

**In the United States Congress
House of Representatives
Committee on Foreign Affairs**

Declaration of Ambassador Stephen J. Akard

1. My name is Stephen J. Akard and I am a resident of the State of Indiana. I am 56 years old and I am a practicing attorney.
2. I left my most recent term of government service in early August 2020 and I do not have access to my government files or records. As such, the dates and events described herein are based on my best recollection.
3. I previously served as a Special Assistant to Secretary of State Colin Powell from 2002 to 2004. I also served as a Foreign Service Officer at the Department of State from 1997-2005.
4. In January 2017, I returned to the Department of State. In September 2019, I was confirmed as the Director of the Office of Foreign Missions (“OFM”). In that role, I reported to Undersecretary for Management Brian J. Bulatao (“Bulatao”).
5. In April 2020, I received a call on a Thursday or Friday from Bulatao to gauge my interest in serving as the Acting Inspector General for the Department of State. I believe the call occurred on April 9 or April 16.
 - a. Specifically, Bulatao advised me that then-current Inspector General (“IG”) Steven A. Linick (“Linick”) was to be removed imminently. He further informed me that Secretary of State Michael R. Pompeo (“Pompeo”) lacked confidence in Linick. Bulatao commented that Linick was not working to improve the Department and that he (Linick) does not try to figure out what “[the Department] can do better.”

Bulatao did not discuss anything about personal matters involving Secretary Pompeo in connection with his overview of why Pompeo was dissatisfied with Linick.

- b. Bulatao said that the Acting IG appointment would be made pursuant to the Vacancies Act since I was in a Senate-confirmed position already. Bulatao further observed that he envisioned that I would also continue to serve as Director of OFM, subject to any recusal obligation. I do not recall who raised the recusal issue but I believe it was mutually understood that I could not be in a position as IG wherein I would be reviewing OFM matters. I do not recall other recusal issues being discussed at that time.
 - c. Bulatao stated that he wanted to give me an opportunity to think it over and that he would call me for my response. Either later that day or the following day, Bulatao called again and I accepted the proposed position. Bulatao commented that Pompeo may reach out to me to express his views of the Office of the Inspector General (OIG). However, that call did not occur.
6. Thereafter, between mid-April and mid-May 2020, I received several short calls from Bulatao in which he provided status updates on my appointment, which had generally been delayed. Among the updates:
- a. Bulatao advised that Department of State leadership was coordinating my appointment with the White House as to dates. I do not know who at the White House was involved in this “coordination” or what was being discussed other than my general understanding that it involved the timing of the announcement.

- b. Bulatao recommended that I speak to Christopher Sharpley, formerly with the CIA OIG, for advice on management. (I did, in fact, meet with Mr. Sharpley on this topic after I became the Acting IG).
 - c. Bulatao discussed how the Vacancies Act permitted such an appointment and that Linick would be placed on 30 days of administrative leave.
 - d. Bulatao also raised the possibility that someone else (not me) would be the subject of a separate nomination to the position by July. He did not identify any particular person in this regard. I believe I had communicated at some point to Bulatao that I was not interested in a permanent appointment. He or I also raised the question of whether there were legal impediments to having a person who steps in under a Vacancies Act appointment being subsequently nominated to a permanent position.
7. On May 14, 2020, Bulatao called me and notified me that Linick would be removed at the end of the following day. He further stated that he and Deputy Secretary Stephen Biegun (“Biegun”) would jointly call Linick. Thereafter, I would become the Acting IG.
8. On May 15, 2020, a Friday, Linick’s removal and appointment was reported in the media. I came to learn that Biegun called Linick around 8:00 pm that evening.
9. On May 16, 2020, Bulatao called me in the morning and advised me that Linick had been removed as IG and placed on administrative leave. He informed me that Linick was to coordinate with Bulatao regarding Linick’s further access to the OIG space for removal of his (Linick’s) personal effects and to complete any exit procedures, etc. He also told me that Diplomatic Security was to be present for any such access. Bulatao also told me that he had called Diana Shaw (“Shaw”), Deputy IG, and that I should reach out to her. I then

had a separate call with Shaw that same morning to schedule a series of meetings with senior OIG staff for the upcoming Monday morning.

10. May 18, 2020, was my first day in office as the Acting IG. I met with Shaw and OIG senior staff in the morning. At the end of the day, I was confronted by OIG senior staff, specifically: Shaw; Chief of Staff Jill Baisinger; the OIG's Acting General Counsel Kevin Donohue (who may have participated by telephone); and Parisa Salehi, the Assistant IG for Enterprise Risk Management on a range of potential conflict of interest issues. I also recall that there were leaks to the media that day that I had been installed as the Acting IG, that I had reported to my office that day, and which reported my purported comments to OIG staff.

11. During my first week as Acting IG, I called Bulatao regarding the conflict issues raised in the end of day meeting described in the previous paragraph. I also established a process for regular meetings with Biegun. I believe my first meeting with Biegun after being named to the Acting IG position occurred on May 25 or 26, along with Bulatao, Shaw and Baisinger. Thereafter, Shaw and I met with Biegun and Bulatao approximately every two weeks during my two months or so in the Acting IG position (thus, three or four meetings). I also recall discussing with Bulatao my ability to hire and fire personnel. In particular, we discussed the OIG General Counsel position. A candidate for that position had been identified prior to my assuming the Acting IG position. I do not recall his name but he was an attorney at another agency and had been waiting some time for his final clearance. I expressed my preference to defer filling this position as I believed that the permanent IG should make that decision.

12. During this same period, I received congressional requests (letters and more informal inquiries) from a number of Representatives and Senators requesting that I:
- a. resign and/or explain any perceived conflicts of interest;
 - b. identify all pending OIG matters;
 - c. provide the DOD OIG investigation report on DOS OIG's role in the media leak of Brian Hook matter.
13. I recall contacting Marik String, a Department of State legal advisor regarding my hiring/firing authority and my recusal from OFM matters and documenting that recusal and also the delegation of my previous work to my former Deputy at OFM.
14. In my first or second week as Acting IG, I had a call with Bulatao regarding the DOD OIG investigation of the Hook matter. Bulatao apprised me of departmental concerns about DOS OIG's follow-up and actions on this matter. He informed me that Linick had not pressed CIGIE to address this matter as he had committed in his discussions with Pompeo, the Deputy Secretary (either referring to John Sullivan or Biegun) and Bulatao. Bulatao characterized Linick's actions as self-serving; namely, Linick shopped this investigation to a friendly IG who did a cursory investigatory job and then Linick sat on the results other than sharing the conclusion that he, Linick, had been cleared of having made any leaks. Bulatao told me that DOS had never received a report of the investigation. We also discussed that there had been congressional requests for the report and that Linick and his private attorney had requested it. He and I discussed that someone had given Linick physical access to the OIG space without notice to Bulatao or to me. Bulatao also told me that the formal nomination of a permanent IG seemed unlikely before the fall elections.

15. During this same period, I recall receiving separate calls from Biegun and Bulatao in which they advised me that Pompeo was interested in the release of DOS OIG's work on a pending Saudi arms matter. My recollection is that Bulatao called to tell me that Biegun would be calling me about this matter. In their respective calls, both Bulatao and Biegun stated that they understood that the OIG's work was complete or very nearly so. I informed them that I was recusing myself from that matter. Documentation of my recusal should be available from the OIG's Office of General Counsel. I believe it was also documented in correspondence with the Congress. I explained to Biegun and Bulatao that under the circumstances, given the controversy over my appointment and perceived conflicts of interest, my involvement would undermine any result and likely trigger a CIGIE investigation. I recall that my conversations with them on this matter ended promptly upon my advising them of my recusal decision and my explanation for it. In my place, Deputy IG Shaw oversaw the matter and I was aware that she interacted with Biegun and Bulatao about it.
16. Other than congressional inquiries, I do not recall anyone ever contacting me about the reported personal matters concerning Pompeo or his wife.
17. During this same general timeframe and extending during June, I established a conflict of interest process and document flow process through OIG OGC. The documentation process took several weeks to finalize. I did review draft statements to Congress and provided edits to the same regarding my recusals on OFM matters, matters involving close contacts and financial interests, and the Saudi arms matter and reviews of the personal matters regarding Pompeo and his spouse. My recusals were prompted by discussions within the OIG regarding perceived conflicts of interest, congressional inquiries about

pending OIG matters, and media amplification of these topics. I believe those recusals are addressed in written statements provided to the Congress and also memorialized with the OIG OGC.

18. During my first few weeks as Acting IG, Shaw and I had a call with CIGIE (specifically Michael Horowitz and Allison Lerner) regarding the general role of Offices of Inspectors General, conflicts of interest, and the Blue Book (IG investigative standards) and Yellow Book (IG audit standards).
19. During this time (and it may have preceded or occurred during the same timeframe as the events described in ¶ 14), in response to the congressional request for the DOD OIG investigation report, I had a call with DOD Acting IG Sean O'Donnell on the status of the DOD OIG's investigation into the Hook leak matter. I do not recall his precise words but O'Donnell characterized the investigation conducted by DOD OIG as perfunctory. O'Donnell required that I submit a written request for the report. He stated that the report would be labelled For Official Use Only ("FOUO"). I understand that the version of the report released to Congress and to DOS was, in fact, labelled FOUO.
20. During the week of July 4, I returned to my home state, Indiana, and my wife and I made the decision that we would return home. During that trip and shortly thereafter, I began pursuing employment opportunities—I note that I made the appropriate disclosures in this regard with the DOS legal and ethics offices.
21. I returned to Washington and on July 14 I informed Bulatao that I intended to resign. We discussed the timing of my resignation and I submitted a resignation letter to Pompeo that day. Following my resignation, I believe I participated in one more bi-weekly meeting with Biegun, attended by Bulatao and Shaw. I recall a sidebar conversation with Biegun

and Bulatao without Shaw about the timing of the announcement of my departure. We may have discussed the status of my replacement (none had been decided at that time, to my knowledge). I also recall that Bulatao and I had a short discussion about a successor when I told him on July 14 that I was leaving. I had suggested to Bulatao that Department leadership consider someone outside the Department and possibly someone who was already in an IG role in order to avoid the conflicts issues. My belief was that bringing in someone outside the Department chain of command would avoid these issues. I noted that DOD OIG was doing this with EPA, for example. We discussed Deputy IG Shaw filling in temporarily until someone could be identified. I believe Department leadership tried to find someone to have a dual role but without success. At some point during this timeframe, Addison D. "Tad" Davis, IV, Director for the Bureau of Overseas Building Operations, called me to ask about my impressions since Bulatao had approached him about the position and I recall that we discussed the conflicts issues he would face. At some point, I heard from Bulatao that Department leadership had identified an ambassador who would fill the acting role. I do not recall him mentioning a name but I believe he mentioned the country in which the ambassador was serving (though I no longer recall precisely which country). Bulatao and I spoke by phone once or twice about the timing of my departure and an announcement, which was being addressed by DOS Public Affairs.

22. I understand that certain congressional staff asked my counsel about my involvement with the Saudi report, referenced in ¶ 15. I understand that they believe the report was released to the Congress during the time I was in the process of leaving the Department. My recollection is that it was released after I left government service. In any event, other than the calls referenced in ¶ 15, I was recused from the Saudi matter and had no connection

with it. I did not participate in substantive discussions about it, I did not review any drafts, and I did not participate in discussions of edits or redactions to it.

23. On July 29, 2020, I submitted my separate formal resignation letter to the President.

24. My final day of government service was August 7, 2020.

Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed this 14th day of September, 2020, in Indianapolis, Indiana

A handwritten signature in black ink, appearing to read "Stephen Akard", written in a cursive style.

Stephen J. Akard