

COMMITTEE ON FOREIGN AFFAIRS,
U.S. HOUSE OF REPRESENTATIVES,
WASHINGTON, D.C.

INTERVIEW OF: CHARLES FAULKNER

Friday, July 24, 2020

Washington, D.C.

The interview in the above matter was held via Webex,
commencing at 10:04 a.m.

Present: Representatives Engel, Keating, and Zeldin.

Appearances:

For the COMMITTEE ON FOREIGN AFFAIRS:

[REDACTED]
[REDACTED]

For the COMMITTEE ON OVERSIGHT AND REFORM:

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

For the SENATE FOREIGN RELATIONS COMMITTEE:

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

For CHARLES FAULKNER:

EDWARD MACMAHON

For the U.S. DEPARTMENT OF STATE:

[REDACTED], BUREAU OF LEGISLATIVE AFFAIRS
[REDACTED], OFFICE OF THE LEGAL ADVISER

Chairman Engel. This morning the House Committee on Foreign Affairs, the House Committee on Oversight and Reform, and the Senate Committee on Foreign Relations will conduct a transcribed interview of Mr. Charles Faulkner as part of the committees' joint investigation into the removal of State Department Inspector General Steve Linick.

Only members of the three committees and designated staff are permitted to participate in this interview. If you are not a member of one of the committees, or as a designated staff member, you must absent yourself from this proceeding at this point. Any individuals whose user names are not recognized will be dropped by the host.

Mr. Faulkner is giving this interview voluntarily. For that we are grateful. We welcome you today.

I want the record to reflect that the State Department has gone to considerable lengths to stop the committees' efforts to hear from many witnesses we have sought in the context of this investigation, but we have remained determined to get the answers we are seeking.

Let me underscore that this will be a staff-led interview conducted in a format agreed to with HFAC minority staff. I expect everyone to conduct themselves in a respectful manner during this proceeding, as is our custom on the Foreign Affairs Committee.

I will let counsel explain in more detail.

We will conduct this interview in timed rounds, alternating between the Democratic and Republican sides. The questioning on our side will be initiated by staff counsel, and members will, of course, have the opportunity to ask questions toward the end of each round.

Mr. Faulkner, you are familiar with the pace of Congress, but I should also note that many members may need to come and go in today's interview because of floor votes. We have many of them today. We will aim to minimize disruptions as we do so and appreciate our counsel keeping the interview running smoothly.

I expect we will [inaudible] but we certainly aim to be efficient and respectful of the witness' time.

So I will stop my remarks there. Before I turn to staff counsel, let me ask for any additional opening remarks that Chairwoman Maloney or our Republican colleagues would like to offer at this time. I just ask that members keep their statements brief so we can move ahead with the interview. I will then yield to staff counsel for the Committee on Foreign Affairs.

HFAC Dem Counsel. Thank you, Mr. Chairman.

Good morning. This is a transcribed interview of Charles Faulkner conducted by videoconference in the Committee on Foreign Affairs. This interview is part of a joint investigation by the House Committee on Foreign

Affairs, the House Committee on Oversight and Reform, and the Senate Committee on Foreign Relations into the removal of Steve A. Linick as Inspector General for the U.S. Department of State.

Mr. Faulkner, could you please state your full name and spell your last name for the record?

Sir, I am sorry, I don't think we have your audio.

Could we just go off the record for a second while we resolve technical difficulties? I'm sorry, sir, I couldn't hear you.

Transcriptionist. Yes, [REDACTED], we can go off the record until you can work out the technical difficulty.

[Discussion off the record.]

HFAC Dem Counsel. Mr. Faulkner, could you see please state your name and spell your last name for the record?

Mr. Faulkner. Yes. Charles Faulkner.

HFAC Dem Counsel. And that is F-a-u-l-k-n-e-r? Sir, I am sorry, I don't think we got you responding to that.

Mr. Faulkner. Yes. That is correct.

HFAC Dem Counsel. Mr. Faulkner, my name is [REDACTED]. I'm senior counsel for the Committee on Foreign Affairs majority staff. I want to thank you for coming in today for this interview. We particularly appreciate that you were willing to speak with us voluntarily.

Stenographers are participating today to transcribe the

interview, but the interview will not be recorded by anyone else. Attendees acknowledged upon accessing this video conferencing that they will not record any portion of the meeting, nor enable any individual to access the videoconference proceedings who is not a member or an authorized committee staff member of today's participating committees.

The stenographers have a list of names and titles of today's participants, but I will now read the names on that list for the record.

HFAC majority members: Chairman Eliot L. Engel.

HFAC majority staff members: [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED].

HFAC minority staff: [REDACTED]

[REDACTED].

Majority staff for the Committee on Oversight and Reform: [REDACTED].

Minority staff for the Committee on Oversight and Reform: [REDACTED].

Minority staff for the Senate Foreign Relations Committee: [REDACTED].

The witness is Mr. Faulkner. His counsel, Edward MacMahon, is here. And for the State Department, [REDACTED]

██████████ and ████████████████████.

Among the participants today are moderators from the majority staff of the committees who are managing the technical requirements of the WebEx platform for this video conference and who admitted you into the video conference a few moments ago.

Moderators will respond as needed to specific cues from attendees who wish to speak. They will generally manage the meeting in unmuting the microphones to ensure audio quality in an orderly process, although speakers retain the ability to mute and unmute themselves if needed and to help trouble-shoot any technological challenges that arise.

If anyone inadvertently drops from the video conference for any reason and you are unable to log back in via the meeting link you originally received, please reach out to the relevant majority or minority staff contacts indicated in the original meeting link email that you received. The moderator can then endeavor to readmit you back into the conference as quickly as possible.

Before we begin, I would like to go over the ground rules for this interview.

To ensure that this videoconference interview can be efficient and manageable, we will proceed in alternating time blocks designated by party. The first timed blocks for each party will be 1 hour, and subsequent blocks will be

45 minutes. Democratic counsel will begin with the first block of questioning, offering an opportunity for Democratic members to ask questions towards the end of that hour should they wish to do so. The time will then shift to our Republican colleagues for an hour with the same format.

After the first 2 hours, 1 hour for each party, alternating 45-minute rounds will ensue until the questioning is done. If either side does not utilize its full allotted time in a given block, we will proceed to the next time block for the other party.

During the interview, we will do our best to limit the number of people who are directing questions at you and any crosstalk in general that can make it more difficult for the stenographers to achieve an accurate transcription.

That said, from time to time follow-up or clarifying questions may be useful, and if that's the case, you might hear from additional people on the videoconference.

For everyone, including the stenographers, we would ask that if you are not attempting to ask a question or raise another issue, that you now turn off your video monitor so that it is less distracting for the witness.

Because we are proceeding virtually, the moderators will also mute everyone other than the witness and the main questioner, and then they can unmute your microphone if and when you indicate a request to speak, which will help with

our audio quality.

Requests to speak may be initiated through the hand-raising function on the WebEx platform. The chair or ranking member or their designee will recognize members to ask questions through this hand-raising function toward the end of each question round.

Mr. Faulkner, I notice that you have counsel representing you in your personal capacity today. Is that correct?

Mr. Faulkner. Yes, sir.

HFAC Dem Counsel. Would counsel for Mr. Faulkner please identify himself for the record and confirm that you are not recording these proceedings?

Mr. MacMahon. Yes. My name is Edward MacMahon, and I am Mr. Faulkner's counsel, and I am not recording these proceedings.

HFAC Dem Counsel. Thank you.

We also have a few people from the State Department here today. Would those individuals please identify themselves for the record?

When our colleagues rejoin, we can do their appearances at that time.

Mr. Faulkner, do you understand that agency counsel represents the State Department and not you personally?

Mr. Faulkner. I do.

HFAC Dem Counsel. And you are choosing to have agency counsel participate in this interview today. Is that correct?

Mr. Faulkner. Yes.

HFAC Dem Counsel. As discussed with the State Department and in accordance with HFAC's standard procedure, agency counsel will be expected to abide by the following ground rules.

Agency counsel will generally not be expected to speak or answer questions during the interview. If agency counsel believes that a question calls for an answer that can only be provided in a classified setting, he or she may note that for the record, and we will then defer to you as to whether or not you can answer the question at a sufficiently high level of generality.

If in a specific instance agency counsel believes that it's necessary, he or she may note for the record that, quote, "The State Department believes that the question calls for an answer over which the White House may assert executive privilege," unquote.

Please note, however, that even if such a statement is made by agency counsel, you have a First Amendment right to answer the question if you choose to do so. Be mindful that classified information, obviously, can only be disclosed in an appropriate setting.

The White House has not indicated to the committee that the President intends to invoke or has invoked executive privilege, and there are no civil or criminal penalties associated with divulging information that the White House or the State Department may or may not believe is covered by executive privilege. Do you understand, sir?

Mr. Faulkner. Yes.

HFAC Dem Counsel. Again, there is a stenographer taking down everything I say and everything that you say to make a written record of the interview.

For the record to be clear, please wait until I finish each question before you begin your answer, and I will wait until you finish your response before asking you the next question. The same goes for any other participants today who may wish to ask follow-up questions.

Do you understand, sir?

Mr. Faulkner. Yes.

HFAC Dem Counsel. The stenographer cannot record nonverbal answers, such as shaking your head, so it is important that you answer each question with an audible, verbal answer. Do you understand?

Mr. Faulkner. Yes.

HFAC Dem Counsel. We want you to answer our questions in the most complete and truthful manner possible, so we are going to take our time. If you have any questions, or if

you do not understand any of the questions that you're asked today, please just let us know, and we'll be happy to clarify or rephrase our questions. Do you understand, sir?

Mr. Faulkner. Yes.

HFAC Dem Counsel. Today's interview will be conducted entirely at the unclassified level. It is the committee's expectation that neither the questions asked of you, the witness, nor answers by you or your counsel, would require discussion of any information that is currently or at any point could be properly classified under Executive Order 13526.

Moreover, EO 13526 states that, quote, "In no case shall information be classified, continue to be maintained as classified, or fail to be declassified," unquote, for the purpose of concealing any violations of the law or preventing embarrassment of any person or entity. Do you understand, sir?

Mr. Faulkner. Yes.

HFAC Dem Counsel. If I ask you about conversations or events in the past and you are unable to recall exact words or details, you should describe the substance of those conversations or events to the best of your recollection. If you recall only a part of a conversation or event, you should give us your best recollection of those events or parts of conversations that you do recall. Do you

understand?

Mr. Faulkner. Yes.

HFAC Dem Counsel. Please note that if you wish to assert a privilege over any statement today, you should clearly state the specific privilege being asserted and the reason for the assertion at the time that the question is asked. Do you understand?

Mr. Faulkner. Yes.

HFAC Dem Counsel. I'm sorry, could you just repeat that?

Mr. Faulkner. Yes.

HFAC Dem Counsel. Thank you.

If you need to take a break, please just let us know and we would be happy to accommodate you. However, to the extent that there is a pending question, we will just ask that you finish answering that question before we take a break? Do you understand?

Mr. Faulkner. Okay.

HFAC Dem Counsel. During the course of the interview we may occasionally share with you documents related to this matter. These will either be public news articles or documents that were provided to Congress by the State Department, the Office of the Inspector General, or other Federal entities as indicated in the course of this investigation.

If you need additional time to review any document before answering a pending question, please just ask. Do you understand?

Mr. Faulkner. Yes.

HFAC Dem Counsel. One final thing, sir. Although you are here voluntarily and we will not swear you in, you are required by law to answer questions from Congress truthfully. This also applies to questions posed by congressional staff in an interview. Do you understand?

Mr. Faulkner. I do.

HFAC Dem Counsel. If at any time you knowingly make false statements, you could be subject to criminal prosecution. Do you understand?

Mr. Faulkner. Yes.

HFAC Dem Counsel. And is there any reason that you are unable to provide truthful answers in today's interview?

Mr. Faulkner. No.

HFAC Dem Counsel. Thank you.

Sir, if you have any opening statement that you would like to make before we begin the questions, now is the time.

Mr. Faulkner. I don't have an opening statement today, but I appreciate the opportunity to come here and answer the questions of the committee.

HFAC Dem Counsel. Thank you, sir.

Our timekeeper will now turn on their video so that the

time is visible. A video will show the time remaining in each question block. You can pin this to your screen by right clicking or hovering your cursor over the timer and then clicking the thumb tack icon. If you are on an iPad, it is unfortunately not possible to pin the timer, but it should remain visible at the bottom of your screen in a grid view.

Could we go off the record for one moment, please?

[Discussion off the record].

HFAC Dem Counsel. Thank you very much. Our State Department colleagues have joined us.

State Department colleagues, could you please introduce yourselves for the record?

State Department Representative. Yes. It's [REDACTED] [REDACTED] with the Bureau of Legislative Affairs and [REDACTED] [REDACTED] with the Office of the Legal Adviser.

HFAC Dem Counsel. Thank you, gentlemen. We already read into the record the ground rules that have governed agency participation in all of the other HFAC-led interviews during this Congress, so we won't repeat those now. We thank you for joining us.

Mr. Faulkner, if you are ready?

Mr. Faulkner. I'm ready.

EXAMINATION

BY HFAC DEM COUNSEL:

Q Sir, to begin with, can you please describe how it is that you came to join the Trump administration?

A Yes. Let's see, I had expressed interest in the opportunity to join the Trump administration approximately December of 2016. I was contacted by some members of the transition [inaudible].

Okay. So in 2016 I had expressed interest in joining the administration. I had been contacted by some members of the transition [inaudible] returning to the State Department or going to the Department of Defense.

Q Okay. And to whom did you initially express that interest, sir?

A I had reached out to, I believe, Jeff Dressler. Jeff and I had a conversation in December. Jeff at the time was helping the transition. I believe he at the time was working for Speaker Ryan.

Q And you then said you were contacted by other members of the transition team. Do you recall who that was?

A I don't recall a specific name. I remember I went to some interviews at transition headquarters in January, I believe January of 2017, and met with some of the representatives on the National Security Staff.

Q Do you recall who those individuals were?

A I believe I met with Jonathan Hiller, Jackie Cottrell, Senator Cornyn's chief of staff, and two other individuals who had some experience in either congressional affairs or national security.

Q You said that was -- you said Senator Cornyn's chief of staff,

A Yes, Beth Jafari.

Q Okay. And the other individuals you mentioned, do you recall who that was?

A I don't remember the fourth individual. So I would say that either Cottrell or Jafari.

Q So how did it come to be that you were ultimately offered a job at the State Department?

A I was interested in the opportunity to return to the State Department. I had a great experience working there during the Bush administration. I had a -- I think, like many others had, I reached out to Members of Congress to gain either endorsements or to figure out what was happening with hiring inside of the administration at the early part of 2017.

But as I recall, I was in touch with some of the individuals who were making staffing decisions. And then in March of 2017, I had the opportunity to return to the Department for an interview with at the time Mary Waters, who was assembling the team for the Bureau of Legislative

Affairs.

Q Okay. And what were the responsibilities of the position that Ms. Waters interviewed you for? How did she explain what the job would be?

A Well, I understood that she had an opening for a deputy assistant secretary in the Bureau of Legislative Affairs. I understood that she had a few other people in mind for some roles for [inaudible]. I spoke with her about my previous experience working at the Department with the bureau, H it was known then, from say 2003 to 2009, with a small break in the middle.

Q Okay. And can you briefly summarize for us what your responsibilities at the State Department had been during that previous stint during the Bush administration?

A Sure. I came in in 2003 with a rather significant portfolio focused on Europe and NATO issues, regional affairs issues, international security and arms control issues, and also some matters pertaining to intelligence and nonproliferation. But during that time, I had a variety of portfolios. For the majority of that period, I had a responsibility of managing the portfolio of political-military affairs and nonproliferation.

Q Okay. And what bureau or office was that in during the Bush administration?

A That was also in the Bureau of Legislative Affairs.

Q All right. And what was your title during the Bush administration?

A I left the Department -- I came into the Department as a legislative management officer. I left the Department as a senior adviser.

Q Okay. So when you met with Ms. Waters in early 2017 and recounted to her some of your previous experiences, what did she explain to you your responsibilities would be when you returned to the State Department during the Trump administration? Your portfolio, in other words.

A Well, we discussed me taking on the portfolio of a Regional, Global, and Functional Affairs staff position, which I had experience working under before, with a great number of directors and staffers who served above me, and I was interested in helping with the variety of portfolios at the time for regional affairs, management issues, and also some of the more -- some of the other issues, such as nonproliferation [inaudible].

Q Okay. [Inaudible] under Ms. Waters, who was then, I believe, the assistant secretary. Is that correct?

A When I began she had -- she was serving in an acting capacity. A few weeks after I started in June -- I believe I started June 16th, I believe that is correct, around June 16th of 2017 -- she indicated that she was nominated by the President to be the assistant secretary.

So from our discussions and follow-up questions, my understanding was that I was going to aid Ms. Waters with helping manage a variety of different responsibilities [inaudible].

Q Okay. And those issues have included issues related to the Bureau of Political-Military Affairs, and specifically arms sales?

A It would have included -- yes. It would have included PM and I believe about 30 other different portfolios.

Q Okay. After Secretary Pompeo took over following Secretary Tillerson's departure, did your responsibilities at the State Department change in any way?

A Yes. Following, in the spring of 2018, I was promoted to principal deputy assistant secretary, and that included a different set of responsibilities, primarily helping with the broader management of the Bureau, to include a number of appropriations and management in the office of [inaudible].

Q And just for clarity, when you said broader management of the Bureau, you mean the Bureau of Legislative Affairs. Is that correct?

A Yes.

Q Okay.

A Not personnel matters.

Q Understood.

Did you retain responsibility for issues related to the Bureau of Political-Military Affairs after your promotion to principal deputy assistant secretary?

A Yes, I retained some oversight of the staff during that time. They reported through at the time an Acting Regional, Global, and Functional DAS, and those issues crossed my desk as often as many of the other issues. The day-to-day management of the portfolio was handled by another person.

Q Okay. And when you say that those issues were reported to you through another deputy assistant secretary, who was that?

A At that time that would have been -- I believe that would have been Dannielle Andrews, who was serving as the deputy.

Q So you retained responsibility, if I understand it correctly, after your promotion, for issues related to arms sales, but the primary responsibility for that issue would have rested at that staff level and then reported up to you. Did I get that right?

A Yes.

Q Okay. So, as you know, the committees are investigating the circumstances surrounding the firing of State Department Inspector General Steve Linick. Mr. Linick

testified to our committee that he may have been fired at least in part because he was conducting an investigation that the Foreign Affairs Committee had specifically requested into a May 2019 emergency declaration that the Trump administration used to bypass Congress and sell weapons to a number of countries, including Saudi Arabia.

The weapons sales that the administration forced through with that emergency declaration were actually first proposed, as we understand it, in early 2018, and those sales have been blocked by Congress since shortly after they were proposed because of serious concerns that the Saudis would use them indiscriminately and/or to kill civilians.

Then, after the proposed sales had been pending for nearly a year, the Trump administration suddenly chose in May of 2019 to claim that there was an emergency that required rushing them through.

Mr. Faulkner, we understand that you spoke to the State Department's Office of the Inspector General as part of their investigation into this matter. Is that correct?

A Yes, that is correct.

Q Now, Mr. Linick told us in his testimony that confidants of Secretary Pompeo, Under Secretary Brian Bulatao and Acting Legal Adviser Marik String, tried to dissuade the Inspector General from looking into these issues and thus to prevent people like yourself from telling

the Inspector General's office what you knew about these issues.

So, today, we would mainly like to explore your knowledge of what happened with those sales. This includes how and why the administration suddenly chose in May of 2019 to claim that there was an emergency that required rushing through these sales, and why Secretary Pompeo, Under Secretary Bulatao, Mr. String, and others were so eager to prevent Mr. Linick from looking into that.

So with that as context, I would just like to take a step back for a moment. That 2018 proposal to sell precision-guided missiles to Saudi Arabia and other countries wasn't the first time that Congress had blocked arms sales to the Gulf during the Trump administration. Is that correct?

A I believe that is correct, although I don't have a specific case in mind.

Q It's our understanding that Senator Corker, who was then chairman of the Senate Foreign Relations Committee, put a hold on a different set of arms sales to the Gulf in June of 2017. Do you recall that?

A Yes.

Q What was the reason for Senator Corker's hold at that time?

A I don't remember the specifics of the case. But

what I do remember, as you've pointed out, both House and Senate committees and other Members of Congress had concerns about the nature of the sales, as well as the reports in the Gulf of civilian casualties, as well as the role of the Saudi-led coalition in Yemen. And I believe that a lot of the holds or inquiries about those sales were raised to the Department as part of the [inaudible].

Q And in your role as, I believe, then a deputy assistant secretary in the Bureau of Legislative Affairs, were you involved in discussions about that hold?

A I would have been. Generally speaking, one of the responsibilities would be to know if a notification regarding an arms sale or a notice for the sale about [inaudible] what it would be, if there was a problem or someone had placed a hold. So I would have known if a hold had been placed [inaudible].

Q It's been -- the transactions that Senator Corker put a hold on in June of 2017, those would have included sales that President Trump had touted during his trip to Riyadh the month before, in May of 2017, which was around the time that you joined State Department. Is that correct?

A I believe so, yes.

Q Okay. It has been reported that among those sales that were proposed at that Riyadh summit or announced at the Riyadh summit included sales to Raytheon for enhancement to

Saudi Arabia's Patriot anti-missile program in the amount of about \$6.65 billion. Do you recall that?

A I believe so, yes.

Q Do you know how long that Raytheon deal had been in the works before it was announced in May of 2017?

A I do not.

Q At any point prior in your career, have you had any involvement with that particular deal between Raytheon and Saudi Arabia?

A No.

Q And, likewise, at any point -- strike that.

So The New York Times recently reported that just before the Riyadh summit at which those deals were announced, the same deals that Senator Corker held shortly thereafter, Jared Kushner had taken charge of lining up all of the sales that were going to be announced at that May 2017 summit, which were ultimately held. Are you familiar with that reporting?

A Not particularly, no. [Inaudible.]

Q So the report did say at one point from The New York Times, and this is an article entitled, "Why Bombs Made in America Have Been Killing Civilians in Yemen," by Michael LaForgia and Walt Bogdanich in May 16th of 2020, that report stated that during the process of getting these deals ready for the Riyadh summit there was a meeting that Mr. Kushner

chaired at the White House for which he did not invite the State Department, even though by law the State Department is the only agency that can authorize such deals.

Are you familiar with that report?

A I am familiar with that report, but I haven't studied it.

Q Are you familiar with the meeting that's referred to? Are you familiar with the meeting in early 2017 that Mr. Kushner had chaired to which the State Department wasn't invited on arms sales?

A No.

Q Okay. The report states that State officials only found out about it at the last minute and they had to rush over to participate. Does that refresh your recollection in any way?

A It does not. I remember the report, but I'm not [inaudible].

Q Okay. We understand that the official from the State Department who rushed over to attend that meeting when it was finally said it was happening was a gentleman named Michael Miller from the Political-Military Affairs Bureau. Are you familiar with Mr. Miller?

A Of course, yes.

Q And how do you know him?

A Mr. Miller served, I believe continues to serve as a

deputy assistant secretary in Bureau of Political-Military Affairs. He's been there for a number of years, and his responsibility is to examine military sales.

Q Did you ever have any discussions with Mr. Miller about Mr. Kushner's involvement in arms sales to Saudi Arabia or other countries in the Gulf?

A I did not.

Q We understand -- and I ask this to see if this refreshes your recollection -- that Mr. Miller has some history with this issue. We understand that in March of 2017 he had voiced concern to officials at the White House, including Michael Bell at the NSC, about whether or not he would feel comfortable signing paperwork for arms sales to Saudi Arabia. Were you aware of that?

A No.

Q As we understand it -- again, to see if this refreshes your recollection -- Mr. Miller told White House officials that he had been warned by State Department lawyers that if steps were not taken to mitigate the chances that the Saudis would use these weapons indiscriminately, he, himself, could possibly be implicated in Saudi war crimes under relevant U.S. laws if he had signed the paperwork regarding those sales.

Did you ever have any conversations with Mr. Miller about that?

A I did not.

Q During your time at the State Department did you ever become aware of other instances in which Mr. Kushner had any involvement in proposed arms sales to Saudi Arabia or other countries in the Gulf?

A No. [Inaudible.] I did have some conversations in late 2017 with Mr. Kushner regarding Middle East peace initiatives, and proposed engagements with others, but that is the extent to which I have had a dialogue with Mr. Kushner.

Q Okay. So you never had any conversations with him regarding arms sales issues?

A I did not.

Q You never had conversations with anyone else regarding arms sales issues in which Mr. Kushner's name came up?

A I have had -- I think I had several conversations with others inside and outside of the Department about the articles concerning it, but I don't remember engagement with officials [inaudible].

Q And just for the sake of clarity, sir, you are referring to the 2020 articles that we have been discussing, is that correct, or was that something else?

A Yes.

Q So those conversations, if I take you correctly,

would have occurred after you left the State Department?

A Could you repeat the question?

Q If I understand your statement correctly, those conversations that you just referred to regarding articles would have all taken place after you left the State Department. Is that correct?

A No. Mr. Kushner is a high profile member of the administration and frequently pops up in newspaper articles [inaudible] and I may or may not have had conversations with State Department colleagues or other colleagues outside the Department about [inaudible] any other things happening inside of the administration. But I don't have any knowledge of Mr. Kushner's role regarding arms sales other than what I've read in the newspaper articles.

Q Okay. Going back to the hold that Senator Corker placed on the weapons sales that Mr. Kushner had helped to package for that Riyadh summit, after that hold was put on in June of 2017, did you have any conversations with anybody at the White House regarding how to get Senator Corker to lift that hold?

A I don't recall having conversations with anybody at the White House. It may have -- the matter of holds, the matter of arms sales or initiatives that were underway may have come up potentially in conversations with the National Security Council Legislative Affairs Office.

I don't recall any specific cases or specific phone calls, but it is possible that we would have discussed Senator Corker, the SFRC, or HFAC concerns about outstanding issues prior to engaging with the chairman of either committee.

Q Okay.

A That would have included myself in the preparation. For example, if we are going to have an engagement with Chairman Engel, for example, we would want to know what concerns we had with regards to any of the issues [inaudible] to the Hill.

[Inaudible] want to make sure that the principal was engaged with Mr. Engel or any other members of the committee were available for the Secretary or the deputy secretary to handle the case appropriately.

Q Okay. And for the sake of clarity during today's interview, we would like to stipulate that if we ask any questions regarding contacts with the White House that that would be inclusive of the National Security Council, if that's okay with you.

A Sure.

Q If we need to distinguish, we are happy to do that.

A Yes.

Q Okay.

So just to repeat and make sure that we are clear on

that, after that clarification, you said you may have had conversations with individuals at the National Security Council regarding this hold, but that you don't recall specific conversations. Did I get that correct?

A That's correct, yes.

Q And with whom would you typically have had those conversations?

A I would have typically had a conversation with either the director or the senior director at NSC Legislative Affairs, either Virginia Boney or [REDACTED].

Q And I'm sorry, could you just say those two names again? That was a little unclear.

A Boney, B-o-n-e-y, and [REDACTED].

Q Thank you.

The same New York Times article that we have been referring to also states that in January of 2018 Mr. Peter Navarro wrote and circulated a memo at the White House and in the interagency, apparently, that stated quote, "Unless the White House promptly intervenes" -- and in this instance "intervenes" we understand to mean to get Senator Corker to lift his hold -- quote, "one particular company, Raytheon, will begin laying off thousands of workers," unquote.

Mr. Navarro's memo reportedly attributed that information to, quote, "industry sources," unquote, and he added, quote, "POTUS may have to get involved," unquote,

which we understand to be a reference to President Trump.

Did you ever see such a memo regarding specific concerns about jobs at Raytheon in connection with Senator Corker's hold?

A I did not.

Q Did you ever hear anybody mention such a memo or mention that Mr. Navarro had particular interest in this issue?

A Yes. I was aware of White House interest in Saudi, Gulf, UAE arms sales following the announcement in 2017. There was a Presidential announcement. I believe that there was some priority in moving ahead on arms sales initiatives in order to provide foreign military to those countries.

I was aware that [inaudible] regarding those at the White House, at the White House at the time, and I was aware that the Secretary, Secretary Tillerson, I was aware that there was interest from the White House for the Department to advance those sales [inaudible].

Q And how did you become aware that there was interest from the White House, sir?

A Either through staff in the Bureau of Legislative Affairs or through conversations from the Bureau of Political-Military Affairs or through memos that would have [inaudible] or information [inaudible].

Q Let's just take those piece by piece.

With whom in the Bureau of Political-Military Affairs, during this relevant time period of Senator Corker's hold, would you have likely discussed -- or do you recall discussing the fact that the White House was particularly interested in getting that hold lifted? With whom in the Bureau of Political-Military Affairs would you have those conversations?

A At the time I would have had [inaudible] one or two of our [inaudible] Pol-Mil. And I think I also would have heard probably from either then Ambassador Kaidanow, who at the time was the Senior Bureau Official in Pol-Mil, about [inaudible].

I was aware from dialogue with Ambassador Kaidanow that the White House was interested in advancing on the sales. I was aware that the Congress, specifically the Foreign Relations Committee, had outstanding questions about the sales, specifically [inaudible].

[Inaudible] all sales to the Saudis, UAE, or any of the coalition partners were being heavily scrutinized by the committee. And that was a larger -- that was a larger concern because of [inaudible] request for information from the committee regarding things that [inaudible].

Q So let's go back to Ambassador Kaidanow. What do you recall her telling you about White House interest in these issues?

A Well, I would generally do a check-in with senior Bureau officials maybe once a month. I had numerous conversations with Ambassador Kaidanow in the office. It's possible -- I can tell you at least two or three meetings come to mind where I was in her office [inaudible] outstanding holds on arms sales and other initiatives [inaudible] congressional approval or engagement with the Hill. And during that time I believe she did inform me [inaudible] 2017, 2018 time period, where we were aware that the President wanted to advance arms sales [inaudible].

Q And how did you become aware that that was a priority to the President? Who have you told? Or who told Ambassador Kaidanow?

A I don't recollect. I know I have a sense from my -- I have from the conversations that she was having regular meetings at the White House, and it was a top priority for Pol-Mil to move those sales.

Q And with whom did you understand that Ambassador Kaidanow was having regular meetings at the White House about these arms sales to Saudi Arabia and getting the hold lifted?

A I don't know who she was meeting with on a regular basis, but I knew that she was going to the White House and the National Security Council as part of her responsibilities.

Q And what did she tell you was the nature of the message she was receiving?

A I don't recall a verbatim conversation, but something along the lines of this is a priority to -- it's a priority to [inaudible].

Q Did she ever mention anything specifically regarding Raytheon having been communicated by the White House?

A No.

Q Did she ever mention that one of the people at the White House with whom she was having these conversations was Peter Navarro?

A I don't believe she had -- I don't recall if she had mentioned Mr. Navarro. I'm aware of his name, obviously [inaudible]. But I'm not aware of her specifically naming Mr. Navarro.

Q And did you ever have any meetings with or conversations with Mr. Navarro about these arms sales?

A No, I don't believe I did.

Q What about a gentleman by the name of Alexander Gray, who we understand was one of Mr. Navarro's assistants? Are you familiar with that gentleman?

A I know Alex personally. I have known him for several years. Alex and I have a relationship through the -- he used to work for a Member of Congress that I knew well. So I knew Alex from that relationship. But I don't

believe I had any conversations with Alex about that.

Q And who was that Member of Congress?

A That would have been Congressman Randy Forbes of Virginia.

Q Thank you.

Did Ms. Kaidanow or anybody else in PM ever mention any other specific individuals at the White House that had reached out to them regarding getting the Corker hold lifted on this sale?

A I don't recall.

Q Did anyone ever communicate to you that one of the reasons that it was important to get this hold lifted was to save or promote jobs at Raytheon?

A No.

Q I'm sorry, could you repeat that?

A No.

Q Thank you.

Did you ever discuss the Corker hold with anyone who was employed by or affiliated in any way with Raytheon?

A No.

Q Did anyone from or acting on behalf of Raytheon have contacts with individuals at the State Department about this hold that you later became aware of even if you weren't personally involved in the conversation?

A No. No, I am not aware of any.

[11:01 a.m.]

BY HFAC DEM COUNSEL:

Q So, ultimately, the hold was lifted after about 7 months or so, on or about February 14th of 2018. Do you recall that?

A I do.

Q So why was the hold ultimately lifted?

A I don't know the answer to that question. I assume at the time, Senator Corker or Senator Corker's staff had been provided as much information as possible from the Department or another agency allowing him to get the Senator's okay to --

Q Okay. Were you involved in providing any information to Senator Corker or his staff in order to help get him to lift the hold?

A I may have been. I'm not familiar with any. I don't recall any of the specific details of the information. This is February of '18 or '17? '18?

Q This would have been February of '18, yes, sir.

A I don't recall specific details, but I -- I would assume that his -- his lifting would have been either through engagement from a Department principal, may have been a phone call. It also may have been provided in briefing through Senator Corker at the time, although I don't recall what that --

Q Okay. And in your role in the Bureau of Legislative Affairs, would you have been involved in --

HFAC Dem Counsel. I apologize. Did one of the reporters have a question?

[Discussion held off the record.]

BY HFAC DEM COUNSEL:

Q So, sir, in your role in the Bureau of Legislative Affairs, would you typically have been involved or aware of phone calls or briefings that were being provided to the Hill on this issue?

A Absolutely, yes. I would be -- I don't believe I would have a hundred percent surety of all the calls the Department typically made to the Hill, but certainly I would know about most of them.

Q And do you recall anything about any outreach to Senator Corker or his staff in order to help get this hold lifted?

A Again, I don't know specifics. My -- my instincts are that our Legislative Affairs staff, as well as all of the normal bureau staff, would have been actively engaged on these cases, if not each day, certainly many times a week on -- on requests regarding arms sales, especially concerning Senator Corker in his capacity as chairman. I don't -- off the top of my head, I just don't know, like [inaudible] I just don't know if it was Pompeo or Sullivan

or any of the other officials at the Department making the call. So I apologize.

Q That's fine. And just to help you situate in terms of timeline just because we're talking about a hold that was lifted in February of '18, at that point, and for a little bit of time afterwards, it would have been Secretary Tillerson?

A Yes. For a little bit of time, it was. I believe, you know, at the time, after giving it a little more thought, I imagine that's probably around the same time as the FY18 budget hearing. Perhaps Secretary Tillerson would have met with Senator Corker at that time [inaudible].

Q Did you ever have any conversations with Secretary Tillerson about this hold?

A I believe, yes. I've had -- I had very limited conversations with Secretary Tillerson about these matters and sort of giving him a rundown or giving his office a rundown of what the key issues before the chairman or the ranking member of the committee just again prior to the update. Because of the arms sales being, again, high profile, he would have made sure that he was aware of any holds, if there were any holds on other issues, and he also would have made the Secretary or the deputy secretary aware.

Q Do you recall when those engagements were?

A February of '17 is likely.

Q Sorry, sir, just to clarify, I believe you meant February of '18, I think?

A January of '18.

Q In January of '17. Okay. So it was likely that you had interactions with Secretary Tillerson and his staff on this in or about February of '18 regarding the hold. Is that your testimony?

A That is -- that is possible, yes.

Q Okay. And you said you would have explained to them sort of what the Senator's concerns were prior to his engaging on the issue. Is that correct?

A Yes. As far as the number of brief bio or a rundown prior to a meeting, either I or the assistant secretary would have provided the Secretary or the principal with an update on what the issues concerning that would have been.

Q Okay. When you say the assistant secretary, that's for the Bureau of Legislative Affairs?

A Yes.

Q So that would be Mary Waters at the time?

A At the time, that would have been Mary Waters.

Q Okay. And I believe you mentioned this at the beginning, but when you were explaining this to Secretary Tillerson, how do you believe you would have characterized Senator Corker's concerns? What did you understand those to be?

A To the best of my ability, we would have probably kept the details very limited, but the way I would capture it is the Secretary -- the chairman would have had concerns about both arms sales because of the -- because of the concern regarding civilian casualties in the -- in the --

Q Okay. And between the period of June 2017 when the hold was put on and February of 2018 when the hold was eventually lifted, do you recall any key events or any specific improvements regarding civilian casualties that would have satisfied the Senator's concerns? Were there things that happened in the interim that you recall being able to point to and say it's getting better, you don't have to be concerned anymore?

A I don't -- I don't recall providing that information to Senator Corker. I believe at some time between the beginning of 2018 -- in the summer of 2018, the Department of Defense would have provided updates and briefings to the staff of the committee. I don't know what the date would have been, but generally speaking, I think that would have laid out some of the -- some of the improvements, as you say, with regard to the Saudi arms sales.

Q Okay. And just for the sake of clarity, I'm not representing that there were improvements. I'm asking whether or not you recall there having been improvements.

A I don't recall the specific improvements, but I do

recall there was a series of information that was provided to the committees laying out the specifications for that.

Q And you recall that being provided in, you said, about the summer of 2018?

A I believe that probably would have taken place sometime during the period of January to the summer of '18.

Q Okay. And just for the sake of clarity, and we'll come to that soon, but our understanding is that, you know, Senator Corker lifted his hold over the particular package of arms sales that were announced in May of '17 at the Riyadh summit. He lifted that hold in September of 2018. Then in April of 2018, and we'll discuss those in greater detail today, there was a second round of arms sales that were proposed, including 60,000 precision-guided missiles, each to be sold to Saudi Arabia and UAE, and Congress also put a hold on those sales.

So if you're recalling information having been provided to Congress about civilian casualties in the summer of '18, do you think it was likely Senator -- in relation to Senator Corker's hold on the Riyadh summit package of deals or that it might have been in relation to what was ultimately Senator Menendez' hold on those precision-guided missiles?

A I think it's probably a combination of both.

HFAC Dem Counsel. Okay. I believe that Congressman Keating is on the line.

Mr. Keating, do you have questions for the witness?

Mr. Keating. I don't. It's unfortunate this is occurring, you know, during roll call votes today, but I appreciate being part of this communication, and I'll follow up with the transcript, so thank you. I'm heading for another vote.

HFAC Dem Counsel. Thank you very much.

Are there any other members from the HFAC majority who are present on the line at the moment?

Okay. So I think we're just going to proceed chronologically then.

BY HFAC DEM COUNSEL:

Q As we said, sir, in February of 2018, Senator Corker lifted his hold. Almost immediately after he lifted the hold over that package of arms sales to the Gulf, President Trump became focused on pushing through more arms sales to Saudi Arabia.

There was a meeting in the Oval Office on March 20th of 2018, where President Trump met with Saudi Prince Mohammad bin Salman in the Oval, and in that meeting, President Trump held up a number of very large charts, one of which had emblazoned on it, quote, "12.5 billion in finalized arms sales to Saudi Arabia."

Are you familiar with that March 2018 meeting between President Trump and Saudi Prince Mohammad bin Salman?

A I remember it happening, yes.

Q Did you -- did you have any involvement in preparation for that meeting?

A I did not.

Q Okay. Do you know where the number 12.5 billion on that chart came from that the President held up, \$12.5 billion in finalized arms sales to Saudi Arabia?

A No.

Q And you would, presumably, given your responsibilities at the State Department, have been involved in any such arms sales to Saudi Arabia, given the Department's statutory responsibilities. Is that right?

A If you could clarify that question. Can you repeat it again?

Q Yeah. Although you may not recall exactly where that 12.5 billion number came from, given your role, where he's touting arms sales to Saudi Arabia, you would naturally have been involved in arms sales to Saudi Arabia just given your responsibilities at the State Department. Is that right?

A That's not right, no.

Q Can you correct my understanding, please?

A So -- yeah. So any -- any proposed arms sale that requires congressional notification, off the top of my head, I don't know what the thresholds happen to be, but over a

particular value, normally would be notified under the Arms Export Control law. And the Bureau of Legislative Affairs has a role in -- in managing those notifications to the committee. We would provide, during the Bush administration and portions of the Obama administration, a requirement to -- the Department of State bureau actually would physically manage that process. And over a period of time, I believe that -- I hope I am correct in saying this, but sometime between 2010 and 2014, I believe that process changed where the Bureau for Military Affairs took a more hands-on approach to revise that system where they became, if not equal, a co-partner in managing that relationship with the committee regarding arms sales.

Q But you came in in 2017, right?

A I came in in June of 2017.

Q And you were involved in getting the hold that we've been discussing lifted by Senator Corker for the reasons that we've gone through, right?

A Yes, that's correct. We would have been aware of holds and we would have identified what those questions or objections would have been.

Q Uh-huh.

A We would have then sought input from the variety of different policy offices on how do we best accommodate or provide a response to the committees to overcome those

objections.

Q And they needed -- to get Congressional approval, they needed to get the hold lifted and get congressional approval before those arms sales could be finalized. Is that right?

A Generally speaking, yes.

Q Okay. So if the President is holding up a chart in the Oval Office a month after you and your colleagues managed to convince Senator Corker to lift his hold, and the chart says \$12.5 billion in finalized arms sales to Saudi Arabia, is it a fair assumption that he is referring to the arms sales that had been announced in May of '17 and that only got finalized because they managed to convince Senator Corker to lift his hold? Is that fair to say that, given the sequence of events, that's probably what that chart was referring to?

A I don't know. I don't know the specific chart. I remember the meeting between the Crown Prince and the President. I don't remember the specifics. I believe you, that to be the value on the chart. I don't know what the President was referring to at the time [inaudible] conversations at the White House about that chart.

Q Do you have any idea of how -- what the value was of the sales that were finalized because the Corker hold was lifted, what portion of that would have been sales to

Raytheon?

A I don't know. I believe -- I believe it to be a significantly higher number, a higher number based on the release of the report, but I don't know the value.

Q So I think we had mentioned earlier there was public reporting that what they stood to gain from those sales was about \$6.65 billion, and I believe you said that sounded about right. Do I have that correct?

A That's what I -- if that's what the reporting says. Again, I don't have the -- I don't have the value in front of me.

Q Okay. So in April of 2018, shortly after that meeting in the Oval Office between President Trump and the Crown Prince of Saudi Arabia, there was a new round of arms sales to Saudi and other Gulf countries that were then notified to Congress about, you know, just under a month later. Do you remember that?

A I do.

Q What can you tell us about that?

A I was aware of a new round of arms sales that included a variety of different weapons systems. That would include precision-guided munitions. We were aware of continuing concerns by both Senator Corker, Senator Menendez, Chairman Engel, and others regarding the arms sales and, in general, to the region. It's a rather

tumultuous region, and that was a discussion on when would be best to provide the cases for review. And it was -- I believe it was April and May was when the group sales were -- details of the group sales were provided to Congress for their review.

Q And so if I have your testimony correct, you knew that there was concern on the Hill about the way that Saudi Arabia was using these weapons, and so there was a conversation in light of those concerns about when the best time to notify Congress that these additional sales would be. Is that right?

A Yes. And that would have taken place around that -- that time period. And likely, if not me, another member of, you know, the bureau staff or the [inaudible] bureau would likely have assessed whether or not these arms sales to the countries [inaudible] sale and identify where there may be objections on the Hill, primarily [inaudible] committees.

Q And who do you recall having those conversations with?

A I would have had those conversations with members of the Bureau of Legislative Affairs. I would have had those conversations with the congressional and Public Affairs staff, the Bureau of Military Affairs. I believe I would have also had conversations with Mike Miller; I believe

Marik String at the time, because I believe at that point, he was [inaudible]. There may have been some other discussions with representatives from the [inaudible], but I -- again, specifics [inaudible] what time, I would have -- I would describe my engagement as to the updates on when -- updates or meetings that we would have had over the course of a period of time.

Q So you would have been involved in meetings, I think as you testified, with Marik String, Mike Miller, potentially other representatives from NEA, beginning right around the time that these arms sales were notified in April of 2018 about basically how to get them through Congress. Is that right?

A It would have been more about when is best to provide the information, which we would have described as informal notification to the Hill, to the committees about the cases, and when would be the best time to provide that to the committee. Introducing new issues or new matters of concern at a time when other priorities were in place may not be the best thing to do. So it was a matter of waiting for discussion to focus on when it's best that [inaudible] to the Congressional calendar or in hearings that were taking place. We would have examined some of those issues.

Q Do you recall there being discussions in those

meetings that you had with Marik String and Mike Miller about congressional concern regarding civilian casualties that the Saudis were causing in the war in Yemen?

A Not specific details, but I can tell you -- I mean, it was a matter of concern. I believe it was a bipartisan concern on both sides of the Capitol regarding the ongoing conflict in Yemen. And being -- both the State Department and through the various [inaudible] the Defense Department was also aware of this and was working to address it from our -- from our partners in the region. So those -- those concerns were not unique to any one Member of Congress but to a large number of the Congress, obviously, and those issues, I believe, were enduring from May '17 until -- I believe until after I left.

Q Do you recall anyone in those meetings with Marik String and Mike Miller and others raising concerns that there were allegations that the Saudis had previously used American-supplied weapons during the war in Yemen to commit what amounted to war crimes? Do you recall war crimes coming up in any of those conversations?

A I don't believe I recall a specific conversation about war crimes or examination whether there were war crimes. I was aware of concerns that the committees had raised regarding unauthorized transfer of U.S.-origin equipment, which would have been -- if found to be true,

would have been a violation of U.S. law, and that would have required, for lack of a better term, a sanction against the violator of that.

And then in that case, I was aware of concerns, I believe, by one or two of our partner countries in the region that were raised by the Hill to us. And that made up a series of inquiries from the committee [inaudible] HFAC. Those questions or those requests for information or those requests for briefings remained a cause of -- well, I won't say a cause for concern, but remained an outstanding matter that the Department was working to overcome.

Q Okay. So what was Marik String's recommendation when you started talking to him about these arms sales as to when you should notify Congress?

State Dept. Counsel. [REDACTED], I apologize. This is [REDACTED]. That is a per se question about a predecisional matter, and I have concerns about implicated executive confidentiality branch interests.

HFAC Dem Counsel. [REDACTED], without regard -- this isn't a question regarding any communications with the President under the terms of the Department's engagement here. Do you believe that this is a matter over which the President may assert executive privilege?

State Dept. Counsel. Thank -- thank you, [REDACTED]. As you know, all executive branch confidentiality interests

emanate ultimately from the President, and so I actually think this does fall within that deliberative process exception.

HFAC Dem Counsel. So are you saying you believe the President will invoke executive privilege over the answer to the question that I just asked?

State Dept. Counsel. I'm sorry. No. What I'm saying is that in order to determine whether or not privilege will be invoked, we can't have a waiver of it, and it has to be preserved so it can be presented for the ultimate determination of whether or not, as you know, the very elaborate process would be invoked to assert it.

HFAC Dem Counsel. And to be clear, [REDACTED], the arrangement regarding the State Department's participation in this interview is not and has never been during the 116th Congress with respect to a broader category of executive branch confidentiality interests. The terms by which the Department has been invited to participate have been specific to executive privilege.

Are you saying that you believe executive privilege could be invoked over this matter?

State Dept. Counsel. I'm saying that the executive branch confidentiality interests which you could consider part of executive privilege are implicated here, and I -- and I appreciate you reminding me. I am very familiar,

and you've always been good about pointing out the -- the committee rules, which I just would note do not amend the Constitution.

HFAC Dem Counsel. So with all that said, sir, and reminding you that I didn't hear any claims of potential actual executive privilege and that there are no penalties associated in any way with divulging such information, I'd like to ask you again.

What was Mr. String's position regarding when these should be notified to Congress?

Mr. MacMahon. Just -- [REDACTED], this is Ed MacMahon. I just -- I didn't hear the whole question, but I -- I think I'd like a little more clarity for Mr. Faulkner. If he's being told not to answer this question, I'd like for him to be told not to answer it, not just leave this up in the air, please.

HFAC Dem Counsel. I think that's fair.

[REDACTED], are you directing Mr. Faulkner not to answer the question?

State Dept. Counsel. I am.

HFAC Dem Counsel. And your basis for that is what, sir?

State Dept. Counsel. That I -- without being able to -- and I -- and it's not your fault. The current logistical situation does not allow me to discuss with him

privately what his answer might be and whether or not it would involve direct predecisional information that we believe is potentially covered by an executive branch confidentiality interest. And until I would know that, I would not be able to advise other than as a prophylactic matter, to preserve any privilege, he needs to not answer until we can discuss it.

HFAC Dem Counsel. So if we were to arrange an opportunity for you to have a private conversation with Mr. Faulkner regarding his potential answer to the question that I just asked, would you be able to provide more clarity?

State Dept. Counsel. I believe I would, but I also have to defer to Mr. MacMahon as counsel. Our interactions with Mr. Faulkner, as you know, as a former employee, the information is ours, but I am respectful of his Sixth Amendment rights and his relationship with his own counsel.

HFAC Dem Counsel. Okay. I think with all that said, we're happy to revisit this issue later in the day. Our time is up. I thank everyone for -- for their indulgence and the colloquy. We will check with some of our other associates to get a precise tally of any time that we went over in this round and are happy to afford additional time in equal amount to our Republican colleagues.

Before we switch sides, could we take a 5-minute break,

let people stretch their legs and I think we might want to do an audio check.

Mr. MacMahon. Very good. Thank you.

HFAC Dem Counsel. Thank you. We're off the record.

[Recess.]

HFAC Dem Counsel. Thanks, everybody, for coming back. For my Republican colleagues, thank you for your indulgence. We're going to add 3 minutes and 16 seconds to your clock, and I'm happy to turn it over to [REDACTED].

HFAC Rep Counsel. Thank you, [REDACTED].

Can everyone hear me okay?

EXAMINATION

BY HFAC REP COUNSEL:

Q Mr. Faulkner, I don't have many questions, but I wanted to ask a couple related to the arms sales and the hold that we were discussing.

You said you believe the reason for the Corker hold was related to potential civilian casualties in Yemen. Was that correct?

A That is correct. I believe that -- that Chairman Corker's concerns were specific either to him or to members of the committee at the time.

Q Do you recall having any discussions or any memory at all about the hold being related to the Gulf rift regarding Qatar that was going on at that time?

A I do. That was a concern from 2017 to 2018 and -- and beyond. I believe that was a concern, indeed.

Q And do you recall that those arms sales were not just to Saudi Arabia but that that hold related to all GCC countries?

A I believe that's right. It was not unique to anyone but to a group of countries who had a rift with Qatar at the time.

Q And are you also aware that some of the weaponry that was held by Chairman Corker related to weapons that the discussions of which and the initiation of the -- of the negotiations leading to those sales involved some weapons that -- for which initiation began under the Obama administration?

A Yes. That's what I understand. Arms sales, proposed arms sales and the negotiations associated with them normally take several months, if not years, to finalize.

Q And you said that you didn't have any understanding that the hold was put into place or lifted for any reason related to any individual manufacturer. Is that correct?

A That is what I understand, yes. I do not -- I'm not aware of any engagement by a provider on that issue.

Q And shifting topics, where are you employed today, sir?

A I am presently serving -- I'm getting feedback. Sorry. I am presently employed at the Department of Homeland Security, Cybersecurity and Infrastructure Security Agency.

Q And how long have you been in that position?

A I've been in that position -- I've been at the Department of Homeland Security since September of last year. I've been in the position that I'm presently in for 5 days.

Q What was your last day at the State Department?

A My last day in the Bureau of Legislative Affairs was May 10, 2019. I departed as I was transitioning to another role. I performed some military duty and used some leave, and my last official day on payroll at the Department was in July of 2019.

Q Okay. Thank you.

HFAC Rep Counsel. That's all the questions I have. I want to turn it over to my colleagues on the core committee to see if they have any questions.

COR Rep Counsel. Thanks, [REDACTED]. I appreciate it, and thank you for those clarifications.

BY COR REP COUNSEL:

Q Mr. Faulkner, my name is [REDACTED]. I work for the minority staff on the Oversight Committee.

Let me ask you briefly. Why are you here today? Why

are you here at this interview, Mr. Faulkner?

A I was asked by the committee to appear to answer questions regarding their concerns regarding the dismissal of the Inspector General of the State Department, Steve Linick.

Q Okay. That's what I thought too. And as a matter of fact, Chairman Engel, who showed up very briefly at the beginning, made a couple minutes of remarks and then subsequently left. One of the first things he said was you were here as part of the committee's joint investigation into the removal of the Department's Inspector General, Steve Linick.

Mr. Engel sent you a letter. If we were in person, I would show you the exhibit, but there's not an email list for me to send out here. He sent you a letter on May 27, 2020, inviting you in for a transcribed interview. Do you remember receiving that letter on May 27?

A Yes, I do remember receiving that letter.

Q Yeah. And let me just read you the very first part. It says: Congress is conducting an investigation into the circumstances surrounding the firing of Steve A. Linick as inspector general, U.S. Department of State.

Do you know how many times Mr. Linick was brought up during your first hour of questioning, Mr. Faulkner?

A I don't recall having a question about that yet.

Q That's correct. His name was mentioned once, you know, given some sort of -- 10 minutes into the interview in some sort of convoluted explanation about the questions you were being asked somehow being tied to the inspector general's departure. But that obviously doesn't hold water to anybody looking at this objectively.

Let me ask you this. Where did you work before you came back to the State Department in 2017?

A Prior to returning to the Department, I was serving on orders for approximately a year at the Department of Defense.

Q Okay. And what about prior to that?

A Prior to that, from May until -- no. From June of 2012 until May of 2016, I was working at BGR Group, which is a government relations and public affairs firm in Washington.

Q Okay. And did you have as -- as one of your clients, did you have Raytheon as one of your clients?

A Yes. Raytheon was a client of BGR at the time.

Q Yeah. And do you know how many times Raytheon was mentioned during your first hour?

A Raytheon was certainly mentioned a number of times, so I don't have a -- I don't know the quantity, but there certainly seemed to be several times it was raised.

Q That's right. There were several times it was

raised during your first hour of questioning. Do you know what relevance Raytheon may have to the removal of Steve Linick as Department Inspector General?

A I don't. I'm aware that the [inaudible] was a beneficiary.

Q I don't -- I don't either. I don't either.

Do you know how many times Jared Kushner's name was mentioned during your first hour of questioning?

A I believe Mr. Kushner was mentioned two or three times.

Q Two or three times. I lost track after 30. I was trying to keep track, and once we got to 30, I just -- I just stopped keeping track.

Do you know what relevance Mr. Kushner has to Mr. Linick's removal as Department of -- of State Inspector General?

A I do not.

Q Yeah. And as a matter of fact, what most of the -- the bulk of questioning during your first hour was about a hold on arms sales from 2017. Isn't that right?

A Yes.

Q And who was the Secretary of State back in 2017?

A That would have been Secretary Rex Tillerson.

Q Rex Tillerson. Rex Tillerson. And who was Secretary of State when Mr. Linick was removed from office?

Was that Rex Tillerson?

A I believe -- I believe Secretary Pompeo was the Secretary of State, and I don't know the date that Mr. Linick was removed, but recently.

Q Secretary Pompeo. So your entire first hour of questioning was surrounding a time period where the current Secretary of State wasn't even there. He held a different job. More than that, you were asked about meetings at the White House that you didn't know anything about. You were asked about meetings in the Oval Office. You said you didn't know anything about those either. You were asked about, you know, a myriad of other meetings where you weren't familiar with anything there as well.

So, you know, I apologize you're here under, you know, completely false pretenses, sort of being, you know, led along this deep sea fishing expedition, the likes of which I've never seen, you know, during my tenure here doing oversight investigations on the Hill, so I just wanted to apologize to you for that.

And I'll just get right to the point here since we're here talking about Mr. Linick's interview. You said May 10th was your last date in Legislative Affairs. Is that right? May 10, 2019?

A Yes.

Q And Mr. Linick was removed from office. He was

notified on May 15th, 2020. That's what he told us during his interview. So the year prior to Mr. Linick's removal of office, you weren't even at the State Department Legislative Affairs Bureau. Is that right?

A That's right.

Q Do you know why Mr. Linick was removed from office?

A No.

Q No, you don't. Did you ever have any conversations with Secretary Pompeo about Mr. Linick's removal?

A No.

Q Did you ever have any conversations with Brian Bulatao about Mr. Linick's removal?

A No.

Q Did you ever have any conversations with Stephen Biegun about Mr. Linick's removal?

A No.

Q Prior to Mr. Linick's removal on May 15th, 2020, did you have any -- did you have any conversations with anybody about his possible removal?

A I did not.

COR Rep Counsel. That's all the questions I have for now. We may come back next round and clarify some other things that were discussed, but that's all I have -- I have for now. So I'll turn it back to my colleague, [REDACTED], in case he has anything further.

HFAC Rep Counsel. Nothing from me. We can yield back to our majority.

COR Rep Counsel. Thanks, [REDACTED].

HFAC Dem Counsel. Thanks very much.

Mr. Faulkner, can you hear me okay?

Mr. Faulkner. Yes.

HFAC Dem Counsel. Okay. So it's -- it's 12 o'clock. Before we begin another 45-minute round, would you like to take a break? Would you like to take a lunch break?

Mr. MacMahon. I don't know that they can hear me.

Can you hear me?

HFAC Dem Counsel. Yes, sir.

Mr. MacMahon. So how much longer do you think we're going to go? I mean, I would like to -- if we can get this done, I'd like to just get it done. If we're going to be on all day, we may as well take a break. So can you give me some guidance?

HFAC Dem Counsel. I mean, we have a number of questions, as you might expect, in the -- in the 2018 time period. I think it's probably something that from -- from my end, depending on Mr. Faulkner's responses, would probably take an hour and a half, 2 hours, but I don't know what followup my minority colleagues may have.

Mr. MacMahon. Well, let's just keep going. Let's see how we do.

HFAC Dem Counsel. Okay. Let me ask -- let me ask this then. Could we take a 10-minute break, and in order to avoid some of the confusion that ensued at the end of last round, could you please connect, Ed, with agency counsel which indicated that they would need to have more information regarding Mr. Faulkner's potential answers to the questions that we were asking at the end of last round, just so that we can give your client more clarity regarding whether or not the Department is actually going to instruct him not to answer?

Mr. MacMahon. Okay. If he -- if he wants to give me a call -- I assume he's still on this. If he wants to give me a call, he knows my number.

HFAC Dem Counsel. Okay.

Mr. MacMahon. All right.

HFAC Dem Counsel. [REDACTED], are you here?

State Dept. Counsel. I will call Ed right now, [REDACTED].

HFAC Dem Counsel. Okay. Thanks, everybody. Well, let's call it a 10-minute break. Please just let us know if you need any longer. Obviously, take as long as you need for that conversation, and then we will resume.

Mr. Faulkner. Okay. [REDACTED], we're going to need [REDACTED] to call me back. I'm going to hang up this line. If she can call us back in 10 minutes, we'll be good to go.

HFAC Dem Counsel. Perfect. Thanks, everybody.

[Recess.]

BY HFAC DEM COUNSEL:

Q Mr. Faulkner, thank you very much for rejoining us. Just to reset where we're at on this, the arms sales that we had been discussing at the end of the last Democratic round of questioning which were notified in April of 2018, as we understand it, those were the same arms that -- the PGMs that were ultimately pushed through using the emergency declaration in May of 2019. Is that correct?

A I believe the vernacular that you used is incorrect. To clarify, the Department sent to the committees informal notifications about those cases at that time.

I'm not hearing you.

Q Sorry about that. That was my fault.

So it is the same set of cases that were ultimately subject to the emergency declaration. Is that right?

A I believe so.

Q Okay. And as we have established throughout the beginning of this interview and Mr. Linick's interview, it is that set of cases that the Foreign Affairs Committee asked Mr. Linick to investigate shortly after the arms declaration. And I believe you said that you spoke to staff from the Office of the Inspector General as part of their work on that investigation. Is that correct?

A I'd like to clarify. Could you repeat the question?

Q Yes, sir. So just, again, establishing for the record, I don't think any of this is disputed, we've said that the April 2018 arms sales that we were discussing are, in fact, the ones that were subject to the emergency declaration. We've established that the emergency declaration of May 2019 is something that the Foreign Affairs Committee asked Steve Linick to subsequently look into. I believe you have testified that you, yourself, spoke to staff from the State Department Inspector General's Office as part of their investigation of that May 2019 emergency declaration. Is that correct?

A Yes, that's correct, although I would clarify that the specific -- I'm not familiar with all the specific cases that may have been shared with the committees in April of 2018.

Q Okay.

A For example, I believe it's very likely that those cases, if not all of them, were part of the May 2019 decision, but I don't have the specifics in front of me. So I'm assuming that we're all talking about the larger collective group of [inaudible] at that time.

Q Yep. And our main focus here today, as you know, is the proposed sale of about 60,000 precision-guided missiles, or PGMs, each to Saudi Arabia and UAE. Do you recall that being --

A Yes. I believe -- I believe that to be a high-profile case.

Q Okay. And just to set us again on the timeline, so if we are in April of 2018, and it is the same set of cases, by that point, who was the Secretary of State?

A In April of 2018, I believe Secretary Pompeo was the Secretary. I believe --

Q That's right.

A -- he was confirmed at that -- at that time. I don't know the specific date, but around that time.

Q Yep. And just for the record, the President announced his intention to nominate Secretary -- Mr. Pompeo as Secretary of State on March 13th, 2018, and he was eventually confirmed on April 26th, 2018. So right around the same time that these other arms sales were under discussion. Is that correct?

A I believe that's right, yes.

Q Okay. Did you -- in your work at the State Department working on arms issues, did you notice a change after Secretary Pompeo came in?

A A change in arms sales or a change in general?

Q That's a fair question, sir. With respect to the emphasis on arms sales or how they were being handled, was it different for you working on arms sales issues after Secretary Pompeo joined the State Department?

A I can't say that I can speak to a noticeable change. Most of the professional staff, the career staff, the priorities had not changed. The President's priorities remained the same even though the Secretary was new. I can't say that I'm aware of any new instruction or dialogue that I had with the Secretary about any new change. I can speak to other things that the Secretary introduced in terms of, you know, raising morale, et cetera, but nothing specific that comes to mind with regard to arms sales.

Q Okay. I appreciate that.

So, again, we've established that shortly after President Trump met with Crown Prince Mohammad bin Salman in the Oval Office on March 20th, 2018, there was this new set of arms sales proposed, which included the sale of 60,000 Paveway precision-guided missiles each to Saudi Arabia and UAE, and those were being sold by Raytheon.

Mr. Faulkner, is it your understanding that -- that these are the same weapons, these PGMs, the sale of which was halted at the end of the Obama administration?

A I can't speak to that, but I -- I don't -- I'm not familiar with the decision-making of the Obama administration at the time.

Q Have you read public reporting that would make you familiar, if not personally involved, in the fact that there -- there was a halt on the sale of PGMs to Saudi

Arabia at the end of the Obama administration?

A I believe -- I believe if that's what the reporting says, if that's what your reporting says. I'm not familiar with the matters at hand specifically.

Q Are you familiar with the fact that in October of 2016, as part of its operations during the war in Yemen, that the Saudis bombed a funeral home?

A Yes.

Q What do you know about that?

A I know that there was a -- there was a strike that wound up killing many civilians. I don't have all the details about that particular strike in front of me, but I'm aware of a number of mishaps.

Q And what do you recall the -- the world reaction to that event having been?

A Well, I believe that, generally speaking, that any time civilians are killed, there's -- there's widespread outrage, and I know that Members of Congress, as well as both members of the administration, the Obama administration and the Trump administration, were -- were concerned about mishaps like that.

Q And that -- one of the reasons that folks would be concerned is that the -- the deliberate or reckless targeting of civilians would be a violation of the law of armed conflict. Are you familiar with that being one of the

factors of why people would be concerned?

A Yes.

Q Okay. So those sales were halted at the end of the Obama administration, and they were halted because the Saudis were using weapons of this type indiscriminately, and they had -- had blown up a funeral home.

So fast forward to where we left off, which was April of 2018, and we've got a situation where the Trump administration is now restarting sales of those same weapons. Were these sales through the -- the Foreign Military Sales program, FMS, or were these commercial sales, the 60,000 PGMs?

A I believe the -- I believe -- because of the co-production element, I believe they were 36d notifications, which would have been a -- which would have been a defense commercial sale.

Q Okay. And so as a procedural matter like for those of us who are laypeople in this, can you just roughly, you know, explain the difference between a direct commercial sale and an FMS sale in terms of what the company has to do?

A Well, I -- well, I can speak to, at least from a -- from a notification perspective, that they're very similar. The -- the Defense Department is -- is responsible for -- the Defense Department and the State Department work very closely together on foreign military sales when the

United States Government is selling those articles to a -- to a partner or ally. And depending on the partner and ally, there is a different -- a different type of notification process, depending on whether or not it's a NATO ally or a different type of partner.

And with regard to defense commercial sales, that is where an American company or a defense entity can, in fact, sell their articles or services to a -- to a foreign partner or ally.

[12:30p.m.]

BY HFAC DEM COUNSEL:

Q Right. And so in that case, the company goes directly and negotiates with that country the whole terms of the contract, and then they come to the U.S. Government for approval. Is that right?

A It's a simplification, but generally that's correct. And inside of the Department of State there is a Directorate of Defense Trade Controls which works closely with -- works under the Bureau of Political-Military Affairs with regard to licensing and approvals of those potential sales.

Q Okay. So these PGM sales to Saudi Arabia that were notified in April of 2018, these were things where Raytheon had gone directly to the Saudi Government and already negotiated the contract.

Are you aware of whether or not there were any penalty

clauses in those contracts regarding what would happen if the delivery was delayed?

A No.

Q Had you ever heard anyone tell you that there were things about these contracts that were going to ultimately make it financially disadvantageous for Raytheon if there was any kind of a delay?

A I am aware of those issues or those concerns.

Q Uh-huh.

A I believe I became aware of them inside of the Department or through media reporting, either through Defense News or similar to that media.

Q Okay. And can you just tell us what you understand those concerns to be? What do you know about that issue?

A Well, I understand it in the sense that a company may, in fact, have a timeline for production, and if the schedule is not kept, then a company would incur additional costs, depending on the matter.

Q And are you aware of whether or not Raytheon stood to incur additional costs or have something eat into its profit margin if there was a delay in delivery of these PGMs?

A That's what I understand, but I'm not aware of what the value or that profit margin happens to be. Obviously, I've been made aware that there were potential risks,

increased costs that the vendor or the provider would incur as that is somewhat common.

Q Okay. You know, so we've established that Raytheon went ahead and they negotiated this directly with the Saudis. They negotiated a contract provision whereby it was going to cost them some unspecified amount of money if there was a delay in the delivery of the weapons, and that in order for them to actually legally be able to sell those weapons, they had to get approval from the United States Government, which included getting approval from the U.S. Congress.

Is that all correct?

A Well, I don't know that Raytheon negotiated directly with the Saudis. I wasn't a party to that, so I don't know. But I assume that to be correct, that generally speaking, those things are correct.

Although I would also expect that with any sale the Bureau of Political-Military Affairs, regional affairs bureaus, as well as some of the other agencies, such as the Defense Department, would have been a party to discussions about that approval process and whether or not it was supportive of a regional security strategy or interoperability proposal. But, again, I don't know, I wasn't a party to those conversations.

Q Okay. So that takes us to where we left off at the

end of the last round, which is the approval process and the thought about how to get these sales, among others, through Congress in April of 2018.

You mentioned that there were, you know, conversations around how to best or when to best notify those to Congress. What can you tell us about the specifics of those conversations, which, I believe, you said you were having with Mr. Marik String and Mr. Mike Miller of PM?

A Yeah. With regard to any specific conversations, I don't recall, but those two individuals or their staff would have been working with the Legislative Affairs staff about notifications and when it would be appropriate to send these notifications to the Hill.

Generally speaking, right, as you know, you don't like to receive things on a Friday afternoon at 5 o'clock. So, you know, whether or not -- what the date would be or when -- what the timeline would be, it occurs to me that with the Secretary being confirmed and sworn in around the 26th of April, I believe was the date, that it would make sense to start after, of course, that process was complete. So that is a possible consideration.

But in terms of the timeline, I think the timeline was sort of established in part, are the cases supposedly -- are the cases vetted, is the paperwork correct.

I can tell you it's very common for the Bureau of

Legislative Affairs to review notifications to the Hill. And, you know, there will be errors in the paperwork where things don't make sense. So, you know, there's a little bit of correction there.

And so there's a little bit of processing review. But in terms of timeline, I can tell you that April or May would have been -- would make sense to me in terms of when to deliver those items.

Q Okay. So why would it have made sense to wait until Secretary Pompeo was confirmed to try to get these PGM sales through Congress?

A Well, I would say that the -- from my perspective at least, it would have been helpful for -- knowing those cases were scrutinized, or were likely to be scrutinized, because of the, as I said before, the enduring concerns, we would want to make sure that when you introduce a new case for review that those inputs and feedback that we would gain from the Members and staff would be provided back to, you know, senior leaders about their concerns with the case, or whether or not there was something else that they needed to move ahead.

So having a new leader in place certainly gives -- you know, would have given me the opportunity to sort of say, hey, new case, new leadership, you know, new relationships to build here with the committees, this is a good time to

send these up.

Q Okay. Did you get --

Mr. MacMahon. I would not have objected to that.

BY HFAC DEM COUNSEL:

Q Did you get any specific guidance from Secretary Pompeo or his team about these arms sales after he became Secretary in late April?

A No.

Q Okay. You said you had been talking mainly with Mr. String about this. Was it his opinion that you should wait until Secretary Pompeo was confirmed before bringing these up to the Hill?

A I don't recall that, but that makes -- that's possible.

Q Okay. What were some of the other considerations that you had in mind about how to deal with the timing of these things, other than how they worked on the calendar and whether or not there was a new Secretary confirmed?

Mr. MacMahon. You mean other than what he just told you in a long answer?

BY HFAC DEM COUNSEL:

Q I mean substantively. So we've got questions around, for example, the fact that there were concerns about how the weapons were going to be used. Was there anything about the facts of the war in Yemen, either as they were

happening then or as you wanted to present them to the Hill, that played into when you were going to notify these?

A I'm not aware of any developments on the ground with the conflict, if that's what you're referring to.

Q Okay.

A I didn't have the ability into the operational aspects of the conflict or very much insight into what our interagency partners were thinking or what our partners or allies in the region were doing. So that wasn't introduced to me at all, as far as I understand.

Q When did you ultimately send those up?

A I don't have the date in front of me, but I believe you told me it was sometime in April of 2018.

Q Okay.

A I believe that's approximate. I have no reason to believe that's not correct.

Q Okay. So on June 28th of 2018, Senator Menendez, ranking member of the Senate Foreign Relations Committee, wrote a letter to the State and Defense Departments, and he placed a hold, among other things, on that sale of PGMs to Saudi Arabia. Do you recall that?

A I do, yes.

Q Okay. What were Senator Menendez's concerns? Why did he place that hold?

A Well, I know one of the concerns that Senator

Menendez had, as was shared in a bipartisan way, like Senator Corker had laid out, Senator Young, Senator Shaheen, Senator Murphy, all had concerns about the conduct and the legitimate use of force by the Saudis, the Saudi-led coalition in Yemen. And they had -- I mean, those were large concerns and they were not shared only by those Members.

I know that Senator Menendez had other concerns regarding activities, regarding unauthorized third-party transfer, as we discussed before. I believe he had, in my recollection, five to six outstanding concerns, one of which would have been receiving a classified briefing, one dealing with the conduct of another partner.

But largely speaking, there were half a dozen outstanding requests that Senator Menendez or his staff or his colleagues on the committee had outstanding that required either information from the Department of State, information from another interagency partner, or information from the Department of Defense.

Q Was there concern within the State Department about how the war -- how the Saudis were conducting the war in Yemen?

A There must have been, I imagine, yes.

Q Did anybody express to you, that you can recall, concerns about how the Saudis were dealing with targeting

and the civilian casualties that were being caused by the way that they were using U.S.-supplied weapons?

A Did anyone raise this to me?

Q Or did they raise it in a meeting that you attended?

A It was -- as a member of the Department, occasionally I would attend meetings within the Department regarding regional security issues, the humanitarian crisis in Yemen, the conflict in Yemen, the appropriate use, misuse of articles. I'm aware of, yes, of concerns raised by officials in the Department.

Q And who were some of those officials that raised concerns about the targeting of civilians in particular or the reckless disregard for whether civilians were going to be hit? Who do you recall raising those concerns?

A Well, I think -- I can't name people who weren't concerned about it. I think everyone that I'm aware of was concerned about the loss of life.

Q Was Mr. Miller concerned about it?

A Say that again, please.

Q Was Mr. Miller concerned about it?

A I believe so, yes. I mean, I think Mr. Miller is very much aware of the region and the conflict going on there and the fact that it's gone on for some time. You'd have to ask Mr. Miller those questions.

But, I mean, just -- I'm not trying to be coy here.

Many of my colleagues, many of the colleagues, you know, in the Near East -- NEA and DRL, USAID, Office of the Under Secretary of Political Affairs, a number of people were concerned about the situation there.

And I believe that the Department held regular meetings with a variety of different NGOs, regular meetings and dialogues with interagency partners about the conflict, the efforts of Martin Griffiths.

Q Sir, when you --

A -- trying to end the conflict there.

Q Sorry. When you spoke to the Inspector General's office, did they ask you questions about the level of concern inside the Department or the awareness, concerns about how these weapons were going to be used if they were eventually sold to Saudi Arabia?

A I don't recall that question. But, you know, I believe that precision-guided munitions would be used by aircraft for strikes on the ground.

Q And do you recall having a discussion with the Inspector General's office about how to deal with those concerns regarding the civilian casualties as you were trying to get these sales through Congress? Did the IG ask you about that and how the civilian casualty aspect played into the decision?

A Well, the civilian casualties, to answer the

question, I believe so, yes. Civilian casualties was a concern of the committees. It was a concern of the House and the Senate. It was a concern by a number of different parties. And making sure that the Department had made those considerations, the risk, the appropriate use, the application of the --

Q And just to be specific, sir, I'm sorry to be imprecise, but my question is, did the fact that those things were of concern come up when you spoke to the Inspector General's office?

A Yes.

Q Okay. In what way?

A Say that again, please.

Q In what way, please? And if it's duplicative of what we just said, you don't need to repeat it. But just how was that part of what the Inspector General was asking you about?

A The Senate and the House created a provision in the National Defense Authorization Act regarding whether or not the Saudis -- the Saudis were doing -- were taking measures to mitigate the risk of civilian casualties in the conflict. And that was chiefly a concern, that was a main concern, a major concern of the House and the Senate at the time. And, frankly, the civilian casualty issue, I believe, was a factor that was considered by decisionmakers in the

provision of these weapons.

Q And so as a result, I think you said it came up with the IG staff. It was also something that the IG staff was looking into, because it was all part and parcel of how we got to the emergency declaration. Is that right?

A You broke up a little bit there, [REDACTED]. Can you say that again?

Q Yeah. So I believe you said it was also something that the IG staff asked you about. And if I understand you correctly, that's because these issues of civilian casualties and the legal requirements, they were all part and parcel of what ultimately, you know, led into the emergency declaration. Is that correct?

A Yeah. Yeah, I think that's correct. I think you could, broadly speaking, you could say that because the civilian casualties were such a concern, you know, reassuring policymakers and lawmakers that there would be a lower risk of civilian casualties was a factor, I believe, in the decision.

Q Okay. Did the Department provide justifications to Congress as part of its efforts to convince Congress that things were either getting better in the war in Yemen, or the Saudis were getting better at targeting, or that they were taking civilian casualties more seriously? Did the Department provide anything to Congress to help assuage

those concerns?

A Yes, they did. In fact, I also believe that the committee -- the House and the Senate received briefings on the conflict in Yemen at that time. And in, I want to say in July or August of 2018, the Secretary sent a certification that the Saudis were, in fact, taking measures to reduce civilian casualties.

Q Okay. And we'll get to that certification in a minute.

In the June 28th, 2018, letter that Senator Menendez wrote, he addressed the Department's efforts to assuage their concerns, and he wrote, quote, "It is no longer acceptable for the administration to rely on civilian protection arguments as justification for continued sales of precision-guided weapons unless it provides credible evidence to support this contention."

In other words, he was saying that as of June 28th, he didn't find the evidence the Department had presented up until that point credible, that the Saudis were, in fact, dealing with the civilian casualty issue appropriately.

Is that what you understood to be one the concerns that led to that hold in June of 2018?

A I think that's right. I believe Senator Menendez had, you know, concerns, as you laid out. I believe that in sum, he wanted more information, he wanted to receive more

information. I believe he had -- he did have a number of his staff reach out and set up some briefings. I believe that the Under Secretary for Arms Control, International Security, and the Under Secretary for Policy from the Defense Department briefed Senator Menendez that summer.

In addition, the Department was working with DOD and with our interagency partners in the IC to provide briefings to the committees as appropriate.

Q And did those summer briefings result in Senator Menendez lifting that hold?

A I don't -- they did not.

Q Okay. So is it safe to say that his concerns remained even after those briefings took place?

A I believe so, yes.

Q Okay. I'm just going to pause for a moment, just given the amount of time left. This would normally be where we turn to Members.

I don't see any Democratic members from the House Affairs Committee currently in the meeting. If folks could speak up if I'm incorrect about that, and there's a Member who'd like to ask a question.

Okay, hearing no one, we'll continue.

So you mentioned that there had been high-level briefings by State Department and DOD folks in the summer and that ultimately that didn't seem to satisfy Senator

Menendez, right?

A That's correct. I believe that Senator Menendez had reviewed written responses to his questions. And the briefing -- in the briefing, he was concerned. He wanted more detail and more fidelity in response -- in responding to his answers.

Q So when he got a briefing, he came out of that and said: I want more specific details. Is that what you just said?

A Yeah. I believe that's right, yes.

Q Did the Department provide more specific detail?

A I believe we were still working toward setting up more briefings for him, to answer some of those questions. I don't believe that we answered all of his questions.

Q And when you say "we were working towards," you mean, like, at the time you departed State you were still working on that? Or in what timeframe?

A I don't -- I remember -- when I left the Department, or making efforts to depart in the spring, in April, I believe that, as I pointed out before, there were still five to six issues, or RFIs, that Senator Menendez and others had. And I know that when we were -- when I was departing there were plans or efforts underway to continue to try to organize those briefings.

Q Okay.

A Or written requests.

Q So in summer of '18, Senator Menendez and his staff -- I assume staff, but it may have just been him -- got a briefing, didn't find it satisfactory. And then, you know, fast-forward almost a year later, in spring of '19, he still had those concerns, and around the time you left, there were still efforts underway to try and get Senator Menendez the information that he was seeking. Is that right?

A Yes. I believe there were still five or six outstanding requests from Senator Menendez. And we -- you know, it was -- our recommendations were, of course, you know, as the ranking member, to try to accommodate the ranking member.

Q So was it frustrating to you that he was still -- that he still had questions and that the hold was still on even after the engagement over the summer of 2018?

A Was it frustrating to me? Senator Menendez had legitimate concerns in his capacity as the ranking member. I believe a lot of his concerns and the concerns of his staff were warranted simply because, as I pointed out, that the issue with regard to the situation in Yemen, catastrophic situation, and many people feel very passionate and deeply about that.

So from Senator Menendez's perspective, you know, we

want to make sure that there exists, I believe in his words, comity between, you know, the Department and the committees. And yes, I believe it was frustrating that we weren't able to overcome his concerns.

It's not the only time in my experience at the Department where a Member of the House or the Senate has concerns that we were unable to satisfy, but I can understand his frustration and the frustration of his staff.

I can also understand that the Department was making efforts to get some of those things set up, although, obviously, we weren't successful in doing so during this -- while I was there.

Q Did other people at the Department express to you that they were frustrated that Senator Menendez kept the hold on even after those briefings in the summer of '18?

A No one comes to mind, but I can imagine that that is correct. And Senator Menendez -- you know, the chairman and the ranking member of each committee on both sides, the House, HFAC, and SFRC, with regard to arms transfers, you know, they have considerable influence in the outcomes of those, be it for a Gulf or any specific country.

And so, you know, the process is in place. It's an informal process, it's a complex process, but one well managed. It works.

And I can tell you that I feel that the process was

managed well, but I can also understand that because the issues are so complex, policy matters are so complex, the operational factors are so complex, that it doesn't surprise me that this matter, you know, took 24 months. And the reaction of the Congress after the emergency declaration was made appears to be an equal level of frustration.

Q Did Marik String ever express to you that he was frustrated that the Department's efforts thus far hadn't been sufficient to get the hold lifted?

A I don't believe he ever expressed frustration with any particular person's efforts. I think that the nature of the process is very complicated and frustrating.

Q Did he ever propose a different approach, either maybe we could say different things to the Senator or maybe that there would be a different method we could use to get these arms sales through?

Did Mr. String ever say anything to you about strategies to get these arms sales through after those summer of '18 briefings for Senator Menendez didn't do the job?

A Yes. In April, I spoke with Mr. String, in April -- this would have been April of 2019.

Q So a year after the sales were first notified?

A That's correct.

Q Okay. Sorry. Continue, please.

A And as I shared with the Office of the Inspector General, Marik informed me that the PM Bureau had identified an authority that was available, and that we should explore options for decisionmakers.

State Dept. Counsel. [REDACTED], I'm very sorry. If he's making a reference to an authority being a legal authority, I am going to note again that legal advice, internal, is a form of delivery that is also a subset of executive privilege. And I believe that what he is about to answer is protected. And I don't object. I'm just -- we need to note for the record that this implicates executive branch confidentiality interests and potentially legal analysis.

HFAC Dem Counsel. Is your contention, sir, that you believe that this is attorney-client privileged material?

State Dept. Counsel. I don't know that it is, because he referenced an authority, and I'm not exactly sure what that means. But I am making an assumption, being an attorney, sometimes when people talk about, quote, "authorities," it's a reference to a statute.

BY HFAC DEM COUNSEL:

Q So, Mr. Faulkner, when you spoke to Mr. String in April of 2019 and he said that he had identified an authority, what was his job?

A What's his job?

Q In April of 2019, what was his job?

A I believe that Mr. String at the time was the senior Bureau official in the Bureau of Political-Military Affairs.

Q And that's a policy job, right?

A PM, Political-Military Affairs.

Q And that's a policy job, right?

A It certainly is, yes.

Q And he was not in the Office of the Legal Adviser. Is that right?

A To the best of my knowledge, he was not yet in the office as a legal adviser.

Q So he was not acting as an attorney for the Department because, according to the Foreign Affairs manual, the only individual -- and I'll stipulate this -- the only folks who can act as attorneys for the State Department are in the Office of the Legal Adviser, and you just said that he was in a policy job in PM at the time he came to you in April of 2019 and said that they had identified an authority. Is that right?

A Yes.

Q Okay. Did he tell you that he had spoken with the Office of the Legal Adviser about that in any way?

A I don't recall that he did.

Q Okay. So then -- what did he tell you then that that authority was, now that we've established that he

wasn't acting as a lawyer and he didn't tell you that he got it from a lawyer?

State Dept. Counsel. [REDACTED], I'm sorry again. The fact that he didn't tell him -- policy guys in this building are given legal advice every single day, particularly when they're administering policies relating to statutes that Congress has placed there for a reason so that they are -- they're statutory guidance.

So I am very concerned that simply because a policy leader here didn't state in a conversation, "By the way, I just got this from the legal adviser," that does not mean that he was not talking about legal advice obtained from the Legal Adviser's Office. And so I don't see a factual predicate for me to know whether or not this implicates deliberative legal advice.

HFAC Dem Counsel. Thank you, [REDACTED], I appreciate that. There's also been no factual predicate established to show that it does. Policy folks can read statutes and the words on a page as well as anyone else absent --

State Dept. Counsel. Although you know that if they do that, and they try to do it as well as themselves, that violates the guidance on legal advice inside the Department being confined to L.

HFAC Dem Counsel. If in fact, they state that they are giving legal advice. Mr. Faulkner's testimony was simply to

say: Hey, I have identified an authority, I have read the words on this page.

What authority did Mr. String refer to when he said that he had identified an authority?

State Dept. Counsel. Mr. Faulkner did not say: I just read the words on the page. You said that.

HFAC Dem Counsel. Mr. Faulkner, what authority did Mr. String say he had located?

Mr. MacMahon. I'll let him answer the question.

Mr. Faulkner. Mr. String had discussed with me the provision that allows for an emergency authorization of arms transfers.

HFAC Dem Counsel. Okay. So at the time --

State Dept. Counsel. [REDACTED], I don't --

[Discussion off the record.]

State Dept. Counsel. And so your first point was about people who give legal advice, but the last answer just given is directly about a deliberative predecisional discussion about compliance with a statute and a strategy relating to the arms sales. So I --

HFAC Dem Counsel. Your position has been noted,

[REDACTED].

State Dept. Counsel. Any further questions in this regard, I am very concerned about implications of executive branch confidentiality interests.

HFAC Dem Counsel. Happy to go question by question, sir.

Mr. Faulkner --

Mr. MacMahon. Hold on, hold on.

HFAC Dem Counsel. Please go ahead.

Mr. MacMahon. This is Mr. MacMahon again.

Look, we're going to be here all day doing this. Frankly, I would prefer if the answer is not to answer the -- or the legal position is don't answer the question, then you guys can figure this out some other way. But to have him sit here all day while we do this is not a beneficial use of his time?

HFAC Dem Counsel. Is there a particular question --

Mr. MacMahon. If he's instructed by the State Department not to answer a question, he's not going to answer until it gets resolved in some other forum.

HFAC Dem Counsel. Let me ask it this way. And, [REDACTED], I'll give you a chance to respond before Mr. Faulkner, and you can tell him whether the State Department is going to direct him not to answer.

Sir, you said that Mr. String had been -- had told you that he had identified this emergency authority in April of 2019.

Yes, sir?

A To clarify. I believe that he said that there was a

provision.

Q Okay.

A I don't know if he had found it or if his staff had advised him of that. I don't.

Q Factually, sir, what did he tell you was an emergency in April of 2019?

State Dept. Counsel. I am going to direct not to answer that because what is an emergency is the exact gravamen of the application of a statute -- and, I might add, an entire IG investigation and report, which went into deliberative and predecisional matters, which even in the hands of the IG remain privileged.

HFAC Dem Counsel. Well, let me ask it this way. At the time that you had that conversation with him in April of 2019, did he articulate for you that there was a particular emergency? Yes or no?

State Dept. Counsel. Again, the articulation of the meaning of a word in a statute --

HFAC Dem Counsel. I'm not asking, sir, what it meant. I'm asking, literally, did he say to you -- yes or no -- did he say anything about a factual emergency in April of 2019? I don't see how that could be within the scope of your objection.

State Dept. Counsel. I agree.

HFAC Dem Counsel. So then you agree, you're not going

to direct him not to answer this yes-or-no question. That's correct?

State Dept. Counsel. That's correct.

HFAC Dem Counsel. Okay. So yes or no, sir, did Mr. String identify for you any type of emergency that existed in April of 2019?

Mr. Faulkner. Yes.

HFAC Dem Counsel. Okay. Our time is up. We'll yield to our Republican colleagues. Would you guys like to take a 5-minute break in between, or you want to push through?

Mr. MacMahon. Let's keep going.

HFAC Dem Counsel. Okay.

HFAC Rep Counsel.

BY HFAC REP COUNSEL:

Q Mr. Faulkner, what was the emergency that was identified for you?

A Hearing no objection, the rising tensions in the Arabian Gulf.

Q And can you drill down on that any further for us?

A The concern and the decades-long conflict that was going on between the Kingdom of Saudi Arabia and the Islamic Republic of Iran.

Q Thank you.

HFAC Rep Counsel. I have no other questions.

Does my colleague from the COR committee have any

questions?

COR Rep Counsel. We do not at this point, ██████t.

Thank you.

HFAC Rep Counsel. Okay. ██████, we can yield back.

HFAC Dem Counsel. Okay. Let's keep going.

So you just answered ██████ question saying that he identified a decades-long conflict between the Kingdom of Saudi Arabia and Iran. Did he identify anything that had newly arisen around April of 2019, or did he just point to that decades-long tension?

Mr. MacMahon. Counsel, that's not what he said.

But go ahead and answer again.

That isn't what he said.

HFAC Dem Counsel. I apologize.

Mr. Faulkner. I believe the scope of the discussion --
[Discussion off the record.]

Mr. Faulkner. So the scope of -- the nature of the question was -- the nature of the discussion was the authority's applicability because of the increased tensions and concern about the situation between Saudi Arabia and Iran.

BY HFAC DEM COUNSEL:

Q And what had happened factually, sir, to your knowledge, to increase tensions between Saudi Arabia and Iran in April of 2019, at the time you were having this

discussion?

A I can't point to any specifics off the top of my head. I don't have any operational actions that I can point to right now. But that was the nature of the discussion.

Q Did you ever ask anybody about whether or not they could identify a specific thing that had changed in April of 2019 in terms of the relationship between Iran and Saudi Arabia?

A I did not. It wasn't my role.

Q Okay.

So this is April. In June we've got Senator Menendez's hold, which we've discussed. About a month after that hold was put on, on August 9th, 2018, the Saudi coalition bombed a school bus in Yemen, killing 29 children, using U.S.-supplied munitions. Do you recall that?

A Yes. Terrible.

Q What was the reaction within the State Department to that event?

A It was a catastrophic loss of innocents. I and many of my colleagues were aghast at it. And I don't believe anybody was surprised to learn that, that the -- surprised to learn that we would be disgusted with such a mistake.

Q And so just to clarify -- I don't want to misinterpret you -- when you said no one would be surprised, you mean no one would be surprised to learn that people were

disgusted or no one would be surprised to learn that the Saudis had hit a school bus in Yemen?

A No one would be surprised that we would be upset about the loss of innocent life.

Q Were people surprised that the Saudis had hit a school bus in Yemen?

A I don't believe many people were surprised. Speaking broadly, I believe that the Saudi military is doing things that are difficult. Even the United States military and our partners have issues with targeting, civilian casualties. So when there's an ongoing hot conflict, these things happen, but that doesn't make it any better. And it's appalling that they do happen. And that's why we work towards, you know, resolving the tension.

Q And this is exactly the issue that Senator Menendez had articulated when he put a hold on the sale of PGMs to the Saudis. Is that right?

A I believe so. I believe this was one of the major concerns. It may not have been his only concern.

Q Did you have engagements with Senator Menendez's staff after the bombing of that school bus in Yemen on August 9th, 2018, as to how that would play into the hold that he had put on selling even more weapons to Saudi Arabia?

A I don't believe I did have those conversations, but

the Bureau, the Legislative Affairs staff, the day-to-day managers of either the arms transfer or the Middle East Bureau, would have, I'm sure, and I imagine that there are other conversations that staff had with other officials or representatives inside the Department.

Q And in August of '18, who were those day-to-day managers within H for arms transfers and NEA, respectively?

A Yeah. So the Middle East at the time, I believe, was [REDACTED]. As well, [REDACTED] was working the Pol-Mil account, and a DOD detailee was supporting them in those efforts, and they did a great job, as far as I understood, with them with day-to-day relationships, you know.

But to get back to the point of the question, I'm sure that the SFRC staff, Senator Menendez's staff, and others had huge concerns about the Saudis' effective use of military equipment.

Q Did you have conversations within H about how you were going to have conversations with Senator Menendez's staff about the hold in light of the bombing of that school bus in August of '18?

A I can't say that that was a catalyst for any of those discussions. It was -- the school bus strike and the loss of life was certainly a factor that was to be considered in approaching any Member of Congress about the

U.S.-Saudi relationship.

Q Did you ever have any conversations with Marik String about how the school bus strike was going to impact relations with Congress in getting these arms sales through?

A I don't believe I did have any specific discussions about the school bus with Marik String.

Q Okay.

A Just to be clear for everybody here, I mean, it wasn't as though this was a unique -- this was not a casual event. To most people who pay attention to the region who would have received access to intelligence reporting or source reporting, obviously this would have been huge, it was huge when it happened, and it still obviously continues to, you know, bear an impact on the situation.

Q And just to clarify, sir, because you mentioned source reporting, nothing that you've said in response to that question is classified. Is that right?

A Right. This is still unclassified, but as you might expect, operations and things like that, you know, made the newspapers.

Q Understood. And I just wanted to clarify that for the sake of the record. We don't want you to go into anything classified here. And I would note that the State Department has not made any objections up until this point that anything on this transcript is classified.

State Dept. Counsel. That's right, [REDACTED], and thank you.

HFAC Dem Counsel. Thank you.

BY HFAC DEM COUNSEL:

Q So in August of 2018, when this school bus bombing happened, this is 4 months after Marik String had talked to you about this emergency, going back to, you know, that conversation that you had with him in April of '19 about an emergency and how that might impact the ability to get these arms sales through.

What happened next, after you had that conversation with him about the emergency in terms of process and how things evolved on getting the arms sales through?

A I -- Marik and I discussed a -- discussed the options available to resolve the outstanding Gulf cases. I believe there were a number of them. I couldn't give you a specific number, but I would say a handful. I believe, based on the newspaper reporting, it was \$8 billion worth, right? But there were a handful of outstanding cases that had holds on them that there were related to, I believe, either Saudi Arabia, UAE, the Kingdom of Jordan. And we discussed the best way forward on how to, you know, get these cases approved by Congress.

Q What did you believe the best way forward was at that time?

State Dept. Counsel. I'm sorry again, [REDACTED], but the topic of the best way forward is not the same as the substantive content of the in-and-out of negotiating a predecisional approach to work with Congress.

And I know that internal deliberative for executive branch is slightly different, but, as you know, how we work on how to work with Congress probably has even a higher sensitivity and protection given to it.

So I am directing that there should not be answers relating to the actual substantive content of what would be, quote, the best way forward.

HFAC Dem Counsel. I'm sorry. The way that the executive branch deals with Congress as a coequal branch of government has a higher sensitivity than what, sir?

State Dept. Counsel. No, how he discusses internally how to work and accommodate Congress is one of the more highly protected deliberative processes because it shouldn't be chilled by future revelations of confidential information.

HFAC Dem Counsel. So, Mr. Faulkner, I'm not going to ask you what you discussed with Mr. String. I'm asking you, personally, in April of 2019, what did you personally believe was the best way to get these cases through Congress? That's not your deliberation with Mr. String. That's what was happening in your head.

Mr. MacMahon. Go ahead.

Mr. Faulkner. I was largely concerned with one of those options, simply because we, in the Bureau of Legislative Affairs, were at the mid -- at an early point in the year where we still had a number of things that needed to be achieved, to include budget, nominations, and hopefully good relations with the committees.

And having an experience in 2000s -- during the Bush administration, having seen what happens when the Department blows through its holds with regard to a case, Pakistan F-16 case, that particular example did grave damage to good congressional relations between the State Department and the Hill on arms transfers.

And I was concerned that if a decision like this would be made, the concerns echoed by the committees would lead to a number of punitive responses, again, for the Department with regard to nominees, budget, potential use of authorities, and like things, and other concerns that I had.

BY HFAC DEM COUNSEL:

Q And so your concern was that if the Department tried to go around Congress and blow the holds and force these sales through over what had been pretty loud and insistent congressional objections, that there would be negative consequences, the Congress would react badly. That was your personal opinion of what would happen. Is that right?

A Yes, and I had experienced that with the U.S.-Pakistan relationship in the late aughts.

Q And did you express that concern to anyone?

A I had those -- I believe those concerns were shared by a number of my colleagues.

Q Who else shared those concerns?

State Dept. Counsel. As personal concerns? Because if you were sharing personal concerns, I am not objecting. But if those were concerns expressed in a deliberative process as to what to do for the best way forward, that wasn't personal, that was work.

BY HFAC DEM COUNSEL:

Q Were you aware of whether any of your other colleagues, on a personal level, had similar concerns to yours?

A Yes. I'm aware of, from a work perspective -- I would phrase it this way. We wanted to have the best relationship that we could with the committees, and we felt that this would create a rather poor working relationship with the committees.

Q Who else shared those concerns?

A I believe the Assistant Secretary at the time shared those concerns. We certainly were worried about the impact to getting certain key individuals at the Department, important leaders that we needed at the Department,

confirmed. And we were, because we had worked so closely on many of those nominations and those packages, that we were, I think, rightfully concerned that a poor relationship would lead to many more months of not getting those officials in place.

Q And who was the Assistant Secretary at the time?

State Dept. Counsel. I'm very sorry. If the suggestion is that an Assistant Secretary of State had a personal desire to get a nomination through, unrelated to work conduct, I am truly baffled. Because as I am listening to this, you can call them personal concerns, but they seem to have only been discussed in a work context that is a deliberative process about how to make an approach with Congress.

So, Mr. MacMahon, I apologize, but I'm having a hard time objecting if your client is not making a distinction between personal private views and professional views conveyed to colleagues at work.

Mr. MacMahon. Okay. Thank you, Counsel.

I would just say, for Mr. Faulkner, listen to what the State Department is telling you, and don't -- if something is your personal view, apparently you can say it. If it deals with things you learned as part of your job, or as part of deliberation with the job, then I can say that you've been instructed not to answer. Okay?

Mr. Faulkner. Okay.

Mr. MacMahon. And try not to mix and match.

Fair enough, folks?

Okay, go ahead. Ask another question.

BY HFAC DEM COUNSEL:

Q Mr. Faulkner, you've testified that some of these views were shared by the Assistant Secretary. Who was the Assistant Secretary at the time?

A At the time the Assistant Secretary was Mary Elizabeth Taylor.

Q Thank you. Did you have personal concerns about whether an argument which essentially says we can blow those holds because of an emergency was defensible?

A Well, to be clear, the Department can notify at any time. The use of the authority, in that case, in an emergency, to the best of my understanding, allows for the transfer to take place immediately, without a 30-day notification.

Blowing through the holds references an immediate notification, which would still run a notification clock 15 or 30 days.

So the Secretary always has the authority to notify Congress, even though there is a rigorous process in place to overcome any concerns to avoid open conflict between the

legislative and executive branch on [inaudible].

Q Were you personally concerned in the spring of 2019 about whether or not there was actually what you would personally have considered an emergency in the relationship between Saudi Arabia and Iran?

A Was I personally concerned about --

Q Were you personally concerned about whether or not there was what you would consider to be an actual emergency?

Mr. MacMahon. You mean as a matter of fact?

HFAC Dem Counsel. Yes, as a factual matter.

BY HFAC DEM COUNSEL:

Q Were you concerned about whether one could say in the spring of 2019 that there was an emergency?

A No, I think you can certainly say that there was an emergency going on in the Gulf.

Q So in September of -- sorry, just looking back at -- and I misspoke. I was saying spring of 2018. My apologies there. So that goes back to the April time period.

Just to clarify, were you personally concerned about whether or not there was an actual emergency in the spring of 2018? Just for clarity.

A [REDACTED], I want to clarify that your -- the suggested emergency authority discussions only took place, as far as I understand, with me.

Q Okay.

A In April of '19.

Q Sorry, my apologies. I had gotten off track, and thank you for that clarification.

One thing I would like to go back to from 2018 -- and that's where my confusion came from -- you had referenced earlier that there's a legal requirement under the 2019 NDAA for the Secretary of State to certify to Congress that Saudi Arabia and UAE were taking, quote, demonstrable actions to reduce the risk of harm to civilians and civilian infrastructure in their work in the war in Yemen.

So this came up, you know, the Menendez hold is June of '18. In September of '18 there's this requirement to make the certification that demonstrable actions are being taken to reduce the risk of harm to civilians.

Do you recall that certification in September of 2018?

A I do indeed, yes.

Q Okay. And so that came up about a month after the August of '18 bombing of the school bus?

A Yes.

Q Okay. There was reporting in The Wall Street Journal around that certification which said that there had been a memo prepared in which, quote, most of the State Department's military and area specialists urged Mr. Pompeo in the memo to reject certification due to a lack of

progress on mitigating civilian casualties.

Do you recall seeing or learning about that article?

A I am familiar with that article.

Q Okay. Based on your recollection, does the article reflect a process in which you participated?

A Hearing no objection, I believe the article did not accurately portray my role in that decisionmaking process.

Q And can you describe for us the ways in which you think it was inaccurate?

State Dept. Counsel. Mr. MacMahon and [REDACTED] -- [REDACTED], you and I have done this, and I get the article reference, and is it -- you know, does that reflect -- but you have now asked for a direct recitation of a deliberative process that you've identified as such. And so I have the same concerns that these answers are going to implicate protected material under executive confidentiality branch interest.

And Mr. MacMahon, for your benefit, I am directing that he not answer that.

Mr. MacMahon. Okay, thank you.

Mr. Faulkner. [REDACTED], I won't be able to answer that question.

HFAC Dem Counsel. That's okay.

The Journal article says that, quote, the only group that urged him to fully support the Saudi-led coalition was the Bureau of Legislative Affairs, which argued in that

September, apparently, '18 memo that lack of certification will negatively affect -- or negatively impact pending arms transfers.

Did you have any concerns at the time you read the article, or do you have any concerns sitting here today, with yes or no, about the fact that The Wall Street Journal reported that the only group that urged Secretary Pompeo to fully support the Saudi coalition was the Bureau of Legislative Affairs? Did that statement concern you?

Mr. MacMahon. Hold it. Hold it. Are you asking him what his reaction was to reading a newspaper article?

HFAC Dem Counsel. I am.

Mr. MacMahon. Okay. Go ahead. Answer that question.

Mr. Faulkner. I was disappointed to read the article because I had my name in it.

HFAC Dem Counsel. Okay. And to be clear, I don't think that your name was in the particular article that I'm referring to. I could be wrong. I know there was another by The Intercept around the same time.

Mr. Faulkner. Yes.

HFAC Dem Counsel. Is the reason that you were -- but referring to those series of articles, were you only disappointed because your name was in it, or were you disappointed because you don't think -- let's start with what the recommendation had been.

Yes or no, were you disappointed because you didn't think that The Wall Street Journal article saying that only the Bureau of Legislative Affairs had supported this was complete or accurate?

Mr. MacMahon. And I think that answer would be not allowed by the objection we've received from the State Department. But using a newspaper article to get around the privilege doesn't seem to be an appropriate way to ask a question he's been instructed not to answer.

HFAC Dem Counsel. That's fine. I'm happy to see if [REDACTED] objects. The State Department has a longstanding history with the Foreign Affairs Committee in which they have permitted questions of this type.[1:31 p.m.]

Mr. MacMahon. If he doesn't object, I guess we'll get an answer, right?

HFAC Dem Counsel. Any objection, [REDACTED]?

State Dept. Counsel. [REDACTED], I know we really did this once, and it was some time ago it, so there may be history, but I'm not sure it's long history. And it was slightly different. And this had gotten quite pointed about a way to actually ask about participation by Mr. Faulkner in that process. And so my concern and interjection of potential executive confidential by an interest stands. And I agree with Mr. MacMahon on this particular question.

HFAC Dem Counsel. So you direct him not to answer?

State Dept. Counsel. Yes.

HFAC Dem Counsel. Okay.

BY HFAC DEM COUNSEL:

Q In the memo that Secretary Pompeo ultimately did submit to Congress, he did certify that there had -- that there were being sufficient steps taken, a demonstrable actions to reduce the risk of harm to civilians and civilian infrastructure. He certified that the Saudis had been taking such demonstrable actions.

In the memo that he submitted, in an unclassified memorandum, he said that the United Arab Emirates and the Kingdom of Saudi Arabia were, quote, "with applicable U.S. laws governing the foreign transfer of arms, including the Arms Export Control Act, with rare exception," unquote.

Do you recall the caveat in that memo that was sent to Congress that they were complying with legal requirements, quote, "with rare exception"?

A I remember the "with rare exception."

Q And can you explain for us what those exceptions were? And I would ask, to be completely clear for the record and we can agree, that you can answer in unclassified level.

Mr. MacMahon. And I can make an objection to you. You haven't asked that yet. I will just let you keep going. I mean, he did write the memo, so -- but go ahead, if you can

answer his question.

Mr. Faulkner. I don't believe I would be able to or the Department would be able to provide that information in an unclassified setting.

BY HFAC DEM COUNSEL:

Q Thank you for clarifying. No further questions on that.

So just a few weeks after Secretary Pompeo made that certification, Jamal Khashoggi was killed. Do you recall having discussions within the State Department about how the brutal murder and dismemberment of Mr. Khashoggi, a U.S. resident, a journalist, would impact efforts to get Congress to approve these arms sales to Saudi Arabia? Let's start with yes or no. Do you recall having conversations about that?

A Yes.

Q Okay. To the extent you're able, what can you tell us about how you thought that it would impact the chances of getting Congress to approve these arms sales?

A The murder of Mr. Khashoggi exacerbated concerns about the conduct of the Kingdom abroad and placed the focus solely on the actions of the Kingdom to the point where almost all programs received additional scrutiny, all U.S. programs with the Kingdom received additional scrutiny. That includes the arms transfers and any assistance or any

other cooperation that existed within -- between the United States and the Kingdom or tangentially relating of our departments who did business with the Saudis.

Q Did you have any conversation with members of Senator Menendez' staff about the murder of Jamal Khashoggi and how that would impact the hold that Senator Menendez had on these arms sales?

A I don't recall one. I will say that my -- I would make a distinction between the requests for information about Mr. Khashoggi's murder and the cases or these arms transfers that were proposed were different. I believe that the committee, as well as other Senate committees and other House offices, were asking for very similar information, and that led to, I believe, leadership had requests for representatives of the Department, IC et cetera, come up and provide briefings on his murder. Those sort of took front and center policymaking -- those were front and center, right? And so as a result, nothing else would move until those issues were resolved.

Q So, ultimately, this was going to make it harder to get these sales approved, to simplify. Is that right?

A Yes.

Q Okay. On October 13th, 2018, President Trump brought up whether or not arms sales to Saudi Arabia should be halted as a result of entering response to Saudi Arabia's

murder of Jamal Khashoggi, and he said that the United States would be punishing itself by halting those arms sales. Do you recall that?

A I do.

Q He repeated similar arguments again a month later on November 19th, 2018, saying, we shouldn't halt these arms sales to Saudi Arabia because we would be punishing ourselves. What was your understanding of what that meant? How would it be -- how would the United States be punishing itself to halt arms sales to Saudi Arabia?

Mr. MacMahon. Counsel, with all due respect, you're asking him to comment on things that the President made; doesn't have anything to do with the investigation that we talked about. And, I mean, we can sit here all day if you just want to keep reading the quotes from the President. So I would ask that you to try to focus on the investigation which you are conducting which he volunteered to come here and be part of. Okay?

HFAC Dem Counsel. Happily, sir.

BY HFAC DEM COUNSEL:

Q Did you discuss with the inspector general at all whether or not the killing of Jamal Khashoggi had an impact on the effort to sell arms to Saudi Arabia?

A I believe I did, yes.

Q Okay. So you did have that conversation. Did you

discuss with the inspector general the fact that there were concerns about whether or not U.S. companies would be able to execute contract with Saudi Arabia if, in fact, the sales were locked because of the killing of Jamal Khashoggi?

A I don't believe I had -- I don't believe that was the nature of the discussion with the inspector general's staff.

Q Okay. What was the nature of the discussion with the IG staff?

A I believe that the fact that Mr. Khashoggi had been murdered, as I pointed out, had exacerbated concerns about our relationship with Saudi Arabia and our ability to provide goods and services to them at the time of congressional setting.

Q Okay. And so just for clarity of the record, you did discuss that fact with the IG, and as the inspector general himself has testified, he believed that his investigation of this matter, which would have included the conversation Mr. Faulkner has described, were part of why he was fired?

Mr. MacMahon. Counsel, again, he doesn't know what, when is said in your committee. And it's not advancing your investigation to ask him or just say these things to him. I'm sorry to interrupt, but let's try to stay focused.

HFAC Dem Counsel. That's fine. I should have

clarified, but the entire transcript of Mr. Linick's interview is available on the internet.

COR Rep Counsel. [REDACTED], if you could ask him about things Mr. Linick said that -- it'd be great if you could put that transcript in the record so we can all look at it so we can make sure that Mr. Linick's words are accurately presented here. And I just point out, of course, that Secretary and under secretary has a different opinion as to why Mr. Linick was fired. And Mr. Linick, if we are going to quote him, says he had no idea why he was fired. He didn't get a proper explanation.

HFAC Dem Counsel. I would be happy to send you all a copy. And thank you for that.

COR Rep Counsel. No, no, [REDACTED], it's not sending emails. It is for the witness' benefit. You're quoting things that the inspector general said and the witness has not seen that. You hadn't provided it to him. You didn't send him -- he hasn't looked at it yet. I know you're sitting there, you know, with a smirk on your face.

HFAC Dem Counsel. We're happy to move on, sir.

COR Rep Counsel. You didn't serve the witness.

HFAC Dem Counsel. Sir, we wouldn't interrupt during your time. We're happy to move on.

BY HFAC DEM COUNSEL:

Q Mr. Faulkner, we understand that in early 2019,

there was a discussion with Under Secretary of State for Political Affairs David Hale regarding these arms sales. Are you familiar with that meeting?

A I'm familiar with a meeting that included Under Secretary Hale. He may have had many meetings. I don't know which specific meeting you're referring to.

Q Were you ever in a meeting in early 2019 with Under Secretary Hale regarding these arms sales?

A Yes.

Q Okay. Who else was in that meeting?

A Hearing no objection, the Bureau of Military Affairs; H -- I was asked to represent H as the assistant secretary was not in the building that day; the office of -- sorry, the Democracy of Human Rights and Labor; DRL; I believe the under secretary for -- the Under Secretary for International Security and Arms Control Andrea Thompson, as well as [inaudible] I believe, I believe it's a DRL. I believe there may be one or two others, but -- and I believe a representative of the Legal Adviser was there.

Q Do you recall who was there for PM, without getting into what was said?

A I do. I believe that Mike Miller was there, Marik String was there. I believe [REDACTED] from the bureau was there.

Q Okay. Do you recall who was there from the Legal

Adviser's Office, without getting into any of what was said?

A I want to say it was -- except -- I don't know the name of the representative.

Q That's fair. And without asking you again what was discussed or what the specific directions were, did you come out of that meeting feeling that there had been a direction given regarding what to do about the arms sales, yes or no?

A Yes.

Q Okay. And then -- so now we're in 2019, and I believe you had said that you're -- well, to the extent you can tell us, what happened next, in terms of actions that these arms sales occurred?

A There was a directive to produce options that the under secretaries would review and present to the Secretary for some decisions.

Q And were you involved in preparing those papers?

A I was involved in laying out at least some of the congressional concerns that would have been necessary to complete that memo, as well as a proposed schedule of events on the Hill that year that should be considered as part of the decision-making process.

Q Okay. Was Mr. String involved in preparing that memo, just yes or no?

A I don't know who was a preparer or a drafter, but I believe he was involved.

Q Was Mr. Miller involved, just yes or no?

A I assume he was, yes.

Q And was the Office of Legal Adviser involved, just yes or no?

A Yes. I would simplify this by saying that any sort of recommendation memo would have had a broad number of review in offices.

Q Okay. Just a couple of -- of course, I'd like to establish on our chronology in February, so around the same time as this meeting that we've just discussed with Under Secretary Hale. On February 13th of 2019, the House of Representatives voted 248 to 177 to advance the resolution that would invoke the War Powers Act of 1973 to end the U.S. support for the war in Yemen. Are you aware of that?

A Yes.

Q Okay. Did that have an impact on how the Department approached trying to get congressional approval for these arms sales?

A Yes.

Q And to the extent you can tell us, what was that impact?

A It certainly highlighted the broad lack of confidence that the House had in the Saudi's conduct. And it informed the Department on how best to approach -- how best to approach the matter of arms sales or any other

[inaudible].

Q Okay. So about 6 days after that, on February 19th, Secretary Pompeo and his wife hosted what has been termed a Madison Dinner on the 8th floor of the State Department. Are you familiar with Madison Dinners?

A I read about them in the newspaper.

Q Tell us what do you know about them.

A They were dinners conducted on the 8th floor of the State Department.

Q One of the invitees for that dinner was a man named David Urban? Do you know who that is?

A I do.

Q And what do you know about Mr. Urban?

A I know that Mr. Urban is a classmate of the Secretary of State. They've known each other for a long time. I understand he's a supporter of the President and former chief of staff to Senator Specter. They have had a number of relations and have a number of other business dealings, sure.

Q Thank you. Did you ever have any discussions with Mr. Urban or anyone acting on his behalf regarding these arms sales?

A No.

Q Do you recall any change in focus of how the arms sales were going to be approached in about mid-to-late

February of 2019?

A 2019?

Q Yes, sir.

A I did. I believe that the UAE foreign minister met with the Secretaries of State and Defense. I believe in those meetings there was a renewed effort to reexamine the situation with regard to arms sales and security assistance in the region.

Q I heard you say "reexamine." Does that mean reexamine what support would be given or to reengage with Congress for the sales that were already being held?

A Probably a little bit of both. Reexamine where the situation was with outstanding sales and outstanding programs.

Q Okay. So we've probably got another 20 minutes left, tops. There's 3 minutes left on the clock. If it's okay with you, I'd be happy to yield to minority colleagues at this point to see if you have any further questions. And then if you're willing, another 20 minutes or so and we can be done.

Mr. MacMahon. We're willing to stay for another 20 minutes.

HFAC Dem Counsel. Okay. I'll yield to my minority colleagues. And just to be clear, it will be about 20 minutes of Democratic questioning.

HFAC Rep Counsel. You said 20 minutes, [REDACTED]?

HFAC Dem Counsel. Yes, sir.

HFAC Rep Counsel. Okay. No questions from the minority at this point. I want to check with [REDACTED] [REDACTED]. over at COR.

COR Rep Counsel. We're okay for now. Thanks, [REDACTED].

HFAC Rep Counsel. Okay. [REDACTED], we will yield back.

HFAC Dem Counsel. Okay. Could we just take another 5-minute break, come back, we'll do 20 minutes and we'll be done?

Mr. MacMahon. Sure.

HFAC Dem Counsel. Voluntary transcribed interview, for the sake of the record, and we are off the record.

[Recess.]

HFAC Dem Counsel. Okay. So if we can go back on the record, please.

BY HFAC DEM COUNSEL:

Q Mr. Faulkner, just to recap a couple of things, and I don't want you to go into detail on them, just quick yes or no. You testified that you had a conversation with Mr. String in April of 2019, about this emergency concept. Is that correct, yes or no?

A Yes.

Q Okay. You've also testified that you were in a meeting with Under Secretary Hale in early 2019 regarding

these arms sales. Is that correct?

A Yes.

Q Do you recall whether that meeting was before or after your meeting with Mr. String?

A I recall it to be after the meeting with Mr. String.

Q Okay. So, ultimately, the emergency declaration was issued on May 24th of 2019, which we understand to be after your May 10th resignation but prior to your final day, because you said you had used some leave and you were then on Active Duty. Is that correct?

A That's correct.

Q Okay.

State Dept. Counsel. I'm sorry, [REDACTED]. If you look at the transcript, I think Charles said that his final workday in the office was May 10th, and that he had terminal leave and annual Reserve duty.

Mr. Faulkner. Yes, that's correct.

HFAC Dem Counsel. Yeah, I apologize for any lack of clarity. Thank you.

BY HFAC DEM COUNSEL:

Q Mr. Faulkner, are you aware of the fact that Assistant Secretary of State for Political-Military Affairs Clarke Cooper testified before the House Foreign Affairs Committee on July 12th, 2019, in a hearing about this emergency declaration?

A Yes, I recall that he did.

Q Okay. Are you aware of the fact that Mr. Cooper testified in an exchange with Congressman Levin that the, quote, emergency that underlay the declaration arose in the 3 days between when Secretary Pompeo briefed the Hill about Iran on May 20th -- or 21st, rather, in which he made no declaration of an emergency, and May 24th when the emergency declaration arose? Are you aware of the fact that Mr. Cooper testified that the emergency arose in the three intervening days between May 21st and May 24th?

A I'm not. I know that he testified, but I don't remember seeing that piece.

Q Okay. And just for the record, the colloquy is as follows:

Mr. Levin. Quote, "so within 3 days, an emergency was created that required that declaration."

Mr. Cooper. "Congressman, yes, yes," close quote.

Mr. Faulkner, you said that you had been involved in discussing, as early as April, about a potential emergency to justify the sale of these weapons. But Mr. Cooper testified before Congress, understanding that it's a crime to lie to Congress, that the emergency came up between May 21st and May 24th. Do you have any idea how to reconcile those two things?

Mr. MacMahon. He's not going to comment on the

credibility or testimony of somebody else. Ask another question.

BY HFAC DEM COUNSEL:

Q Based on the fact that Mr. Cooper testified in Congress that the emergency arose between May 21st and May 24th, is it --

Mr. MacMahon. You have his testimony. You're not getting -- eliciting any factual information that could help your investigation by asking him to comment on somebody else's testimony.

HFAC Dem Counsel. We're happy to move on.

BY HFAC DEM COUNSEL:

Q Sir, why'd you leave the State Department?

A That's a good question. I was in the process of leaving. I was -- had been at the Department for approximately 2 years when I left. I was in discussions about taking another role at a different agency, and I was making plans to do so.

Q And so why, specifically, did you leave on May 10th?

A I left on May 10th at the urging of the assistant secretary at the time. She had been in the office -- she had been in office for approximately 6 months. And I think it was her time. You know, I came in under a different assistant secretary to support the President of the United States but also to support Secretary Tillerson and supported

Secretary Pompeo's confirmation process, was asked to stick around a little longer, which I was pleased to do. I had the opportunity to work with a variety of great people, and I enjoyed my time but obviously had other interests.

The Secretary had been -- both secretaries had been great. I had the opportunity to explore some more options inside of the administration, which I said I will accept. The Secretary and I, you know, had a few differences of opinion with regard to the, you know, her management style and mine that nevertheless, you know, there wasn't much daylight between us on most issues. And now I understand that she's now left, but, you know, she had -- she had wanted to put her own team in place and that made sense at the six-month mark.

Q Was there any daylight between you, as you describe it, regarding how the issues that we've said here today were handled?

A I believe so. Yeah, I think she has a -- she and I had a limited discussion in late May, early -- I'm sorry, April, early May, about following a decision that she -- or following a meeting that she had with the Secretary about these issues. She believed that there was information that would have been helpful to her, to help her, inform her about the decision-making process. And we disagreed about that information being available to her. She was also

interested in sort of bringing in other members of her team, which I believe she did. So that's how we wound up -- that's how I wound up leaving the Department in May.

Q And to be clear, was this information that you had and she did not have prior to her meeting with the Secretary?

A I don't believe that to be the case.

Q Did she believe that to be the case?

A Say that again, please?

Q I'm sorry. Did she believe that to be the case?

A I believe she did. I believe she felt that there was other factors or information that I had or others in the Department may or may not have had about the decision that the Secretary ultimately made. I wasn't in those discussions. I wasn't in the meetings with the Secretary, so I don't know what information would have helped. But, you know, I -- you know, we left on good terms and that's that.

Q And to the extent that you're able to tell us, sir, what was that information that she would have said that she didn't have but she felt that you had had?

A That's the thing, I just don't know. So I feel that she -- I can't speak for her feelings on this. You know, I greatly admire her, and I think that her understanding of all of her conversations with the Secretary are best

represented by her. But I understood that she had a meeting with the Secretary that included, it may not have been to the greatest extent possible -- arms sales, maybe other issues, but I understood that she was -- she learned that he had made a decision that would have been -- would have not have been our preferred way to go.

Q And, in fact, is that decision the choice to advance the arms sales by the emergency declaration?

A That is my understanding, yes.

Q Okay. Did you talk to the inspector general about the conversations you just related here with Assistant Secretary Taylor?

A Yes, I believe I did.

Q Do you know if Assistant Secretary Taylor spoke to the inspector general?

A I have no information about that.

Q Okay. Before you left the State Department, were you ever -- did you ever become aware of any plan to promote or move Marik String from his role in PM to the acting legal advisor?

A No, I wasn't aware of his move to L.

Q Okay. Are you aware of the fact that his move to L was officially announced on the afternoon of May 24th, the same day that the emergency declaration was submitted to Congress?

A I was not, but I think I see the significance of those statements.

Q Okay. Do you see any connection between Mr. String's involvement in this issue and that promotion? Just personally does that connect for you?

A No. I've known Marik for a number of years, and he's an accomplished attorney. He's worked hard on behalf of the Department, and I wish him the best.

State Dept. Counsel. [REDACTED], I just want to note as a long-serving member of L that moving from being a principal in a policy bureau to being an L isn't always a promotion.

HFAC Dem Counsel. I regret, Counsel, that the transcript cannot appropriately reflect tone of voice, but your point is well taken.

BY HFAC DEM COUNSEL:

Q Mr. Faulkner, there has been public reporting that you were in some ways forced out of the State Department because of your work on this issue. Do you have a reaction to that?

A I do. It's a little -- last year was more personally and professionally unrewarding maybe in the media. I did a little bit of an Irish exit, as you know, you're leaving without really getting a thorough destination, as they say, that would be -- it would be

intentional later announcing that I was going to be somewhere else. And so, you know, I was planning to make that announcement.

I guess the first indication that I had learned that I had been forced out in the media was in June. I was planning to sort of announce my new coordinates in June. And -- but, you know, I got a lot of bad press, and I don't necessarily appreciate it.

You know, I had great experience working with the Department. I met some great men and women there. I'd love to go back one day and support their mission, continue to support their mission elsewhere. And I had a great two rounds with working for four Secretaries of State and working with the committees and a number of great people. So I look -- 2 years isn't bad, and I'll take it.

Q I'd just like to talk to you about the following briefly. I think as we have established, before you joined the State Department, you worked for a lobbying firm called BGR. Is that right?

A That's correct.

Q And Raytheon was one of your clients when you were at BGR. Is that right?

A I was registered for approximately 4 years as a -- registered for Raytheon for approximately 4 years, between 2012 and 2016, I think. It may have been just 2015,

but to 2016. In April of 2016. I was not the lead on the account, and I can't -- I don't recall any significance of activity that I performed on behalf of the BGR client Raytheon. During that time, I did participate in a handful of consulting meetings, early '12 and '13, regarding defense sequestration, Mississippi primary of 2014. But to the best of my knowledge, I don't believe I can recall any significant Raytheon activity.

Q Okay. You signed an ethics pledge when you came on board at the State Department as do all political appointees. Yours is dated May 24th, 2017, and it's factored as a condition of your employment with the U.S. Government, you will not participate in any matter, quote, involving specific parties that is directly and substantially related to a former employer or former clients, including regulations and contracts. Do you recall signing that form, sir?

A I certainly do, yes.

Q Did you have any conversation at any point with State Department ethics officials as to what that meant for you personally and how to apply it on the ground?

A Yeah. I did at the time at the beginning of the administration when I joined, as well as around, I believe, September of 2018. I spoke with ethics in the Legal Adviser's Office simply because of the -- not simply because

but because The Wall Street Journal came out regarding the certification fund. And in discussing with the Legal Adviser's Office, with their ethics attorneys, we discussed the nature of my responsibilities. We widely discussed, like, you know, I didn't have a role in proving the contract with selecting any particular -- I wasn't choosing any of these defense contractors. I was providing information back to the Department about what Congress was up to and providing that information to the Hill.

In retrospect, you know, I feel I was a bit careless. I've seen other, you know, other advice and letters of recusal and I would have liked to have gotten a bit more clarity on what I could and couldn't have done. And so I regret that. But, frankly, I'm concerned that, you know, my association -- my association obviously has harmed my reputation.

Q Sir, we'd like to thank you again for taking the time to speak with us today and especially for being able to speak with us voluntarily.

As you know, we had initially sought your voluntary testimony on May 27th. You wrote to us to indicate that the State Department would be negotiating your appearance. After the State Department failed to make any efforts to actually engage with Congress about your appearance, we were forced to invoke that request to a deposition on June 22nd.

We're very grateful that you, through your private counsel, quickly indicated that you were willing to honor a request from Congress, which has a constitutional responsibility to conduct oversight, even though the State Department wouldn't engage on your behalf. We'd note that the only reason that agency counsel and its representatives from the Bureau of Legislative Affairs are here today is because you personally stressed your willingness to cooperate fully and voluntarily and that you agreed to convert this back into a voluntary interview that you had consented to the presence of agency counsel here today.

Just one last set of things that I'd like to sift through to make sure that we've got the record clear. You said that you had spoken to the inspector general about the general process for the emergency declaration. Is that right? Yes or no?

A Yes, that's right. I received a request in October of 2019 to meet with the team that was conducting the investigation. I didn't speak with Inspector General Linick. And I believe we cut -- I don't recall the amount of time I spent with them, but I went over broadly, you know, the process for arms transfers, the historic process, and of course the process that was in place now.

Mr. MacMahon. Go ahead.

Mr. Faulkner. I just wanted to add, you know, I just

wanted to clarify. Just following up on the question you asked before, I didn't do anything on behalf of Raytheon. You know, I had no contact with Raytheon about this matter whatsoever. And I just wanted to make sure that for those who are listening are aware of that.

BY HFAC DEM COUNSEL:

Q Thank you, sir.

I believe just so we've got it all in one place, that you said you had spoken to the IG about the process, you spoke about civilian casualty issues. Is that right?

A That was one of the things that was an issue, right. Yes.

Q You spoke to them about the hold that Senator Menendez put on. Is that right?

A I believe so, yes.

Q You spoke to them about the impact of the murder of Jamal Khashoggi on the ability to effectuate the goal of getting these arms sales too. Is that right?

A Yes.

Q Okay. And you spoke to them -- or did you speak to them about any disagreement that you may have had with the ultimate decision to do this via an emergency declaration, without getting into what you said?

A I believe I did. I believe I laid out the -- I believe I laid out to the inspector general were

three -- three to four options that would have certainly may not -- it certainly would have led to perhaps a better outcome in the summer of 2018.

Q And was there anything that you discussed with the inspector general about this matter that we didn't touch on in some way here today?

A Not that I recall.

Q Okay. Sorry. Just a moment.

Did anybody discourage you from speaking to the inspector general about these matters?

A Say that again?

Q Did anyone discourage you from speaking to the inspector general about these matters?

A Oh, no, not at all. I -- when I received the request, I responded and made myself available. I believe I met in November, November 4th of 2019, and I haven't heard anything from the Department or from anybody, thankfully, other than the meeting that we're here now.

Q And just for the sake of the record, you were no longer a State Department employee at that time, right?

A That's right. I was with the Department of Homeland Security at that time.

Q Okay. Do you have a personal opinion sitting here today as to why senior officials at the State Department may have been unhappy that the inspector general was looking

into these issues?

A I don't.

Q Thank you.

HFAC Dem Counsel. I want to thank you again for your time. On behalf of Chairman Engel, especially from the Committee on Foreign Affairs, but also Chairwoman Maloney for the Oversight Committee, and Ranking Member Menendez for the Senate Foreign Relations Committee, we'd like to extend our thanks to you for cooperating with this investigation.

And I'll turn it -- actually, before -- let me just check. Are there any Democratic members with the Foreign Affairs Committee who would like to ask questions or make any comments before we conclude?

Hearing none, I will turn it over to my Republican colleagues for any final questions or comments you may have.

HFAC Rep Counsel. No closing remarks or questions from me.

██████████, anything from your end?

COR Rep Counsel. Yeah, just a couple of quick questions. Thank you, ██████████, and thank you, ██████████.

BY COR REP COUNSEL:

Q Mr. Faulkner, you just said in response to a question about your discussion with the IG, you presented a couple of options to the IG that would have led to a better

outcome. What in your mind is a better outcome?

A I think we could always have better relations in Congress. And I think that just -- there was a -- I think that having a discussion working towards some of the outcomes that we tried to accomplish with the committees in terms of briefings and being this responsive. You know, I can speak from experience here that, you know, the legislative affairs, bureaus, and multiple agencies do their best to respond to questions from staff and from Members. We don't do a good job all the time. And so I feel that if we had worked a little harder, I feel like we would have been -- had better channels of communication, and I think we probably could have avoided a lot of the friction. Perhaps not all of it. I recognize what the climate is. But, you know, I think we can all do a better job of trying to accomplish what's in the nation's interest.

Q Who did the Legislative Affairs Bureau work for on the State Department org chart?

A The Secretary, of course, and then the secretary works for the President, we all worked together, so yes.

Q Okay. In terms of the decision to declare the emergency declaration, whose decision was that ultimately?

A I believe that is the Secretary's decision.

Q Okay. So it wasn't your decision?

A Certainly not.

Q It's not Legislative Affairs decision, was it?

A Not at all.

Q And it was the Secretary's decision, correct?

A I believe so, yes.

Q And the Secretary consulted with a wide variety of people across the Department. Is that right?

A He does, and he has more information available to him than most policymakers. So I believe that the information that's provided to him is accurate and he has confidence in it.

Q So it's fair to say that very senior members in the Foreign Service were involved in the policy process?

A Absolutely, yes.

Q And David Hale, was he involved in this process?

A Yes, he was.

Q Is he the most -- the senior most Foreign Service officer in the Department?

A Yes.

Q Is he considered the third most senior official in the Department?

A Yes, I believe that's correct, at least at the time.

Q I believe he served as an ambassador under President Obama. Is that correct?

A Yes, indeed.

Q You talked earlier with [REDACTED] about a meeting with

the new assistant secretary for Legislative Affairs and Secretary. Do you remember that discussion?

A Yes, I do.

Q And were you in that meeting?

A With the Secretary?

Q Correct.

A I was not.

Q Did you talk with the Secretary after the meeting about the meeting?

A No. I haven't spoken with the Secretary since, I believe, April of 2019.

Q Did you talk with the assistant secretary about the contents of that meeting?

A Yes.

Q And who else was in that meeting?

A It was just me.

Q I'm sorry, the meeting between the assistant secretary and the Secretary?

A Oh, I believe it was a one-on-one, but I would not be surprised that there may have been a few others. Again, I'm not privy to that meeting.

Q Okay. So you weren't privy to the meeting, but you talked about the meeting with the inspector general, is that right, even though you weren't part of the meeting?

A That's correct.

Q That's all I have for now. Thank you.

A Thank you.

I think -- if I can just clarify, and I told him that that meeting might happen.

HFAC Dem Counsel. Okay. Mr. Faulkner, unless you have any concluding remarks, we're happy to adjourn for the day.

Mr. Faulkner. No, I don't. Thanks again for your time. I appreciate it. I'm happy to clarify anything, and will see you soon.

HFAC Dem Counsel. One last thing I'd like to just note for the record. We do not believe that there is any question that's been asked or answered that's been provided during the course of this interview that is or at any time could be properly classified. Do you believe that there is classified information on this transcript, Mr. Faulkner?

Mr. Faulkner. No. No, I do not.

HFAC Dem Counsel. I would note that agency counsel has raised no concerns about classified information throughout the interview. Is that correct, [REDACTED]?

State Dept. Counsel. It is, [REDACTED]. I'd just remind you that in Secretary Tillerson's interview, some of the class issues only came up upon review of the transcript. So I am not raising any class issues now, but I'll reserve that because I've got to read the transcript.

HFAC Dem Counsel. And that's all we've got. Thanks,
everybody.

[Whereupon, at 2:25 p.m., the interview concluded.]