.

Question:

“In December 2019, the Office of Legal Adviser, which you head, issued a memo that states: “Senate-confirmed Presidential appointees may not even attend a political party convention or convention-related event.”

Did Secretary of State Mike Pompeo, as a Senate-confirmed Presidential appointee, attend a political party or convention-related event?”

Answer:

Mr. String: Your question has assumptions embedded in it that inherently implicate legal issues. Consistent with the longstanding practice, the Department is not in a position to comment publicly on legal advice that may have been provided in connection with this matter.

Question:

“The Foreign Affairs Manual, under 3 FAM 4123.3, states that “U.S. citizen employees and family members may not engage in partisan political activity while posted or on temporary duty abroad, even on personal time. “

Did the Secretary of State, as a U.S. citizen employee, engage in partisan political activity when he addressed the Republican National Convention during an official trip to the Middle East?”

Answer:

Mr. String: Your question has assumptions embedded in it that inherently implicate legal issues. Consistent with the longstanding practice, the Department is not in a position to comment publicly on legal advice that may have been provided in connection with this matter.

Question:

“Did your office clear the Secretary’s participation in the RNC in writing before his August 25th speech?”

Answer:

Mr. String: Consistent with the longstanding practice, the Department is not in a position to comment publicly on legal advice that may have been provided in connection with this matter.

Question:

“Was there a determination that he wasn’t subject to the prohibitions in the December 2019 memo, that the speech didn’t violate those prohibitions, or that in any other way cleared his participation? If there is such a determination, will you commit to me that the State Department will provide that document to the Committee – without any redactions?”

Answer:

Mr. String: Consistent with the longstanding practice, the Department is not in a position to comment publicly on legal advice that may have been provided in connection with this matter.

Question:

“On August 25th, I sent a letter to the Department of State that included a request for the material listed below by September 10th, which pertains to your duties as the Under Secretary of State for Management:

- Any and all records prepared by or sent to or from the Office of the Legal Adviser on or after December 3, 2019 regarding restrictions on political activities by Secretary Pompeo or Presidential Appointees or Political Appointees;

I have not received these documents from the Department of State. When will you turn those documents over to the Subcommittee on Oversight & Investigations?”

Answer:

Mr. String did not provide an answer to this question in time for printing.

Questions for the Record from Representative Tom Malinowski
“Why Did the Trump Administration Fire the State Department Inspector General?”
September 16, 2020

For Mr. Marik String, Acting Legal Adviser

Mr. Malinowski asked Mr. String, “If you claim inability to answer any of the below questions due to it constituting “legal advice,” please provide the US code citation and analysis justifying each such claim.”

Question:

“Has the Office of the Legal Adviser updated its previous analysis since 2016 of risk of personal or institutional legal liability (eg. of US officials or of the United States) linked to selling air-to-ground munitions to Saudi Arabia? Yes or no--not asking for the analysis.”

Answer:

Mr. String: The Department is not in a position to comment on whether particular legal advice was sought or rendered within the Department on this matter. However, the Department and the Office of the Legal Adviser take the issue very seriously, and we continue to advise our policy makers and engage with other departments and agencies on these important matters.

Question:

“Has any Department of State legal analysis since 2016 included a reference to legal risks of co-belligerency (or becoming a party to the armed conflict) related to US provision of weapons to the Saudi-led coalition in Yemen? Yes or no—not the analysis.”

Answer:

Mr. String: The Department is not in a position to comment on whether particular legal advice was sought or rendered within the Department on this matter. However, as this Administration has noted in past correspondence with Congress and Statements of Administration Policy on relevant proposed legislation, for example, the March 20, 2018 Statement of Administration Policy on S.J. Res. 54, U.S. forces are not engaged in the hostilities between the Saudi-led coalition and Houthi forces in Yemen, and the United States is not a belligerent party to that conflict. The Department and the Office of the Legal Adviser take the issue very seriously, and we continue to advise our policy makers and engage with other departments and agencies on these important matters.

Question:

“Is it the view of the Department of State that United States government officials could potentially be considered criminally responsible in cases where they have been involved in provision of weapons to foreign governments or forces with knowledge that such support could be used to engage in acts of war in violation of international law? Yes or no.”

Answer:

Mr. String: The Department refers any questions about potential criminal responsibility under domestic U.S. statutes to the U.S. Department of Justice. As set out in the Report on Legal and Policy Frameworks Governing Use of Force and Related National Security Operations (The White House 2016 Report) under international law, the United States has taken the position that a State incurs responsibility for aiding or assisting another State in the commission of an internationally wrongful act when: (1) the act would be internationally wrongful if committed by the supporting State; (2) the supporting State is both aware that its assistance will be used for an unlawful purpose and intends its assistance to be so used; and (3) the assistance is clearly and unequivocally connected to the subsequent wrongful act.

Question:

“Is it the view of the Department of State that it is a violation of U.S. or international law for a party to an armed conflict to conduct an attack with the intention of killing civilians, or with the knowledge that the probable consequence will be the killing of civilians in violation of the laws of distinction and proportionality? Yes or No.”

Answer:

Mr. String: The Department refers any questions about applicable U.S. law to the U.S. Department of Justice. As reflected in the White House 2016 Report, at pp. 20-21, and more generally, as a matter of international law, the law of war requires that attacks be conducted in accordance with, inter alia, the principles and rules of distinction and proportionality, and prohibits making civilians the object of an attack.

Question:

“Is it the view of the Department of State that it is a violation of international law for a party to an armed conflict to conduct attacks that recklessly kill civilians, or to fail to take all reasonable precautions to minimize harm to civilians? Yes or No.”

Answer:

Mr. String: As reflected in the White House 2016 Report, at pp. 20-21 and 23, and more generally, it is the Department’s view that: i) The law of war requires that parties to an armed conflict take feasible precautions in planning and conducting attacks to reduce the risk of harm to civilians and other persons and objects protected from being made the object of attack; ii)

Moreover, when prosecuting attacks against military objectives, combatants must exercise due regard to reduce the risk of incidental harm to the civilian population and other persons and objects that may not be made the object of attack; and, iii) The law of war also requires that attacks be conducted in accordance with, inter alia, the principles and rules of distinction and proportionality, and prohibits making civilians the object of an attack.

Question:

“Has the Department of State conducted or received any analysis of whether the Saudi armed forces’ views on the law of armed conflict in targeting operations are consistent with international law?”

Answer:

Mr. String: The Department of State has engaged on an ongoing basis with the Kingdom of Saudi Arabia on the importance of respect for international law, including the law of war, in its military operations in Yemen.

For the Honorable R. Clarke Cooper, Assistant Secretary of State for Political-Military Affairs

Mr. Malinowski asked Mr. Cooper, “Pursuant to the Arms Export Control Act (including 22 § 2776 (b)(1)(N) and 22 § 2765 (b) and (c)), the Department of State is statutorily obligated to provide the information requested in the below questions to the House Committee on Foreign Affairs. If any of these questions cannot be answered in this hearing, please provide an individual legal grounding for each such denial and a statement of willingness to provide such information to the staff of the Committee on Foreign Affairs through appropriate channels.”

Question:

“Has the Department of State conducted, participated in, or received any US government review or analysis of the frequency, rate, or total number of times that Saudi Arabian military assets have struck targets on humanitarian no-strike lists provided to Saudi Arabia by the US and/or United Nations OCHA?”

Answer:

Mr. Cooper: The U.S. government uses data provided by both the United Nations and figures produced by the Armed Conflict Location and Event Data Project to inform assessments of civilian harm. We are also working to aid partners to improve indigenous capabilities in data analytics and root cause analysis at civilian casualty tracking cells. Further, Department of Defense personnel have advised Royal Saudi Air Force counterparts on optimal tactics, techniques, and procedures to improve operational proficiencies that, when applied, contribute to reducing the risk that airstrikes in Yemen may cause civilian harm. During regular diplomatic and military-to-military engagements, U.S. officials emphasize the strategic importance of and

legal obligation to comply with law of armed conflict, including the obligation to take all feasible precautions in planning and conducting attacks to reduce the risk of harm to civilians.

Question:

“What steps has the Department taken, if any, to express the objections of the United States to Saudi strikes on targets that the United States has asked Saudi Arabia not to strike?”

Answer:

Mr. Cooper: We have consistently emphasized at the highest levels with our partner nations the need to take measures to mitigate the risk of harm to civilians, the need to conduct credible and transparent investigations of reports of civilian casualties, and the importance of holding individuals accountable where appropriate. We have worked with the Saudi-led Coalition to improve its procedures by providing training seminars on targeting best practices and on the Law of Armed Conflict, and through advisory efforts in Saudi Arabia’s Combined Fusion Cell. Ultimately, only a political solution will resolve the conflict and ease the humanitarian crisis in Yemen, and we support the efforts of UN Special Envoy Martin Griffiths to bring the Houthis and Republic of Yemen government to the table for negotiations to end the conflict.

Question:

“When was the last Departmental update to the standards for identifying high-risk exports for regular end-use verification in accordance with 22 § 2778(g)(7)?”

Answer:

Mr. Cooper: The Department standards for implementing end-use verification in accordance with 22 U.S.C. 2778(g)(7) are published in 53 Fed. Reg. 37,382 (Sept. 26, 1988). The Department periodically provides additional guidance to officers overseas on the implementation of these standards. The examples of specific indicators for identifying high-risk exports that require end-use verification consistent with the published standards have evolved over time. Some of the indicators that may result in a “Blue Lantern” inquiry pursuant to 22 §§ 2778(g)(7) and 2785 include: new or unfamiliar intermediaries or end-users; and exports to countries for which the U.S. Government has concerns with human rights, crime, or corruption. No one indicator in and of itself may necessitate an end-use inquiry in all situations. The Department reviews its indicators for currency at least annually and forwards information on them to its officers overseas via cable following each review. The last time such guidance was shared in this manner was November 2019 and we intend to issue updated guidance in October 2020.

Question:

“Is the use of US-provided weapons in potential war crimes or violations of international law considered as a factor in determination of exports deemed “high-risk” and requiring “regular end-use verification” under 22 § 2778(g)(7)? Please indicate where in State Department guidance these factors are assessed as part of PM’s pre-export reviews and end-use monitoring.”

Answer:

Mr. Cooper: The President’s April 19, 2018 Conventional Arms Transfer Policy (NSPM-10) requires the Department to account for human rights and international humanitarian law concerns when making arms transfer decisions. Specifically, the Department must consider the risk that a transfer may be used to undermine international peace and security or contribute to abuses of human rights, including acts of gender-based violence and acts of violence against children, violations of international humanitarian law, terrorism, mass atrocities, or transnational organized crime. The Department must also consider whether the United States has actual knowledge at the time an export is authorized that the transferred arms will be used to commit genocide; crimes against humanity; grave breaches of the Geneva Conventions of 1949; serious violations of Common Article 3 of the Geneva Conventions of 1949; attacks intentionally directed against civilian objects or civilians who are legally protected from attack; or other war crimes as defined in section 2441 of title 18, United States Code. If the United States has such knowledge, the transfer shall not be authorized.

In addition to informing arms transfer decisions, the Department relies on these considerations when deciding whether to conduct end-use monitoring consistent with 22 U.S.C. 2778(g)(7) and 22 U.S.C. 2785, commonly referred to as the “Blue Lantern” program. The risk that an export raises human rights or other concerns related to compliance with law is one of the factors identified by the Department as an indicator that may trigger a Blue Lantern check.

Question:

“How many post-export checks have been completed by the Department of State between 2017-2020 for exports to Saudi Arabia?”

Answer:

Mr. Cooper: Embassy staff conducted a total of six Blue Lantern inquiries since 2017, including one joint State/Department of Defense end use monitoring visit in November 2019 related to the alleged diversion of U.S.-origin defense articles to unapproved third-party militias in Yemen. These six checks consisted of three pre-license checks, two post-shipment checks, and one combined pre-license/post-shipment check. The Department closed all six checks with a “favorable” determination.

Question:

“How many total post-export checks have been completed on the items and services noticed in the May 24, 2019 emergency notice to Congress? Did any of these include unfavorable findings? If so, please provide a description of these unfavorable checks and any actions the US Government has taken to address related concerns.”

Answer:

Mr. Cooper: DDTC has not completed any post-export Blue Lantern end-use monitoring checks directly related to the commodities approved for export on the licenses included in the May 24, 2019 emergency notification to Congress. Blue Lantern checks are not routine inspections on all exports, but are targeted inquiries conducted to assess the risk posed by foreign parties with access to U.S. defense articles and defense services exported through Direct Commercial Sales based on the standards established for implementing 22 U.S.C. 2778(g)(7) and 2785. DDTC continuously monitors reporting from various sources for indicators that foreign parties may be in violation of, or may not fully understand, the International Traffic in Arms Regulations (22 C.F.R. 120-130).

Question:

“What offset agreements were included as part of the items and services noticed in the May 24, 2019 emergency notification? Did the approval process for any of these export cases include a review of the corruption risks from any of these offset agreements? If so, please describe the process for such a review. What were the beneficiary entities and individuals of any offset agreements in Saudi Arabia and the UAE for the exports noticed in the May 24 emergency notification?”

Answer:

Mr. Cooper: The Department of State is not involved in negotiating offset agreements between defense contractors and foreign partners for either Direct Commercial Sales or Foreign Military Sales. Should the Department become aware of any offset agreements, these are reported as required by the Arms Export Control Act during the Congressional notification process.

Question:

“Delivery timeline for emergency notification weapons: Please provide an update on delivery of the below items and services noticed in the May 24, 2019 emergency notice to Congress. Include for each item on this list:

- a) Quantity (x of x items) or percentage of completion of delivery of the specific item/service as of today.
- b) If complete, date of final completion of delivery of all related items/services for the specific item/service.”

Answer:

Mr. Cooper: The status of Foreign Military Sales deliveries for cases notified under the May 24, 2019 Emergency Certification are as follows:

- Aircraft maintenance for Saudi Arabia: No FMS cases have been applied against this CN yet. Intent is to use \$800 million CN first.
- Aircraft maintenance for Saudi Arabia: completion is 49%, which represents 7.6% of the CN value (this is a multi-year level of support).
- Logistical support for the Royal Saudi Air Force: Completion is 61%, which represents 46% of the CN value (this is a multi-year level of support).
- Air-to-ground rockets for the United Arab Emirates: The LOA has been declined.
- Javelin anti-armor missiles for the United Arab Emirates: The LOA has been declined.
- AH-64 helicopter and radars for the United Arab Emirates: deliveries of E model aircraft are scheduled to begin in April 2021.
- Training Presidential Guard for the United Arab Emirates: Completion is 25%, which represents 20% of the CN value (this is a multi-year effort).
- RQ-21 Blackjack UAV for the United Arab Emirates: An LOA has not yet been offered as the customer has requested some technical changes to the case.

For DCS cases subject to the May 24, 2019 emergency declaration, some of the relevant information requested is considered to be the exporter’s confidential, proprietary, and/or trade secret information and should be protected from public release. Other requested information was not provided to the Department. Available non-public information can be delivered to Congress separately, subject to proper protections and handling.

SAUDI-UAE ARMS CASES – MAY 24, 2019 EMERGENCY NOTICE			
SAUDI ARABIA:			
	Amount	Supplier	Direct Commercial Sale or Foreign Military Sale
Paveway PGMs (64,000) Includes co-production	\$1.57 billion	Raytheon	DCS
Aircraft maintenance	\$1.8 billion	USG contractor	FMS
Aircraft maintenance	\$800 million	USG contractor	FMS
F-110 aircraft engine maintenance	\$549 million	GE	DCS
Paveway PGM fuze manufacture	\$209 million	Thales	DCS
F-15 maintenance	\$176 million	Mantech	DCS
Logistical support Royal Saudi Air Force	\$136 million	L3-Harris	FMS
F/A 18 component Manufacture	\$76 million	Boeing	DCS
Defense Ministry consulting	\$51 million	Booz Allen	DCS
Mortar rounds (15,000)	\$51 million	MLM Intl.	DCS
UAE:			
Air-to-ground rockets 20,000	\$900 million	BAE	FMS
Paveway PGMs (60,000)	\$685 million	Raytheon	DCS
F-16 engine parts	\$374 million	GE	DCS
PATRIOT missiles	\$356 million	Raytheon	DCS
Bomb Fuzes (60,000) Includes co-production	\$325 million	Kaman	DCS
Javelin anti-armor missiles 331 missiles	\$101 million	Raytheon	FMS
AH-64 helicopter and radars	\$101 million	Boeing	FMS
Training Presidential Guard	\$100 million	USG contractor	FMS
RQ-21 Blackjack UAV	\$70 million	Boeing	FMS
ScanEagle UAV upgrade	\$12 million	Boeing	DCS
Sniper rifles (100)	\$1.3 million	SSD Intl.	DCS
JORDAN:			
Transfer 500 Paveway PGMs From UAE to Jordan	\$99 million	UAE	DCS