

Congress of the United States
Washington, DC 20515

July 17, 2018

Chairman John McCain
U.S. Senate Committee on Armed Services
Russell Senate Building, Room 228
Washington, D.C. 20510-6050

Ranking Member Jack Reed
U.S. Senate Committee on Armed Services
Russell Senate Building, Room 228
Washington, D.C. 20510-6050

Chairman Mac Thornberry
U.S. House Committee on Armed Services
2216 Rayburn House Office Building
Washington, D.C. 20515

Ranking Member Adam Smith
U.S. House Committee on Armed Services
2216 Rayburn House Office Building
Washington, D.C. 20515

Dear Chairmen McCain and Thornberry and Ranking Members Reed and Smith,

As you begin deliberations on the Conference Report for the National Defense Authorization Act (NDAA) for Fiscal Year 2019, we write to express our strong support for a provision to establish certification requirements for U.S. assistance to our Gulf partners operating in Yemen.

As you know, the Senate NDAA included Section 1266 (Certifications Regarding Actions by Saudi Arabia in Yemen), which was based on bipartisan legislation reported favorably by the Senate Foreign Relations Committee in May 2018. We believe this is a positive and necessary provision that seeks to use U.S. leverage to protect civilian life in Yemen and promote political negotiations that are essential to ending the conflict.

After more than three years of war between the Saudi-led Coalition and the Houthis, Yemen today is the world's worst humanitarian crisis. More than 22 million people, or three-quarters of the population, require some form of humanitarian aid. Earlier this year, the United Nations Panel of Experts on Yemen concluded that both sides of the conflict have committed numerous violations of humanitarian law. On the part of the Coalition, these violations are part of a years-long air campaign that has repeatedly failed to distinguish between civilian and military targets, resulting in thousands of civilian deaths. While we also condemn the deplorable conduct of the Houthi rebels, the U.S. has a moral, legal, and strategic responsibility to hold our Gulf partners—who we actively support with midair refueling, training, and intelligence-sharing—to our own high standards and national interests.

We fully appreciate our Gulf partners' security concerns and support efforts to eliminate ballistic missile batteries, stop the flow of arms smuggling and combat Iranian involvement. But pursuing those objectives should not come at the expense of the Law of Armed Conflict, the delivery of humanitarian aid, or the vital diplomacy required to end the conflict. These are basic requirements that every U.S. partner who receives our military assistance should be able to meet.

Since the addition of Section 1266 to the legislation, the Coalition began a new operation to capture the port city of Hodeidah, prompting more than 121,000 people to flee and humanitarian groups to raise the alarm about the grave impact of continuing down this path. The Coalition has thankfully paused the operation to allow for U.N.-led negotiations to take place. The inclusion of Section 1266 will send an important signal of U.S. expectations of the Coalition at this critical stage.

Finally, we urge the Committee to consider strengthening Section 1266 with the following additions:

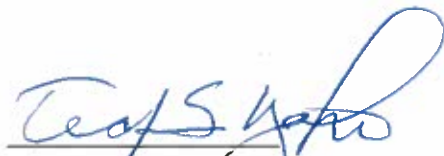
- **Cover all major parties:** The certification should be broadened to cover all Gulf partners involved in Yemen, including the United Arab Emirates and the internationally-recognized Government of Yemen.
- **Certify results, not intent:** Rather than a certification of our Gulf partners' intent to avoid civilian harm, the certification should be based on results. We recommend that Section (c)(4) be re-phrased to: "demonstrable actions that reduce harm to civilians and civilian infrastructure resulting from its military operations in Yemen..."
- **Require the sharing of airstrike information:** As a condition for providing mid-air refueling services and targeting assistance, we recommend a certification be added to ensure the Coalition is providing the U.S. with the targets, collateral damage estimates, and battle damage assessments of all airstrikes supported by U.S. refueling or intelligence. This simple requirement for the sharing of information the Coalition already produces will give the U.S. military greater insight into the performance of the Coalition.

Thank you for your attention to this critical matter.

Sincerely,



Ted W. Lieu
Member of Congress



Ted S. Yoho, DVM
Member of Congress