

Testimony before the House Foreign Affairs Committee
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Office of the Legal Adviser
U.S. Department of State
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Chairman Engel, Ranking Member McCaul, and distinguished Members of the Committee:

Thank you for the invitation to appear today.

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

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

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

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

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

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

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

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