

Congress of the United States
Washington, DC 20515

May 25, 2017

The Honorable Ed Royce
Chairman
House Committee on Foreign Affairs
U.S. House of Representatives
Washington, DC 20515

Dear Chairman Royce:

We write to urge the Committee take prompt action to perform its oversight role of the proposed arms sale with the Kingdom of Saudi Arabia.

On May 22, the Committee received three related notifications, pursuant to Section 36 of the Arms Export Control Act, for the sale of precision-guided munitions (PGM) kits to Saudi Arabia. The notifications come following numerous attempts by Members of Congress, including members of this Committee, to obtain information from the Administration related to the Royal Saudi Air Force's (RSAF) ability to properly employ these very weapons systems in the ongoing conflict in Yemen. Without this information, it is impossible for the Committee to perform its oversight role in evaluating whether the proposed sale is consistent with both U.S. values and national security interests. We therefore urge the Committee to call a hearing with the Administration, in a closed session if necessary, to obtain critical information pertinent to this PGM sale prior to the 30-day statutory window closing on June 20.

As you know, the Obama Administration made the decision in December 2016 to halt a planned sale of PGMs due to concerns over widespread civilian casualties in Yemen and significant deficiencies in RSAF's targeting capabilities. This decision was the result of an internal review launched after the United Nations and a number of human rights organizations documented a series of RSAF airstrikes on civilian targets, including hospitals, markets, schools, and a large funeral. In March 2017, the Department of State reversed this policy without providing any justification for what had changed in its assessment.

In response to this reported policy change, 31 Members of Congress, including members of this Committee, wrote on April 6 to Secretary of Defense James Mattis and Secretary of State Rex Tillerson requesting specific information related to the RSAF's capabilities, from the RSAF's record of avoiding U.S.-provided no-strike lists to data on targeting process changes. In their letter responses, neither the Department of Defense nor the Department of State chose to provide the requested information. All three communications are attached to this letter.

It is essential for Congress to seek answers to these basic questions before allowing the sale to move forward.

As we wrote to Secretary Mattis and Secretary Tillerson, “It is in our national security interest – as well as that of our Saudi partners – to ensure that the RSAF has the ability to avoid civilian casualties before the U.S. sells them any additional air-to-ground munitions.” The possession of precision-guided weapons should not be conflated with possessing dynamic targeting capabilities; the ability to strike an enemy and avoid civilian casualties requires extensive training, stringent targeting approval processes, and clear rules of engagement. At a bare minimum, our Committee has a responsibility to ensure that those capabilities are in place before allowing this sale to proceed.

Additionally, it is pertinent for our Committee to press the Administration to articulate its strategy for Yemen and explain the role that this proposed arms sale would play. Last month, Secretary Mattis stated, “In Yemen, our goal is to push this conflict into U.N.-brokered negotiations to make sure it is ended as soon as possible.” Yet in noticing this sale, the Administration failed to outline how additional PGMs will contribute to their own stated goal.

After two years of conflict, Yemen faces one of the most urgent humanitarian crises in the world, with 7 million people facing severe hunger and 18.8 million in need of aid. Reports indicate that Al Qaeda in the Arabian Peninsula (AQAP) has thrived during the war and that Yemeni civilians hold the U.S. responsible for the carnage. It is incumbent on our Committee to exercise its oversight powers to ask tough questions of the Administration and shape U.S. foreign policy.

We stand ready to assist the Committee in pursuing these answers. Thank you for your consideration of this critical matter.

Sincerely,



Ted W. Lieu
Member of Congress



Ted S. Yoho, DVM
Member of Congress

CC:

The Honorable Eliot Engel, Ranking Member, House Committee on Foreign Affairs

Congress of the United States
Washington, DC 20515

April 6, 2017

The Honorable James Mattis
Secretary of Defense
1000 Defense Pentagon
Washington, DC 20301-1000

The Honorable Rex W. Tillerson
Secretary of State
U.S. Department of State
Washington, D.C. 20520

Dear Secretary Mattis and Secretary Tillerson,

We write to request information related to the operational conduct of the Royal Saudi Air Force (RSAF) in Yemen.

As you know, the previous Administration made the decision in December 2016 to halt a planned sale of precision-guided munitions (PGM) to Saudi Arabia due to concerns over widespread civilian casualties and significant deficiencies in RSAF's targeting capabilities.¹ This decision was the result of an internal review launched after the United Nations and a number of human rights organizations documented a series of RSAF airstrikes on civilian targets, including hospitals, markets, schools, a wedding and a large funeral. According to recent reports, however, the State Department has now reversed course and removed the suspension on these PGM sales.²

In light of this reported policy change, and with the possibility of an arms sale that Congress will have the opportunity to review in the near future, we believe it is necessary to assess the RSAF's current operational conduct. The possession alone of PGMs does not indicate sophisticated targeting capabilities. It is in our national security interest – as well as that of our Saudi partners – to ensure that the RSAF has the ability to avoid civilian casualties before the U.S. sells them any additional air-to-ground munitions.

We therefore request that the Department of Defense report to Congress on the following within 15 days of receipt of this letter.

1. Is the Royal Saudi Air Force abiding by U.S.-provided "no-strike" lists? As part of this assessment, we request details of:
 - a. Any violations of the lists from the delivery of the lists until now.

¹Phil Stewart and Warren Strobel, "U.S. to halt some arms sales to Saudi, citing civilian deaths in Yemen Campaign," *Reuters*, December 13, 2016 <http://www.reuters.com/article/us-usa-saudi-arabia-yemen-exclusive-idUSKBN1421UK>

²Missy Ryan and Anne Gearan, "Trump administration looks to resume Saudi arms sale criticized as endangering civilians in Yemen," *Washington Post*, March 8, 2017 https://www.washingtonpost.com/world/national-security/trump-administration-looks-to-resume-saudi-arms-sale-criticized-as-endangering-civilians-in-yemen/2017/03/08/a259090a-040e-11e7-b1e9-a05d3c21f7cf_story.html?utm_term=.f9a9d0d45b3c

- b. Any Department of Defense actions taken in response to Royal Saudi Air Force violations of the U.S. provided no-strike lists or other confirmed airstrikes on civilian targets.
 - c. Details on the no-strike lists, including the number and types of targets, the dates of delivery of each distinct list to the Saudi Arabia-led Coalition, and the frequency with which the overall list is updated.
2. Please assess the ability of the Royal Saudi Air Force to effectively employ precision-guided munitions in a way that takes full advantage of the weapon's capabilities to ensure the minimum collateral damage.
 3. What progress has the Royal Saudi Air Force made in improving its targeting capabilities from the beginning of the conflict until now? Please provide requisite data to justify the assessment.
 4. What U.S. military personnel are currently working with the Coalition Command, and what are their specific roles?

Thank you for your attention to this important issue.

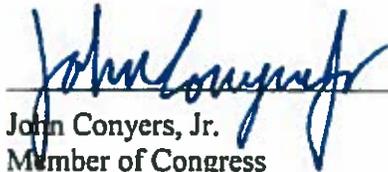
Sincerely,



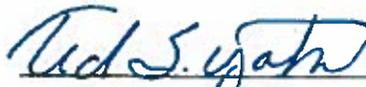
Ted W. Lieu
Member of Congress



Walter Jones
Member of Congress



John Conyers, Jr.
Member of Congress



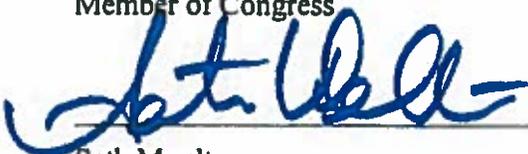
Ted S. Yoho, DVM
Member of Congress



David N. Cicilline
Member of Congress



Ro Khanna
Member of Congress



Seth Moulton
Member of Congress



Adam B. Schiff
Member of Congress



Mark Pocan
Member of Congress



Ruben Gallego
Member of Congress



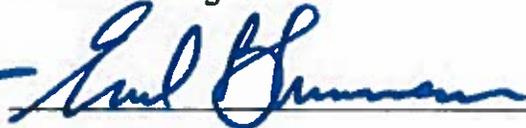
Judy Chu
Member of Congress



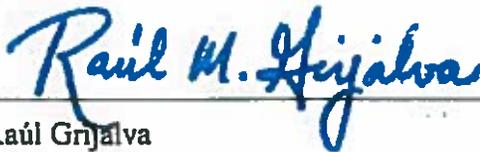
Barbara Lee
Member of Congress



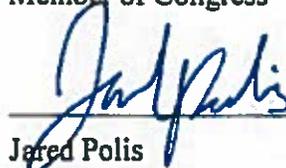
Alcee L. Hastings
Member of Congress



Earl Blumenauer
Member of Congress



Raúl Grijalva
Member of Congress



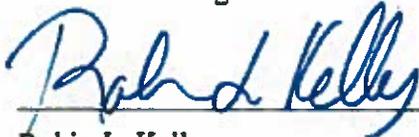
Jared Polis
Member of Congress



Bobby L. Rush
Member of Congress



Karen Bass
Member of Congress



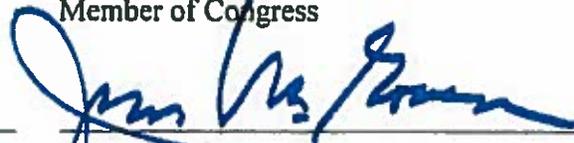
Robin L. Kelly
Member of Congress



Alan Lowenthal
Member of Congress



William R. Keating
Member of Congress



James P. McGovern
Member of Congress



Eleanor Holmes Norton
Member of Congress



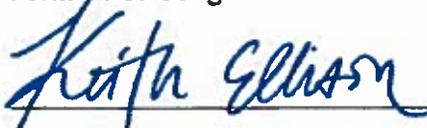
Pramila Jayapal
Member of Congress



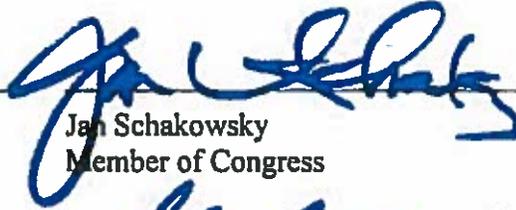
Peter Welch
Member of Congress



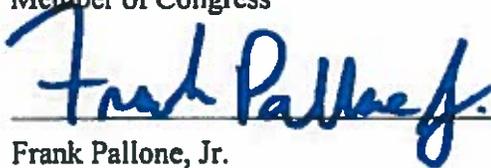
Rick Nolan
Member of Congress



Keith Ellison
Member of Congress



Jan Schakowsky
Member of Congress



Frank Pallone, Jr.
Member of Congress



Peter DeFazio
Member of Congress



Norma J. Torres
Member of Congress

cc:

Amb. Tina Kaidanow, Principal Deputy Assistant Secretary of State for Bureau of Political-Military Affairs, U.S. Department of State

Lt. Gen. H.R. McMaster, National Security Advisor to the President of the United States



OFFICE OF THE UNDER SECRETARY OF DEFENSE
2000 DEFENSE PENTAGON
WASHINGTON, DC 20301-2000

POLICY

APR 26 2017

The Honorable Ted W. Lieu
U.S. House of Representatives
Washington, DC 20515

Dear Representative Lieu:

Thank you for your letter of April 6, 2017, to Secretary of Defense Mattis and Secretary of State Tillerson regarding civilian casualties caused by the Royal Saudi Air Force's (RSAF) air campaign in Yemen. The Secretary asked that I respond on his behalf.

The Department shares your concern about harm to civilians and damaged civilian infrastructure in Yemen, which have been caused by all sides in the conflict. As for civilian casualties caused by the RSAF's air campaign, we routinely emphasize our concerns privately in our discussions with Saudi officials at all levels, as well as in public statements. We assess that the RSAF is not deliberately targeting civilians, is attempting to comply with the law of armed conflict, and has taken steps to reduce civilian casualties.

U.S. civilian and military experts regularly engage with Saudi military personnel to ensure their awareness of obligations under the law of armed conflict and of civilian casualty mitigation measures. We have ongoing consultations to help Saudi Arabia leverage these mitigation measures to reduce the risk of civilian casualties resulting from their operations. Additionally, we continue our sustained diplomatic engagement to facilitate an end to the conflict through a political solution mediated by the United Nations. Ultimately, this is the best way to end civilian casualties in Yemen.

Regarding the sale of Precision Guided Munitions to Saudi Arabia, the U.S. Government continues to review the level of support provided to the Saudi-led coalition to ensure it remains consistent with U.S. values and foreign policy goals. We will consult with Congress on the release of these and other weapons systems as appropriate.

Thank you again for your letter.

Sincerely,

Theresa Whelan
Performing the Duties of Under Secretary of
Defense for Policy





United States Department of State

Washington, D.C. 20520

MAY 02 2017

The Honorable
Ted W. Lieu
House of Representatives
Washington, DC 20515

Dear Mr. Lieu:

Thank you for your letter of April 6 to Secretary Tillerson and Secretary Mattis regarding the operational conduct of the Royal Saudi Air Force (RSAF) in Yemen.

The U.S. government shares your deep concern with operations that have resulted in civilian casualties and damage to civilian infrastructure in Yemen. Even as the United States supports the Saudi-led coalition's efforts to restore the legitimate government of Yemen and Saudi Arabia's legitimate need to defend its territory from attacks, we continue to underscore the importance of civilian harm mitigation measures in our high-level discussions with Saudi Arabia. U.S. civilian and military experts have consulted with Saudi military personnel to ensure their awareness of obligations under the Law of Armed Conflict (LOAC) and the need to undertake measures to minimize civilian casualties.

Our efforts to reduce the risk of civilian casualties are conducted in parallel with our sustained diplomatic engagement to facilitate an end to the conflict in Yemen through a political solution, mediated by the United Nations. Ultimately, a peaceful resolution to the conflict is the best way to ensure Yemeni civilians are protected.

Consistent with U.S. foreign policy goals and values, the Administration continues to review the appropriate level of support to the Saudi-led coalition, including sales of precision guided munitions. The Administration has not yet taken a decision to notify Congress on that requested purchase.

Sincerely,

A handwritten signature in blue ink, appearing to read "Joe Macmanus", with a long horizontal flourish extending to the right.

Joseph E. Macmanus
Bureau of Legislative Affairs