



**One Hundred Sixteenth Congress**  
**U.S. House of Representatives**  
**Committee on Foreign Affairs**  
2170 Rayburn House Office Building  
Washington, DC 20515  
[www.foreignaffairs.house.gov](http://www.foreignaffairs.house.gov)

June 20, 2019

The Hon. Steven A. Linick  
Inspector General  
U.S. Department of State  
Office of the Inspector General  
SA-39  
1700 North Moore St.  
Arlington, VA 22209

Dear Mr. Inspector General:

As Members of the House Foreign Affairs Committee, we write to request that your office conduct an investigation into the process and legal justifications underlying the emergency determination made under the Arms Export Control Act (AECA) for the sale or transfer of over \$8.1 billion in defense articles and services to the Kingdom of Saudi Arabia and the United Arab Emirates contained in 22 specific licensing cases.

In a written notification provided on May 24<sup>th</sup>, briefings to Congressional staff, and a hearing of the Foreign Affairs Committee, State Department officials failed to provide any credible justification or explanation as to why an emergency exists that necessitates waiving the standard 30-day Congressional notification period. Many of the defense articles included in the 22 cases will not be ready for export for at least a year or more, yet the Department claimed these weapons were necessary to “deter further malign influence of Iran” on an emergency basis.

It also remains unclear whether the Department used the Iranian threat as a pretext for an emergency notification that was already being prepared. On May 21<sup>st</sup>, Secretary Pompeo briefed the full House of Representatives on the Iranian threat, yet made no mention of the need to expedite these weapons to the Gulf in response to the threat. In testimony to the House Foreign Affairs Committee on June 12, 2019, Assistant Secretary of State R. Clarke Cooper said that an emergency arose in the three days after the May 21<sup>st</sup> classified briefing on the Iranian threat that required the use of emergency authorities under the Arms Export Control Act.

Furthermore, press reporting following the issuance of the emergency determination suggested that the State Department's decision-making process may have been tainted by conflicts of interest, including through the participation of a former State Department official who may have been under an ethics obligation to recuse himself from participation, given that some of the resulting sales would have benefited his former client.

The dubious grounds for invoking an emergency under the Arms Export Control Act to sell or transfer over \$8 billion of significant defense articles raises serious questions necessitating further investigation, particularly in light of the fact that significant quantities of weapons and munitions previously provided to coalition partners for use in Yemen have caused unacceptably high levels of civilian casualties.

We therefore believe it is critical that your office conduct an investigation into the process leading to this emergency determination by the State Department to determine if its use constituted an abuse of the authority. The investigation should address the origins of the idea to invoke an emergency, the extent to which dissenting views were expressed and addressed, and the degree to which intelligence and other analysis was considered and incorporated. Furthermore, it is critical to look into potential conflicts of interest among officials engaged in this process and any steps the Department took to address such conflicts or mitigate their impact on the policy outcome.

Specifically, we request your office conduct an investigation into this matter that includes the following elements:

1. A review of all documents and communications referring or relating to the May 24<sup>th</sup> notification to transfer defense articles included in 22 cases to the Kingdom of Saudi Arabia and the United Arab Emirates, including communications between, among and through officials with the State Department's Political-Military Affairs Bureau, Near East Affairs Bureau, Legislative Affairs Bureau, and Office of the Legal Adviser. This review should also seek information about when those documents were first drafted, including whether they were drafted in the intervening period between May 21<sup>st</sup>, when Congress received a classified briefing on the Iranian threat, and May 24<sup>th</sup>, when Congress received the emergency determination on arms sales
2. A review of all documents and communications referring or relating to the May 24<sup>th</sup> notification between State Department officials and representatives of private U.S. companies with equities in the proposed sales.
3. A review of all documents and communications referring or relating to the May 24<sup>th</sup> notification between State Department officials and officials from the White House or other federal government agencies.
4. A review of the role played by any State Department employees in the decision to make the emergency determination who, under the terms of any statutory or regulatory obligation, or under the Administration's ethics pledge, should have been recused from this matter due to

existing or former ties to defense industrial firms, and any personnel decisions that were made concerning such employees that was related to their role in the emergency declaration, including but not limited to termination or promotion.

Given the gravity of these allegations, we urge your office to give this matter immediate and sustained attention.

Sincerely,



ELIOT L. ENGEL  
Chairman



BRAD SHERMAN  
Member of Congress



GREGORY W. MEEKS  
Member of Congress



ALBIO SIRES  
Member of Congress



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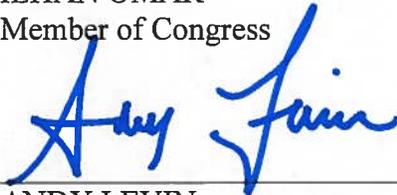
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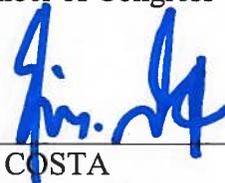
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