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# Congress and the War in Yemen: Oversight and Legislation 2015-2019

Updated February 1, 2019

**Congressional Research Service**
https://crsreports.congress.gov
R45046

**CRS REPORT**
Prepared for Members and
Committees of Congress

# Summary

This product provides an overview of the role Congress has played in shaping U.S. policy toward the conflict in Yemen. Summary tables provide information on legislative proposals considered in the 115th and 116th Congresses. Various legislative proposals have reflected a range of congressional perspectives and priorities, including with regard to

- the authorization of the activities of the U.S. Armed Forces related to the conflict;
- the extent of U.S. logistical, material, advisory, and intelligence support for the coalition led by Saudi Arabia;
- the approval, disapproval, or conditioning of U.S. arms sales to Saudi Arabia;
- the appropriation of funds for U.S. operations in support of the Saudi-led coalition;
- the conduct of the Saudi-led coalition's air campaign and its adherence to international humanitarian law and the laws of armed conflict;
- the demand for greater humanitarian access to Yemen;
- the call for a wider government assessment of U.S. policy toward Yemen and U.S. support to parties to the conflict;
- the nature and extent of U.S.-Saudi counterterrorism and border security cooperation; and
- the role of Iran in supplying missile technology and other weapons to the forces of the Houthi movement.

The 116th Congress may continue to debate U.S. support for the Saudi-led coalition and Saudi Arabia's conduct of the war in Yemen, where fighting has continued since March 2015. The war has exacerbated a humanitarian crisis in Yemen that began in 2011; presently, the World Food Program reports that 20 million Yemenis face hunger in the absence of sustained food assistance. The difficulty of accessing certain areas of Yemen has made it hard for governments and aid agencies to count the war's casualties. Data collected by the U.S. and European-funded Armed Conflict Location & Event Data Project (ACLED) suggest that 60,000 Yemenis have been killed since January 2016.

The Trump Administration has opposed various congressional proposals, including initiatives to reject or condition proposed U.S. arms sales or to require an end to U.S. military support to Saudi-led coalition operations in Yemen. Many in Congress have condemned the October 2018 murder of Saudi journalist Jamal Khashoggi by Saudi government personnel, and in general, the incident appears to have exacerbated existing congressional concerns about Saudi leaders and the pace, scope, and direction of change in the kingdom's policies.

This product includes legislative proposals considered during the 115th and 116th Congresses. It does not include references to Yemen in Iran sanctions legislation, which are covered in CRS Report RS20871, *Iran Sanctions*. For additional information on the war in Yemen and Saudi Arabia, please see the following CRS products.

CRS Report R43960, *Yemen: Civil War and Regional Intervention*.

CRS Report RL33533, *Saudi Arabia: Background and U.S. Relations*.

CRS Insight IN10729, *Yemen: Cholera Outbreak*.

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# Overview

In March 2015, Saudi Arabia established a coalition of nations (hereinafter referred to as the Saudi-led coalition or the coalition) to engage in military operations in Yemen against the Ansar Allah/Houthi movement and loyalists of the previous president of Yemen, the late Ali Abdullah Saleh.[1] During 2014, the United States joined Saudi Arabia in demanding that Houthi forces reverse their campaign to occupy the Yemeni capital of Sanaa, but the rapid onset of hostilities in March 2015 forced the Obama Administration to react quickly.[2] At the start of the Saudi-led intervention on March 25, 2015, the Administration announced that the United States would provide "logistical and intelligence support" to the coalition's operations without taking "direct military action in Yemen in support of this effort."[3] Soon thereafter, a joint U.S.-Saudi planning cell was established to coordinate military and intelligence support for the campaign. At the United Nations Security Council, the United States supported the passage of Resolution 2216 (April 2015), which, among other things, required member states to impose an arms embargo against the Houthi-Saleh forces and demanded that the Houthis withdraw from all areas seized during the current conflict.

Since the March 2015 Saudi-led coalition intervention in Yemen, Congress has taken an active role in debating and overseeing U.S. policy in the Arabian Peninsula.[4] Members have considered legislative proposals seeking to reduce Yemeni civilian casualties resulting from the coalition's operations; improve deteriorating humanitarian conditions; end restrictions on the flow of goods and humanitarian aid; combat Iranian support for the Houthis; preserve maritime security in the Bab al Mandab Strait; and/or support continued Saudi-led coalition and U.S. efforts to counter Al Qaeda and Islamic State forces in Yemen.

Beyond Yemen, many Members have appeared to view the conflict through the prism of a broader regional rivalry between Saudi Arabia and Iran, and the U.S. effort to limit Iran's malign regional influence. Others lawmakers have viewed the Yemen conflict as indicative of what they perceive as problems in the U.S.-Saudi relationship, a concern that deepened after the killing of Saudi journalist Jamal Khashoggi by Saudi government personnel in October 2018. Congress has considered but has not enacted proposals to curtail or condition U.S. defense sales to Saudi Arabia.

Responding to the Saudi-led intervention in Yemen also appears to be reinvigorating some Members' interest in strengthening the role of Congress in foreign policy vis-à-vis the executive branch. Debate in Congress over Yemen has featured bipartisan statements of interest in asserting

[1] In early December 2017, the Houthi-Saleh alliance unraveled, culminating in the killing of former President Saleh on December 4, 2017.

[2] According to one account, "The Obama administration agreed to support what the Saudis called Operation Decisive Storm with considerable reluctance, seeing it as an unwinnable proxy war against Iran." See, "How the War in Yemen became a Bloody Stalemate and the worst Humanitarian Crisis in the World," *New York Times Magazine*, October 31, 2018.

[3] Statement by NSC Spokesperson Bernadette Meehan on the Situation in Yemen, The White House, Office of the Press Secretary, March 25, 2015.

[4] Over the last decade, Congress has periodically addressed Yemen-related issues in annual authorization and appropriations legislation. Before the 2015 Saudi-led intervention in Yemen, Members were mostly focused on providing security assistance to Yemeni government forces to counter terrorist groups like Al Qaeda in the Arabian Peninsula (AQAP); addressing Yemeni detainees in Guantanamo Bay, Cuba; overseeing the issuance of visas for Yemeni nationals traveling to the United States; countering human trafficking in Yemen; and prohibiting U.S. assistance from being provided to Yemeni security forces which use child soldiers.

the prerogatives of the legislative branch to limit executive branch power, specifically using war powers legislation and the appropriations and authorization processes to curb U.S. military involvement in support of coalition operations. Congressional scrutiny of U.S. policy in Yemen also has led to legislative changes to global authorities, such as the Department of Defense's authority to enter into and use acquisition and cross servicing agreements with partner militaries.[5]

# Congress, the Obama Administration, and Yemen (2015-2016)

## 2015

Congressional interest in the Yemen conflict has evolved and grown gradually and was not widespread at the outset of the coalition's March 2015 intervention in Yemen.[6] In early to mid-2015, congressional interest in U.S. foreign policy in the Middle East centered on the Iran nuclear deal and Operation Inherent Resolve against the Islamic State in Iraq and Syria.[7]

Several months after the March 2015 intervention, the Saudi-led coalition had not achieved a conclusive victory and what modest gains had been made on the ground were offset by mounting international criticism of growing civilian casualties from coalition air strikes. In Congress, several lawmakers began to express concern about the deteriorating humanitarian situation in Yemen.

- In late September 2015, Representative Ted W. Lieu wrote a letter to the Joint Chiefs of Staff advocating for a halt to U.S. support for the Saudi-led coalition until it instituted safeguards to prevent civilian casualties.[8]
- In October 2015, 10 Members of Congress wrote a letter to President Obama urging him to "work with our Saudi partners to limit civilian casualties to the fullest extent possible."[9]
- In October 2015, Senator Markey stated that "I fear that our failure to strongly advocate diplomacy in Yemen over the past two years, coupled with our failure to urge restraint in the face of the crisis last spring, may put the viability of this critical [U.S.-Saudi] partnership at risk."[10]

[5] Section 1271 of the FY2019 National Defense Authorization Act (H.R. 5515/P.L. 115-232) modifies 10 USC 2342 to prohibit the use of such agreements to transfer support or services to third parties and to require annual reporting.

[6] Though Yemen was not the key focus of congressional interest in the Middle East at the time, congressional committees did hold oversight hearings. For example, see "Yemen under Attack by Iranian-backed Houthis," Subcommittee on the Middle East and North Africa, Committee on Foreign Affairs in the House of Representatives, April 14, 2015; "The U.S. Role and Strategy in the Middle East: Yemen and the Countries of the Gulf Cooperation Council," Senate Foreign Relations Committee, October 6, 2015; and "Humanitarian Crisis in Yemen," Tom Lantos Human Rights Commission, November 17, 2016.

[7] Congress did address Yemen during consideration of the FY2016 National Defense Authorization Act (P.L. 114-92). H.R. 1735, the House version of that bill, included Section 1273, a "Sense of Congress on Evacuation of United States Citizens and Nationals from Yemen." That provision was excluded from the final version of the Act, which did contain a provision that prohibited Defense Department funds from being provided to "an entity in Yemen that is controlled by members of the Houthi movement."

[8] "Saudis Face Mounting Pressure over Civilian Deaths in Yemen Conflict," *New York Times*, September 29, 2015.

[9] Letter from Representative Debbie Dingell et al to President Barack Obama, October 14, 2015. Available from CRS.

[10] "Senate Democrats hold up Arms Sales for Saudi war in Yemen," *Al Monitor*, October 7, 2015.

By the fall of 2015, as the Obama Administration tried to balance its concern for adhering to the laws of armed conflict with its support for Gulf partners,[11] lawmakers began to express their concern over U.S. involvement in the coalition's intervention by scrutinizing U.S. arms sales to Saudi Arabia.[12] When the Administration informally notified Congress of a proposed sale of precision guided munitions (PGMs) to Saudi Arabia, some Senators sought to delay its formal notification. After the formal notification in November 2015,[13] Senate Foreign Relations Committee (SFRC) leaders jointly requested that the Administration notify Congress 30 days prior to associated shipments, marking the first use of this prior notification request authority.[14] At that time, no related joint resolutions of disapproval on proposed sales of PGMs to the kingdom were introduced, but the delay and additional notification request demonstrated congressional concern.[15]

## 2016

By the one-year anniversary of the Saudi-led intervention in Yemen, a more defined opposition[16] to U.S. support for the coalition had begun to coalesce amid repeated international documentation of human rights abuses[17] and errant coalition airstrikes.[18] In April 2016, legislation was

[11] "As Saudis bombed Yemen, U.S. worried about Legal Blowback," *Reuters*, October 10, 2016.

[12] See, The White House, Office of the Press Secretary, Press Call by Ben Rhodes, Deputy National Security Advisor for Strategic Communications, and Jeff Prescott, Senior Director for the Middle East, NSC, on the Upcoming Visit of King Salman of Saudi Arabia, September 2, 2015.

[13] Defense Security Cooperation Agency Transmittal No. 15-57, November 16, 2015.

[14] The request marked the first time that Congress has invoked an authority it added to the Arms Export Control Act in December 2014 through an amendment included in the Naval Vessel Transfer Act of 2013 (P.L. 113-276). Section 201 of the Naval Vessel Transfer Act of 2013 (P.L. 113-276) added Section 36(i) to the AECA. Potentially applicable to any foreign military sale requiring notification pursuant to Section 36(b) of the AECA, the 36(i) mechanism requires both the chair and ranking member of either of the two committees of jurisdiction (SFRC/HFAC) to jointly request that the President provide such a "pre-shipment notification" 30 days prior to a shipment. The pre-shipment notification would inform Congress that a shipment was about to occur, but would not require or preclude Congress from taking further action to modify or block the shipment.

[15] Although Congress has more than one legislative option it can use to block or modify an arms sale, one option explicitly set out in law for blocking a proposed arms sale is the use of a joint resolution of disapproval as provided for in Section 36(b) of the Arms Export Control Act (AECA). See, CRS Report RL31675, *Arms Sales: Congressional Review Process*, by Paul K. Kerr.

[16] In January 2016, Senator Chris Murphy called on the Administration to "suspend supporting Saudi Arabia's military campaign in Yemen, at the very least, until we get assurances that this campaign does not distract from the fight against ISIS and Al Qaeda, and until we make some progress on the Saudi export of Wahhabism. And Congress should not sign off on any more military sales to Saudi Arabia until similar assures are granted." See, "Chris Murphy on the Roots of Radical Extremism," Council on Foreign Relations, January 29, 2016.

[17] In April 2016, the "Saudi Arabia-led coalition" was listed alongside other parties to the conflict in Yemen in the annex of the annual report of United Nations Secretary General on Children and Armed Conflict for attacks that resulted in the killing and maiming attacks of children in Yemen. In July 2016, then-U.N. Secretary General Ban Ki-moon alleged that Saudi Arabia had threatened to reduce its funding for U.N. programs if the coalition was not removed from the report annex, an allegation that Saudi leaders denied. In August 2016, the Secretary General said, "After very careful consideration, the Saudi Arabia-led coalition was removed from the annexes, pending the conclusions of a review. ...I have since received information on measures taken by the coalition to prevent and end grave violations against children. We will continue our engagement to ensure that concrete measures to protect children are implemented. But I want to repeat: the content of the report stands." See, U.N. Blacklists Saudi-led Coalition for Killing Children in Yemen, *Reuters*, October 5, 2017.

[18] For example, see, Under-Secretary-General for Humanitarian Affairs and Emergency Relief Coordinator, Stephen O'Brien Statement to the Security Council on Yemen, New York, February 16, 2016 and Press briefing note on Yemen and Honduras, Spokesperson for the U.N. High Commissioner for Human Rights: Rupert Colville, Geneva, Switzerland, March 4, 2016.

introduced that sought to place conditions on future proposed sale notifications, previously approved sales, or transfers of PGMs to Saudi Arabia.[19] Proposed amendments to FY2017 defense legislation[20] would have added some similar conditions on the use of funds to implement sales of PGMs or prohibited the transfer of cluster munitions to Saudi Arabia.[21] The PGM amendment was not considered, but the cluster munitions amendment was narrowly defeated in a June 2016 House floor vote.[22]

In the spring and summer of 2016, the United Nations held multiple rounds of peace talks in Kuwait aimed at brokering an end to the conflict. From April 2016 to August 2016, the Saudi-led coalition had largely spared Yemen's capital Sanaa from aerial strikes as part of its commitment to the cessation of hostilities. When U.N.-mediated peace talks collapsed in August 2016, the Saudi-led coalition resumed bombing and the war intensified.

During the summer of 2016, the Obama Administration reduced some U.S. support for Saudi Arabia's air campaign in Yemen by withdrawing U.S. personnel assigned to a joint U.S.-Saudi planning cell.[23] Nevertheless, overall U.S.-Saudi cooperation continued and, in August 2016, the Obama Administration notified Congress of a proposed sale of M1A2S tanks to Saudi Arabia. In response, some lawmakers wrote to request that President Obama withdraw the proposal, citing concerns about Yemen.[24] In September 2016, joint resolutions of disapproval of the proposed tank sale were introduced in the Senate (S.J.Res. 39) and House (H.J.Res. 98). On September 21, 2016, the Senate voted to table a motion to discharge the SFRC from further consideration of S.J.Res. 39 (71-27, Record Vote 145).[25] During debate over the motion, many Senators argued in favor of continued U.S. support for Saudi Arabia, with Senator Lindsey Graham remarking "To those who want to vote today to suspend this aid to Saudi Arabia, people in Iran will cheer you on."[26]

In the wake of an October 2016 Saudi airstrike on a funeral hall in Sanaa that killed 140 people, the Obama Administration initiated a review of U.S. security assistance to Saudi Arabia.[27] Based on that review, it put a hold on a planned sale of precision guided munitions (PGMs) to Saudi Arabia and limited intelligence sharing, but maintained counterterrorism cooperation and refueling for coalition aircraft.[28]

In the final months of the Obama Administration, U.S. Armed Forces briefly exchanged fire with forces party to the conflict. In October 2016, Houthi-Saleh forces launched anti-ship missiles at U.S. Navy vessels on patrol off the coast of Yemen. The attacks against the U.S. ships marked the first time U.S. Armed Forces had come under direct fire in the war. The Obama Administration

[19] In the 114th Congress, see, S.J.Res. 32—A joint resolution to provide limitations on the transfer of certain United States munitions from the United States to Saudi Arabia and H.J.Res. 90, To provide limitations on the transfer of certain United States munitions from the United States to Saudi Arabia.

[20] In the 114th Congress, see, S. 2943—National Defense Authorization Act for Fiscal Year 2017 which became P.L. 114-328.

[21] In the 114th Congress, see H.R. 5293—Department of Defense Appropriations Act, 2017.

[22] See, H.R. 5293, Recorded Vote, June 16, 2016, available at http://clerk.house.gov/evs/2016/roll327.xml.

[23] "U.S. withdraws staff from Saudi Arabia dedicated to Yemen Planning," *Reuters*, August 19, 2016.

[24] See Hon. Lieu et al., Letter to President Barack Obama, August 29, 2016.

[25] Congressional Record, September 21, 2016, pp. S5921-S5935.

[26] op.cit., Congressional Record.

[27] The White House, Office of the Press Secretary, Statement by NSC Spokesperson Ned Price on Yemen, October 8, 2016.

[28] "U.S. Blocks Arms Sale to Saudi Arabia amid Concerns over Yemen War," *New York Times*, December 13, 2016.

responded to the attacks against U.S. naval vessels by directing the Armed Forces to fire cruise missiles against Houthi-Saleh radar installations. The Obama Administration described the U.S. strikes as self-defense and indicated that it did not want to deepen its direct involvement in the conflict.[29] In August and November 2016, then-Secretary of State John Kerry made several attempts to broker a peace initiative in Oman, but his efforts were rejected by the parties themselves.

**Leahy Law and Saudi-led Coalition Strikes in Yemen**

Section 620M of the Foreign Assistance Act of 1961 (FAA), as amended, prohibits the furnishing of assistance authorized by the FAA and the Arms Export Control Act to any foreign security force unit where there is credible information that the unit has committed a gross violation of human rights. The State Department and U.S. embassies overseas implement Leahy vetting to determine which foreign security individuals and units are eligible to receive U.S. assistance or training. In October 2016, Senator Patrick Leahy remarked that "The humanitarian crisis in Yemen has received too little attention, and it directly, or indirectly, implicates us.... The reports of civilian casualties from Saudi air attacks in densely populated areas compel us to ask if these operations, supported by the United States, violate [that law]."[30]

## Analysis

By the end of 114th Congress, the war in Yemen was becoming a more significant foreign policy issue for lawmakers. While a growing number of Members were becoming critical of the U.S. role in supporting the Saudi-led coalition amid a deteriorating humanitarian situation in Yemen, more lawmakers still viewed the conflict through a regional lens rather than as a localized affair.[31] Amid significant congressional opposition to the 2015 nuclear agreement with Iran (Joint Comprehensive Plan of Action or JCPOA), some Members viewed Iran's support for the Houthi movement and the broader conflict in Yemen as an example of Iran's malign regional activities not directly addressed by the JCPOA. As the Houthis targeted Gulf state infrastructure on land and vessels at sea, their behavior was touted as evidence of Iran's growing capabilities to threaten U.S. and Gulf security.[32]

Just as some Members considered the Yemen conflict primarily a proxy war between the Iran-backed Houthis and the Saudi-led coalition, others viewed it as a test of long-standing U.S. commitments to supporting Saudi Arabian security.[33] Supporters of the relationship, while acknowledging that Saudi Arabia's conduct of the war was at times problematic, argued that to curtail U.S. arms sales or other defense support to the kingdom would weaken a vital partner that was under threat from a hostile nonstate actor on its southern border.

Others lawmakers charged that continued U.S. support for the coalition was not improving coalition behavior but damaging the U.S. reputation for upholding commitments to international law and human rights. Legislation seeking to limit U.S. arms sales to Saudi Arabia was not enacted in the 114th Congress, but marked the beginning of the broader congressional debate that has continued.[34]

[29] Letter from the President—War Powers Resolution, The White House, Office of the Press Secretary, October 14, 2016.

[30] "U.S. Support for Saudi Strikes in Yemen Raises War Crime Concerns," *Foreign Policy.com*, October 15, 2016.

[31] "Senate tacitly endorses US role in Yemen War," *Al Monitor*, September 21, 2016.

[32] Congressional Record, November 15, 2016, Pages H6202-H6208.

[33] Congressional Record, September 21, 2016, Pages S5921-S5935.

[34] As one analyst described this trend in 2016, "We haven't seen this much anti-Saudi activity on the Hill in a quarter of

As the Trump Administration prepared to assume office, human rights organizations and aid groups were pressing Congress to become more attuned to the growing humanitarian crisis in Yemen. Though the Obama Administration had taken some steps, particularly in late 2016, to limit U.S.-coalition cooperation and restrict deliveries of PGMs to Saudi Arabia, nongovernmental groups deemed such action as insufficient. According to Human Rights Watch, "Whatever conditionality the Obama administration thought it had created—in holding up the transfer of precision munitions near the tail end of Obama's term and suspending cluster munition transfers earlier—ultimately did not have meaningful impact in reining in the continued Saudi-led coalition attacks on civilians."[35]

# Congress, the Trump Administration, and Yemen (2017-2018)

## 2017

From the beginning of his Administration, President Donald Trump has signaled strong support for the Saudi-led coalition's operations in Yemen as a bulwark against Iranian regional interference. He initiated a review of U.S. policy toward Yemen, including President Obama's October 2016 restrictions on U.S. arms sales and intelligence sharing to the coalition.[36] On March 19, 2017, just prior to his visit to Saudi Arabia, President Trump notified Congress that he was proceeding with three proposed direct commercial sales of precision guided munitions technology deferred by the Obama Administration, subject to congressional review.[37]

In May 2017, the Administration officially notified Congress of its intention to proceed with proposed sales of precision guided munitions technologies that the Obama Administration had deferred, while announcing plans to increase training for Saudi Arabia's air force on both targeting and the Law of Armed Conflict.[38] Congress debated another resolution of disapproval (S.J.Res. 42) of these proposed PGM sales in June 2017 (see below). After completing the policy review in July 2017, President Trump directed his Administration "to focus on ending the war and avoiding a regional conflict, mitigating the humanitarian crisis, and defending Saudi Arabia's territorial integrity and commerce in the Red Sea."[39]

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a century…. Criticism of Saudi Arabia has come out of the closet, and I don't think it's going to go back in." "Saudi Arabia is Facing Unprecedented Scrutiny from Congress," *Washington Post*, September 21, 2016.

[35] "Obama Officials' Incomplete Reckoning with Failure on Yemen," *Just Security*, November 19, 2018.

[36] "Trump Administration looks to resume Saudi Arms Sale criticized as Endangering Civilians in Yemen," *Washington Post*, March 8, 2017; and, "Trump Administration weighs Deeper Involvement in Yemen War," *Washington Post*, March 26, 2017.

[37] DDTC Transmittals No. DDTC 15-132 (JDAM), No. DDTC 16-011 (FMU-152A/B bomb fuzes), No. DDTC 16-043 (Paveway II & III, Enhanced Paveway II & III, Paveway IV), May 19, 2017.

[38] A November 2017 report suggests that Saudi Arabia has agreed to purchase $7 billion in precision munitions from U.S. companies in agreements that would span a decade. See, "Saudi Arabia Agrees to buy $7 billion in Precision Munitions from U.S. firms: Sources," *Reuters*, November 22, 2017. To date, no new precision-guided munitions foreign military sales have been formally notified to Congress since the May 2017 notification of three direct commercial sales of precision guided munitions technology that had been deferred by the Obama Administration.

[39] Letter from Department of Defense Acting General Counsel William Castle to Senators Mitch McConnell and Chuck Schumer, February 27, 2018.

### U.S. Counterterrorism Policy in Yemen 2015-2018

Across both the Obama and Trump Administrations, the United States has sustained counterterrorism operations against Al Qaeda in the Arabian Peninsula (AQAP) and various affiliates of the Islamic State in Yemen. Throughout the conflict in Yemen, the United States has been able to successfully target high-value targets within terrorist organizations. In 2015, a U.S. strike killed then-AQAP leader Nasser al Wuhayshi.

At the onset of the Trump presidency, the United States markedly increased the tempo of strikes.[40] According to one report, in early 2017, the President declared parts of three Yemeni provinces to be an "area of active hostilities" where looser battlefield rules apply.[41] In January 2017, Ryan Owens, a Navy SEAL, died during a counterterrorism raid in which between 4 and 12 Yemeni civilians also were killed, including several children, one of whom was a U.S. citizen. The raid was the Trump Administration's first acknowledged counterterror operation.

In 2018, U.S. officials claimed that one of the most high-value targets in the AQAP organization, bombmaker Ibrahim al Asiri, had been killed in a U.S. air strike. Asiri was a Saudi national who was believed to have created the explosive devices used in the 2009 Christmas Day attempted bombing of Northwest Airlines Flight 253, in a 2009 attack against former Saudi Arabian intelligence chief Mohammed bin Nayef, and in the October 2010 air cargo packages destined for Jewish sites in Chicago. On January 4, 2019, the Department of Defense announced that a U.S. precision strike had killed Jamal al Badawi, one of the primary Yemeni terrorists involved in the 2000 USS *Cole* bombing.

As President Trump entered office, the dynamics of the conflict in Yemen were changing, and the coalition launched a new offensive along Yemen's 280-mile western coastal plain ultimately aimed at taking the strategic Houthi-held port city of Hudaydah. In early 2017, the coalition's gradual advance toward Hudaydah, coupled with an ongoing deterioration in humanitarian conditions, sparked some Members of Congress to implore the Administration to improve aid access and negotiate a cease-fire. In March 2017, several House Members wrote a letter to then-Secretary of State Rex Tillerson urging him to "use all U.S. diplomatic tools to help open the Yemeni port of Hodeida [Hudaydah] to international humanitarian aid organizations."[42] A month later, another group of House Members wrote to President Trump stating that Congress should approve any new U.S. support to the coalition amid its offensive against Hudaydah.[43]

On June 13, 2017, the Senate debated another resolution (S.J.Res. 42) to disapprove of three direct commercial sales of PGMs to Saudi Arabia. During Senate floor consideration over the motion to discharge the Senate Foreign Relations Committee from further consideration of S.J.Res. 42, Members once again weighed various issues, such as the U.S.-Saudi bilateral relationship, countering Iran, and limiting U.S. involvement in the war in Yemen. Some lawmakers suggested that U.S. arms sales and military support to the coalition had enabled alleged violations of international humanitarian law, while others argued that U.S. support to the coalition improved its effectiveness and helps minimize civilian casualties.

For example, during floor debate, Senator Graham argued that "If we are worried about collateral damage in Yemen, I understand the concern. Precision weapons would help that cause, not hurt it."[44] Senator Murphy retorted, saying "What we are asking for is to hold off on selling these

[40] "2017: A Record Year for US Counterterrorism Strikes," *Long War Journal*, Foundation for the Defense of Democracies, January 3, 2018. See also, U.S. Department of Defense, CENTCOM Officials Provide Update on Recent Counterterrorism Strikes in Yemen, Dec. 20, 2017.

[41] "Trump Administration Is Said to Be Working to Loosen Counterterrorism Rules," *New York Times*, March 12, 2017.

[42] "Reps Lieu & Conyers lead 52 Member Letter urging Tillerson to use Diplomacy to reopen Yemen Port," March 13, 2017.

[43] U.S. Representative Mark Pocan, "Bipartisan Effort: 55 U.S. Representatives Call on Trump to Come to Congress Before Taking Military Action in Yemen," April 11, 2017.

[44] Congressional Record, June 13, 2017, Issue: Vol. 163, No. 100—Daily Edition.

precision-guided munitions until we get some clear promise—some clear assurance—from the Saudis that they are going to use these munitions only for military purposes and that they are going to start taking steps—real steps, tangible steps—to address the humanitarian crisis."[45] On June 13, 2017, the Senate voted to reject the motion to discharge the Senate Foreign Relations Committee from further consideration (47-53, Record Vote 143), and a companion resolution was not taken up in the House (H.J.Res. 102).

Representative Ro Khanna introduced a concurrent resolution (H.Con.Res. 81) pursuant to the War Powers Resolution (P.L. 93-148) in a bid to end U.S. support for the coalition's military intervention. After consultation between House leaders and supporters of the resolution on a compromise approach, the House agreed to delay expedited consideration of the resolution until after the November 2016 election and then adopted a nonbinding alternative (H.Res. 599, 366-30, 1 Present, Roll no. 623).[46]

In his first year in office, while President Trump sought to improve relations with Saudi Arabia, counter Iran, and increase U.S. counterterrorism activity in Yemen, his Administration also at times took strong positions on the need for members of the coalition to improve humanitarian access, pursue a settlement to the conflict, and take measures to prevent civilian casualties.

After a Houthi-fired missile with alleged Iranian origins landed deep inside Saudi Arabia in November 2017, the coalition instituted a full blockade of all of Yemen's ports, including the main port of Hudaydah, exacerbating the country's humanitarian crisis.[47] The White House issued four press statements on the conflict between November 8 and December 8, including a statement on December 6 in which President Trump called on Saudi Arabia to "completely allow food, fuel, water, and medicine to reach the Yemeni people who desperately need it. This must be done for humanitarian reasons immediately."[48]

On December 20, 2017, the Saudi-led coalition announced that it would end its blockade of Hudaydah port for a 30-day period and permit the delivery of four U.S.-funded cranes to Yemen to increase the port's capability to off-load commercial and humanitarian goods.[49] The next day,

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[45] op.cit., Congressional Record.

[46] Congressional Record, November 13, 2017, Vol. 163, No. 185, Pages H9148-H9155.

[47] On November 4, 2017, a Houthi ballistic missile (with alleged Iranian markings) landed on Saudi soil near King Khalid international airport in Riyadh. Two days later, the Saudi-led coalition closed all Yemeni ports, including Hudaydah, which is the primary point of entry for most imported food and humanitarian supplies entering Yemen. Yemen imports over 90% of its food supply. After the coalition's imposition of the port's total closure, food and fuel prices skyrocketed, leading international aid agencies to warn of impending famine. The total closure of all Yemeni ports lasted until November 24, 2017, when the Saudi-led coalition announced that it would begin allowing humanitarian aid to resume entering Hudaydah port—but not commercial shipments of food and fuel. The Saudi-led coalition argued that the Houthis earn hard currency by taxing fuel imports. Yemen imports 80% of its food from commercial suppliers rather than from humanitarian sources.

[48] The White House, Office of the Press Secretary, Statement by President Donald J. Trump on Yemen, December 06, 2017. Other statements include the following: The White House, Office of the Press Secretary, White House Statement on Iranian-Supported Missile Attacks Against Saudi Arabia, November 8, 2017; The White House, Office of the Press Secretary, Statement from the Press Secretary on the Humanitarian Crisis in Yemen, November 24, 2017; The White House, Office of the Press Secretary, Statement by the Press Secretary Regarding the Violence and Humanitarian Conditions in Yemen, December 08, 2017.

[49] In late 2017, Senators Todd Young and Christopher Murphy placed a hold on the confirmation of the State Department's nominee for legal advisor, Jennifer Newstead, until the Administration took certain steps to address the coalition's blockade of Yemen. Dan De Luce and Robbie Gramer, "GOP Senator Presses Trump Administration Over Deadly Saudi Blockade in Yemen," *Foreign Policy*, December 4, 2017; and, Dan De Luce, "Trump Nominee Concedes Saudi Siege of Yemen Could Be Violating U.S. Law," *Foreign Policy*, December 19, 2017. On December 14, Senator Young sent a letter to President Trump thanking the President for his December 6 statement, while asserting that the

the White House issued a statement welcoming "Saudi Arabia's announcement of these humanitarian actions in the face of this major conflict."

## 2018

As the Saudi-led coalition intervention entered its fourth year, some in the Senate also proposed use of the War Powers Resolution as a tool for ending U.S. support for the coalition's military intervention. On February 28, 2018, Senator Bernie Sanders introduced S.J.Res. 54, a joint resolution to "direct the removal of United States Armed Forces from hostilities in the Republic of Yemen that have not been authorized by Congress (except for those U.S. forces engaged in counterterrorism operations directed at al Qaeda or associated forces)."[50] Efforts in the Senate followed a late 2017 attempt in the House (see **Table 1** below), in which a concurrent resolution directing the President to remove U.S. forces from Yemen was tabled in favor of a House-passed nonbinding resolution.

Throughout 2018, between Congress and the Trump Administration and within Congress itself, there was disagreement as to whether U.S. forces assisting the Saudi-led coalition have been introduced into active or imminent hostilities for purposes of the War Powers Resolution. Some Members claimed that by providing support to the Saudi-led coalition, U.S. forces have been introduced into a "situation where imminent involvement in hostilities is clearly indicated" based on the criteria of the War Powers Resolution. The Trump Administration disagreed. In February 2018, the Acting Department of Defense General Counsel wrote to Senate leaders describing the extent of current U.S. support, and reported that "the United States provides the KSA-led coalition defense articles and services, including air-to-air refueling;[51] certain intelligence support; and military advice, including advice regarding compliance with the law of armed conflict and best practices for reducing the risk of civilian casualties."[52]

On March 20, 2018, the Senate considered S.J.Res. 54 on the floor. During debate, arguments centered on a number of issues, ranging from concern over exacerbating Yemen's humanitarian crisis to reasserting the role of Congress in authorizing the use of armed force abroad. After then-Foreign Relations Committee Chairman Senator Bob Corker promised to propose new legislation

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coalition's blockade triggers, per the Foreign Assistance Act of 1961 as amended (22 U.S. Code §2378-1(a)), a prohibition on U.S. foreign assistance to Saudi Arabia. Newstead was confirmed by the Senate on December 19 after promising the Senate Foreign Relations Committee to consider evidence of any possible foreign government restriction of the delivery of U.S. humanitarian assistance to Yemen in determining whether to apply statutory prohibitions found in 22 U.S. Code §2378-1(a). See, Senator Todd Young, Young: Law Triggered by Saudi Arabia's Actions in Yemen, December 14, 2017, and Newstead response online at https://www.documentcloud.org/documents/4333104-20171114-Young-Newstead-QFRs-Round-3-1.html.

[50] This followed the late 2017 action in the House (see discussion of (H.Con.Res. 81 and H.Res. 599, above), in which a concurrent resolution directing the President to remove U.S. forces from Yemen was tabled in favor of a House-passed nonbinding resolution.

[51] In-flight refueling to the militaries of Saudi Arabia and the United Arab Emirates (UAE) is conducted pursuant to the terms of bilateral Acquisition and Cross Servicing Agreements (ACSAs) between the Department of Defense and the respective ministries of each country. ACSA agreements are governed by 10 USC 2341-2350. The agreements provide for reciprocal logistical support under a variety of circumstances, and their underlying statutory authority does not prohibit U.S. support to partner forces engaged in armed conflict. U.S. ACSA agreements with Saudi Arabia and the UAE provide for the transfer of support to third parties with the prior written consent of both the original provider and original recipient. The U.S. agreement with Saudi Arabia was signed in May 2016. The executive branch has not publicly specified what legal authority or agreement provided for refueling support to Saudi aircraft from March 2015 through May 2016.

[52] Letter from Department of Defense Acting General Counsel William Castle to Senators Mitch McConnell and Chuck Schumer, February 27, 2018.

and hold hearings scrutinizing U.S. policy in Yemen, a majority of Senators voted to table a motion to discharge the Foreign Relations committee from further consideration of S.J.Res. 54. Senator Robert Menendez made remarks expressing conditional support for Senator Corker's approach, a view shared by some other Senators who voted to table the motion.[53]

The Foreign Relations Committee held a hearing on Yemen a month later. In parallel testimony before Congress, U.S. defense officials stated that while the United States refueled Saudi aircraft and provided advice on targeting techniques, CENTCOM did not track coalition aircraft after they were refueled and did not provide advice on specific targets.[54] Then-Assistant Secretary of Defense for International Security Affairs Robert S. Karem testified that "It's correct that we do not monitor and track all of the Saudi aircraft aloft over Yemen."[55] During the same hearing, U.S. officials acknowledged that pressure from Congress has altered how the Administration deals with the coalition over the Yemen conflict. Acting Assistant Secretary of State for Near Eastern Affairs David Satterfield told Senator Todd Young and the SFRC the following:

> Senator, your efforts, the efforts of your colleagues in this body and on this Committee have been exceedingly helpful in allowing the Administration to send a message from whole of government regarding the very specific concerns we have over any limitations, restrictions, constraints on the ability of both humanitarian and commercial goods specifically to include fuel to have unrestricted and expeditious entry into Yemen. And that messaging which comes from us, the Executive Branch, also comes from this body is extremely important.[56]

After the promised hearing, the Senate Foreign Relations Committee also proposed new legislation to place conditions on U.S. assistance to the coalition. In May, the committee reported S.J.Res. 58 to the Senate; it would have prohibited the obligation or expenditure of U.S. funds for in-flight refueling operations of Saudi and Saudi-led coalition aircraft that were not conducting select types of operations if certain certifications cannot be made and maintained.[57]

The Senate Armed Services Committee incorporated the provisions of the SFRC-reported text of S.J.Res. 58 as Section 1266 of the version of the FY2019 National Defense Authorization Act (NDAA) that it reported to the Senate on June 5, 2018 (S. 2987). The provision was modified further and passed by both the House and Senate as Section 1290 of the conference version of the FY2019 NDAA (H.R. 5515).[58] It was signed into law as P.L. 115-232 in mid-August, giving the

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[53] Senator Menendez said, "Based upon Chairman Corker's commitments to those hearings and future markups and based upon the totality of the situation, I will vote to table the motion to discharge from the committee because I am not ready to either abandon our partners that face an existential threat from Iran run amok in Yemen, but my support is not unconditional, and I will demand responsive actions." Congressional Record, March 20, 2018, 115th Congress, 2nd Session, Issue: Vol. 164, No. 48 — Daily Edition.

[54] Commander, U.S. Central Command Gen. Joseph Votel, Testimony before the Senate Armed Services Committee, March 18, 2018.

[55] Assistant Secretary of Defense Robert Karem, Testimony before the Senate Foreign Relations Committee, April 17, 2018.

[56] Acting Assistant Secretary of State for Near Eastern Affairs David Satterfield, Testimony before the Senate Foreign Relations Committee, April 17, 2018.

[57] The joint resolution identified several certification criteria, although, reported as amended by the committee, it would have enabled the Secretary of State to waive the certification requirement for national security purposes if the Secretary provides an unclassified explanatory justification to the appropriate committees. The joint resolution also would have required a report on, among other things, U.S. objectives in Yemen and a detailed strategy to accomplish those objectives.

[58] The potential restrictions on the use of U.S. funds for in-flight refueling of coalition aircraft would not apply to certain types of operations, including missions related to Al Qaeda and the Islamic State or "related to countering the transport, assembly, or employment of ballistic missiles or components in Yemen." Under the modified version, the

Administration until mid-September 2018 to make certain certifications. In a statement accompanying the President's signing of P.L. 115-232 into law, President Trump objected to provisions such as Section 1290, stating the Administration's view that such provisions "encompass only actions for which such advance certification or notification is feasible and consistent" with "[his] exclusive constitutional authorities as Commander in Chief and as the sole representative of the Nation in foreign affairs."[59]

As Congress continued to question the role of the United States in supporting coalition operations in Yemen, the pace and scale of fighting on the ground increased dramatically by the summer of 2018. On June 12, 2018, the Saudi-led coalition launched "Operation Golden Victory," aimed at retaking the Red Sea port city of Hudaydah. As coalition forces engaged Houthi militants in and around Hudaydah, humanitarian organizations warned that if port operation ceased, famine could become widespread throughout northern Yemen. On June 12, nine Senators wrote a letter to Secretary of State Pompeo and then-Secretary of Defense Mattis saying, "We are concerned that pending military operations by the UAE and its Yemeni partners will exacerbate the humanitarian crisis by interrupting delivery of humanitarian aid and damaging critical infrastructure. We are also deeply concerned that these operations jeopardize prospects for a near-term political resolution to the conflict."[60]

Several weeks later, Senator Robert Menendez, the ranking member on the Senate Foreign Relations Committee, placed a hold on a potential U.S. sale of precision guided munitions to Saudi Arabia and the United Arab Emirates. In a June 28 letter to Secretary of State Pompeo and Secretary of Defense Mattis, Senator Menendez said,

> I am not confident that these weapons sales will be utilized strategically as effective leverage to push back on Iran's actions in Yemen, assist our partners in their own self-defense, or drive the parties toward a political settlement that saves lives and mitigates humanitarian suffering…. Even worse, I am concerned that our policies are enabling perpetuation of a conflict that has resulted in the world's worst humanitarian crisis.[61]

On August 9, the coalition conducted an airstrike that hit a bus in a market near Dahyan, Yemen, in the northern Sa'ada governorate adjacent to the Saudi border. The strike reportedly killed 51 people, 40 of whom were children. The coalition claims that its airstrike was a "legitimate military operation" and conducted in response to a Houthi missile attack on the Saudi city of Jizan a day earlier that killed a Yemeni national in the kingdom. The U.S. State Department called

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Administration would need to certify that the Saudi and Emirati governments are undertaking an urgent and good faith effort to support diplomatic efforts to end the civil war in Yemen; appropriate measures to alleviate the humanitarian crisis in Yemen by increasing access for Yemenis to food, fuel, medicine, and medical evacuation, including through the appropriate use of Yemen's Red Sea ports, including the port of Hudaydah, the airport in Sana'a, and external border crossings with Saudi Arabia; and demonstrable actions to reduce the risk of harm to civilians and civilian infrastructure resulting from military operations of the Government of Saudi Arabia and the Government of the United Arab Emirates in Yemen, including by (1) complying with applicable agreements and laws regulating defense articles purchased or transferred from the United States, and (2) taking appropriate steps to avoid disproportionate harm to civilians and civilian infrastructure. With specific regard to Saudi Arabia, the Administration also must certify that "the Government of Saudi Arabia is undertaking appropriate actions to reduce any unnecessary delays to shipments associated with secondary inspection and clearance processes other than UNVIM." The Administration may waive the certification requirement if certain explanatory submissions are made. Reporting and strategy submission requirements also were included in the final version.

[59] White House, Statement by President Donald J. Trump on H.R. 5515, August 13, 2018.

[60] Senate Foreign Relations Committee, Ranking Member's Press, Menendez, Corker, Murphy, Young, Colleagues raise Concerns about Imminent Military Operations at Hudaydah, Yemen," June 12, 2018.

[61] Senate Foreign Relations Committee, Ranking Member's Press, Menendez Demands more Answers from Trump Admin before letting Arms Sales to United Arab Emirates and Saudi Arabia move forward," June 28, 2018.

on the Saudi-led coalition to conduct a "thorough and transparent investigation into the incident."[62]

Several Members of Congress wrote to the Administration seeking additional information regarding U.S. operations in the wake of the August 2018 coalition strike at Dahyan.[63] Several Senators also submitted an amendment to the FY2019 Defense Department appropriations act (H.R. 6157) that would have prohibited the use of funds made available by the act to support the Saudi-led coalition operations in Yemen until the Secretary of Defense certifies in writing to Congress that the coalition air campaign "does not violate the principles of distinction and proportionality within the rules for the protection of civilians." The provision did not apply to support for ongoing counterterrorism operations against Al Qaeda and the Islamic State in Yemen.

On September 12, Secretary of State Mike Pompeo issued a certification that would allow the use of FY2019 defense funds to support in-flight refueling of coalition aircraft to continue, per the terms of Section 1290 (see discussion above) of the FY2019 National Defense Authorization Act (NDAA, P.L. 115-232). Some Members of Congress criticized the Administration's actions, asserting that the coalition has not met the act's specified benchmarks for avoiding civilian casualties in Yemen.[64]

On September 26, several House Members introduced H.Con.Res. 138, which sought to direct the President to remove U.S. Armed Forces from hostilities in Yemen, except for Armed Forces engaged in operations authorized under the 2001 Authorization for Use of Military Force, within 30 days unless and until a declaration of war or specific authorization for such use has been enacted into law. In response to a similar initiative in the Senate, the Administration submitted a detailed argument expressing its view that U.S. forces supporting Saudi-led coalition operations are not engaged in hostilities in Yemen.

By late 2018, the prospect of widespread famine in Yemen coupled with international reprobation over the killing of Jamal Khashoggi pressured the Administration and the coalition to accelerate moves toward peace talks. On October 30, then-Secretary of Defense James Mattis and Secretary of State Mike Pompeo called for all parties to reach a cease-fire and resume negotiations. On November 9, Secretary Mattis further announced that effective immediately, the coalition would use its own military capabilities—rather than U.S. capabilities—to conduct in-flight refueling in support of its operations in Yemen.

Though fighting continued along several fronts, on December 13, 2018, Special Envoy of the United Nations Secretary-General for Yemen Martin Griffiths brokered a cease-fire centered on the besieged Red Sea port city of Hudaydah (Yemen's largest port).[65] As part of the U.N.-brokered deal (known as the Stockholm Agreement), the coalition and the Houthis agreed to redeploy their forces outside Hudaydah city and port.[66] The United Nations agreed to chair a

[62] State Department Spokesperson Heather Nauert, Press Briefing, August 9, 2018.

[63] "Congress, White House Reaching Breaking Point on Yemen?" *Lobe Log*, August 16, 2018.

[64] Senator Jeanne Shaheen, Statement Following Trump Administration's Certification in Support of Saudi-led Coalition, September 12, 2018.

[65] The full text of the cease-fire agreements are available at https://osesgy.unmissions.org/full-text-stockholm-agreement.

[66] On December 6, 2018, the warring parties to the conflict in Yemen convened in Sweden under the auspices of the United Nations to discuss various de-escalation proposals and a possible road map to a comprehensive peace settlement. The talks were the first formal negotiations since 2016. After a week of negotiations, all sides agreed to the Stockholm Agreement, which consists of three components; a cease-fire around the port city of Hudaydah, a prisoner swap, and a statement of understanding that all sides would form a committee to discuss the war-torn city Taiz.

Redeployment Coordination Committee (RCC) to monitor the cease-fire and redeployment. The international community praised the Stockholm Agreement as a first step toward broader de-escalation and a possible road map to a comprehensive peace settlement.

Also on December 13, 2018, the Senate amended and passed S.J.Res. 54 (56-41), which, among other things, directed the President to remove U.S. forces from hostilities in Yemen, except U.S. forces engaged in operations directed at Al Qaeda or associated forces. In the House, lawmakers twice narrowly approved rules resolutions containing provisions that made similar resolutions directing the President to remove U.S. forces from hostilities in Yemen ineligible for expedited consideration (H.Res. 1142 and H.Res. 1176).[67] On December 13, the Senate also passed S.J.Res. 69, which, among other things, expresses the sense of the Senate that Saudi Crown Prince Mohammed bin Salman is responsible for the murder of the journalist Jamal Khashoggi and that there is no statutory authorization for United States involvement in hostilities in the Yemen civil war.

## Analysis

The 115th Congress frequently debated the extent and terms of the United States' involvement in the ongoing conflict in Yemen. Lawmakers questioned the extent to which successive Administrations have adhered to existing law related to providing security assistance, including sales or transfers of defense goods and defense services, while upholding international human rights standards (e.g., 22 U.S.C. §2754 or 22 U.S.C. §2304). They also enacted new legislation that would condition or prohibit the use of U.S. funds for some activities related to Yemen and extend legislative oversight over the executive branch's policy toward the war in Yemen.

While the House and its Rules Committee voted to make resolutions with respect to war powers and Yemen ineligible for expedited consideration,[68] the Senate passage of S.J.Res. 54 at the conclusion of the 115th Congress demonstrated growth in congressional opposition to U.S. involvement in the Saudi-led coalition intervention in Yemen relative to previous years. Over time, the balance of votes shifted in favor of measures that could be described as critical or restrictive of U.S. support for Saudi-led coalition operations with regard to arms sales, oversight measures, and war powers measures.

Nevertheless, after nearly four years of conflict, it remains difficult to identify the locus of congressional consensus about Yemen. Many in the House and Senate state that they seek to preserve cooperative U.S.-Saudi relations in broad terms and express concern about Iranian activities in Yemen, while also expressing support for expanded humanitarian access and efforts to bring the conflict to a close. Some lawmakers express opposition to the intervention and U.S. involvement on moral grounds, citing errant coalition airstrikes and the prospect of a looming famine. Others argue the conflict's continuation creates opportunities for Iran and Sunni Islamist extremist groups to expand their influence and operations in Yemen. Still others may have come to oppose continued U.S. support for the intervention based on factors not directly related to Yemen itself, including the opaque mechanisms used by the executive branch to support the coalition and/or anger with the Saudi government over the killing of Jamal Khashoggi.

It remains to be seen whether recent congressional consideration of Yemen legislation is a harbinger of broader efforts by Members of Congress to reassert congressional prerogatives

[67] See Section 2 of H.Res. 1176, Providing for consideration of the conference report to accompany the bill (H.R. 2) to provide for the reform and continuation of agricultural and other programs of the Department of Agriculture through fiscal year 2023, and for other purposes.

[68] "House Republicans move to block Yemen War-Powers votes for rest of Congress," *The Hill*, December 11, 2018.

toward U.S. foreign policy writ large. Measures to enhance oversight over U.S. support to the Saudi-led coalition and U.S. strategy toward Yemen have received broad bipartisan support, while proponents of other recently considered arms sales and war powers measures have used mechanisms to ensure privileged consideration of their proposals.

The 116th Congress may continue to debate U.S. support for the Saudi-led coalition and Saudi Arabia's conduct of the war in Yemen. It is uncertain whether lawmakers may also broaden the scope of their oversight activities beyond the current conflict to more fully address the root causes of Yemen's chronic instability. Even if the United States is no longer an active supporter of coalition military efforts, Yemen itself has been devastated by years of war and remains the world's worst humanitarian crisis. Experts expect Yemen to require sustained international attention and financial assistance in order to help local actors reach and sustain a political settlement. This suggests that Congress may grapple with questions about the conduct of U.S. diplomacy, the provision of U.S. security support, and the investment of U.S. assistance and defense funds for years to come.

**Table 1. Proposed Legislation on the Conflict in Yemen in the 116th Congress**

Bills, Resolutions, and Amendments offered in the 116th Congress through February 1, 2019

| Bill Number | Principal Sponsors | Summary | Status |
|---|---|---|---|
| | | **Bills, Resolutions, and Amendments** | |
| H.R. 910 | Representative Ted Lieu (D)—California, Representative Tom Malinowski (D)—New Jersey, Representative Ted Yoho (R)—Florida | Would prohibit the use of federal funds to provide for in-flight refueling of Saudi or Saudi-led coalition aircraft conducting missions as part of the ongoing coalition intervention in Yemen. | Introduced 01/30/2019 |
| H.J.Res. 37 | Representative Ro Khanna (D)—California | Would direct the President to remove United States Armed Forces from hostilities in or affecting the Republic of Yemen, except United States Armed Forces engaged in operations directed at al Qaeda or associated forces, by not later than the date that is 30 days after the date of the adoption of the joint resolution (unless the President requests and Congress authorizes a later date), and unless and until a declaration of war or specific authorization for such use of United States Armed Forces has been enacted.<br>For purposes of the resolutions' directive section, the term "hostilities" includes in-flight refueling of non-United States aircraft conducting missions as part of the ongoing civil war in Yemen. Would state that nothing in the resolution shall be construed to influence or disrupt cooperation with Israel.<br>Also would require reporting on risks posed to United States citizens and the civilian population of the Kingdom of Saudi Arabia and the risk of regional humanitarian crises if the United States were to cease support operations with respect to the conflict between the Saudi-led coalition and the Houthis in Yemen; and, the increased risk of terrorist attacks on United States Armed Forces abroad, allies, and to the continental United States if the Government of Saudi Arabia were to cease Yemen-related intelligence sharing with the United States.<br>Reflects provisions of S.J.Res. 54 from the 115th Congress, as amended. (see below) | Introduced 01/30/2019 |
| S.J.Res. 7 | Senator Bernie Sanders (I-VT), Senator Mike Lee (R-UT), and Senator Christopher Murphy (D-CT) | | Introduced 01/30/2019 |
| S. 1, S.Amdt. 69 | Senator Robert Menendez (D)—New Jersey | Would revise and reintroduce provisions of S. 3652 from the 115th Congress (see below) | Submitted on 01/29/2019. Text available in Congressional Record, pgs. S749-752.<br>Not considered. |

| Bill Number | Principal Sponsors | Summary | Status |
|---|---|---|---|
| | | **Consolidated Appropriations Act for Fiscal Year 2019** | |
| H.R. 648 | Representative Nita Lowey (D)—New York | Explanatory statement for Division E on State Department and Foreign Operations directs Administration to comply with the directives, reporting requirements, and instructions contained in H.Rept. 115-829 accompanying H.R. 6385 and S.Rept. 115-282 accompanying S. 3108 from the 115th Congress unless specifically directed to the contrary.<br>See **Table 2** below for relevant comments on Yemen from these referenced reports.<br>The statement notes that language expressing an opinion or making an observation in the House or Senate reports from the 115th Congress represents the view of the respective committee unless specifically endorsed in the explanatory statement. | Introduced 01/17/2019 |

**Source:** Congress.gov, Congressional Record, and House Rules Committee.

## Table 2. Proposed Legislation on the Conflict in Yemen in the 115th Congress

Bills, Resolutions, and Amendments offered in the 115th Congress

| Bill Number | Principal Sponsors | Summary | Status |
|---|---|---|---|
| | | **Resolutions and Stand-alone Legislation** | |
| S.Res. 114 | Senator Todd Young (R)—Indiana, and Senator Benjamin Cardin (D)—Maryland | Among other things, would have stated the sense of the Senate that the United States should support efforts to hold accountable those responsible for deliberate restrictions on humanitarian access in Nigeria, Somalia, South Sudan, and Yemen. | Resolution agreed to in Senate with an amendment and an amended preamble by unanimous consent on 09/26/2017. |
| S.J.Res. 40<br>H.J.Res. 104 | Senator Christopher Murphy (D)—Connecticut<br>Representative Ted Lieu (D)—California | Would have prohibited the transfer to Saudi Arabia of U.S. air-to-ground munitions until the President certified to Congress that, among other things, Saudi Arabia and its coalition partners were taking all feasible precautions to reduce the risk of civilian harm and exercising proportional use of force in the course of military actions, and were making demonstrable efforts to facilitate the flow of critical humanitarian aid and commercial goods. The joint resolutions also would have required a briefing on U.S. government support for the Saudi-led coalition's military operations in Yemen, to include an assessment, among other things, of whether operations in Yemen constituted legitimate self-defense and whether operations had deliberately targeted civilian infrastructure in Yemen. | Introduced and Referred to the Senate Foreign Relations Committee on 04/06/17.<br>H.J.Res. 104 referred to the House Committee on Foreign Affairs on 05/25/2017. |
| S.J.Res. 42<br>H.J.Res. 102 | Senator Christopher Murphy (D)—Connecticut<br>Representative Justin Amash (R)—Michigan | Would have disapproved of the transfer to Saudi Arabia of defense articles, including defense services and technical data, described in the certification Transmittal No. DDTC 15-132, Transmittal No. DDTC 16-011, and Transmittal No. DDTC 16-043 (JDAM, bomb fuzes, and Paveway Weapons Systems). | Motion to discharge the Senate Foreign Relations Committee from further consideration of S.J.Res. 42 not agreed to in the Senate on 06/13/2017 (Yeas and Nays 47-53, Record Vote Number 143). |
| H.R. 2795 | Representative Karen Bass (D)—California | Would have required the Secretaries of State and Defense in coordination with the Administrator of the U.S. Agency for International Development to provide Congress with a report on U.S. security and humanitarian interests in Yemen, including: the strategic objectives of the United States in Yemen, including humanitarian support to civilian populations under threat of famine, and the criteria for determining the success of such objectives; a description of efforts to coordinate civilian and military efforts with respect to Yemen; and a description of the diplomatic strategy with respect to regional partners seeking to end the civil war in Yemen. | Referred to the Subcommittee on Middle East and North Africa, House Foreign Affairs Committee on 06/27/2017. |

| Bill Number | Principal Sponsors | Summary | Status |
|---|---|---|---|
| H.R. 4603 | Representative Ileana Ros-Lehtinen (R)—Florida | Would, among other things, have required the President to impose sanctions on a foreign person that the President determines knowingly provided significant financial, material, or technological support for, among others, the Ansar Allah in Yemen (Houthis). The bill also would have required the President to report on Iranian activities in Yemen. | H.R. 4603 referred to the Committee on Foreign Affairs on 12/07/2017, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned. |
| H.Con.Res. 81 | Representatives Khanna (D-CA), Massie (R-KY), Pocan (D-WI), and Jones (R-NC) | Would have directed the President to remove U.S. Armed Forces from hostilities in the Republic of Yemen, except those engaged in operations directed at Al Qaeda in the Arabian Peninsula, within 30 days after adoption of this concurrent resolution, unless the President requested and Congress authorized a later date, and unless and until a declaration of war or specific authorization for the use of U.S. Armed Forces had been enacted. | Unanimous consent agreed to without objection on 10/11/2017, that the provisions of Section 7 of the War Powers Resolution (50 U.S.C. 1546) did not apply to H.Con.Res. 81 earlier than November 2, 2017, but on the same terms that would have adhered on October 13, 2017. |
| H.Con.Res. 138 | Representative Ro Khanna (D)—California | Would have directed the President, pursuant to section 5(c) of the War Powers Resolution (50 U.S.C. 1544(c)), to remove United States Armed Forces from hostilities in the Republic of Yemen, except United States Armed Forces engaged in operations authorized under the 2001 Authorization for Use of Military Force (P.L. 107-40; 50 U.S.C. 1541 note), not later than 30 days after the date of the adoption of the concurrent resolution unless and until a declaration of war or specific authorization for such use of United States Armed Forces had been enacted into law. | Introduced and Referred to the House Committee on Foreign Affairs on 09/26/2018. |

| Bill Number | Principal Sponsors | Summary | Status |
|---|---|---|---|
| H.Con.Res. 142 | Representative Ro Khanna (D)—California | Would have directed the President, pursuant to section 5(c) of the War Powers Resolution (50 U.S.C. 1544(c)), to remove United States Armed Forces from hostilities in the Republic of Yemen, except United States Armed Forces engaged in operations authorized under the 2001 Authorization for Use of Military Force (P.L. 107-40; 50 U.S.C. 1541 note), not later than 30 days after the date of the adoption of the concurrent resolution unless and until a declaration of war or specific authorization for such use of United States Armed Forces had been enacted into law. | Introduced and Referred to the House Committee on Foreign Affairs on 11/29/2018. |
| H.J.Res 142 | Representative Justin Amash (R)—Michigan | Would have directed the President to terminate the use of the United States Armed Forces with respect to the military intervention led by Saudi Arabia in the Republic of Yemen not later than the end of the period of 30 days beginning on the date of the enactment of the joint resolution unless and until a declaration of war or specific authorization for such use of the Armed Forces had been enacted into law. | Introduced and Referred to the House Committee on Foreign Affairs on 11/29/2018. |
| H.Res. 599 | Representative Ro Khanna (D)—California | Among other things, expressed the urgent need for a political solution in Yemen consistent with United Nations Security Council Resolution 2216; denounced the conduct of activities in Yemen and areas affected by the conflict that were, directly or indirectly, inconsistent with the laws of armed conflict; and condemned Iranian activities in Yemen in violation of UNSCR 2216. Called on all responsible countries to take appropriate and necessary measures against the Government of Iran, including the interdiction of Iranian weapons to the Houthis, and the bilateral and multilateral application of sanctions against Iran for its violations of UNSCR 2216. | Unanimous consent that it be in order at any time to consider in the House H.Res. 599 with one hour of debate and that notwithstanding any previous order of the House, the provisions of Section 7 of the War Powers Resolution (50 U.S.C. 1546) shall not apply to H.Con.Res. 81. Agreed to without objection on 11/01/2017.<br>Passed in the House on 11/13/2017 (Yeas and Nays 366-30, 1 present, and 35 not voting, Roll no. 623). |

| Bill Number | Principal Sponsors | Summary | Status |
|---|---|---|---|
| S.J.Res. 54 | Senator Bernie Sanders (I-VT), Senator Mike Lee (R-UT), and Senator Christopher Murphy (D-CT) | As introduced, would have directed the President to remove U.S. Armed Forces from hostilities in or affecting the Republic of Yemen, except U.S. Armed Forces engaged in operations directed at Al Qaeda or associated forces within 30 days of adoption unless and until a declaration of war or specific authorization for such use of U.S. Armed Forces had been enacted.<br><br>As amended and agreed to in the Senate, would have directed the President to remove United States Armed Forces from hostilities in or affecting the Republic of Yemen, except United States Armed Forces engaged in operations directed at al Qaeda or associated forces, by not later than the date that is 30 days after the date of the adoption of the joint resolution (unless the President requested and Congress authorized a later date), and unless and until a declaration of war or specific authorization for such use of United States Armed Forces had been enacted. For purposes of the resolution's directive section, the term "hostilities" included in-flight refueling of non-United States aircraft conducting missions as part of the ongoing civil war in Yemen.<br><br>Would have stated that nothing in the resolution was to be construed to influence or disrupt cooperation with Israel.<br><br>Also would have required reporting on risks posed to United States citizens and the civilian population of the Kingdom of Saudi Arabia and the risk of regional humanitarian crises if the United States were to cease support operations with respect to the conflict between the Saudi-led coalition and the Houthis in Yemen; and, the increased risk of terrorist attacks on United States Armed Forces abroad, allies, and to the continental United States if the Government of Saudi Arabia were to cease Yemen-related intelligence sharing with the United States. | Motion to table a motion to discharge the Senate Foreign Relations Committee from further consideration of S.J.Res. 54 agreed to in the Senate on 03/20/2018 (Yeas and Nays 55-44, Record Vote Number 58).<br><br>Motion to discharge the Senate Foreign Relations Committee from further consideration of S.J.Res. 54 agreed to in the Senate on 11/28/2018 (Yeas and Nays 63-37, Record Vote Number 250).<br><br>Motion to proceed to consideration of S.J.Res. 54 agreed to in the Senate on 12/12/2018 (Yeas and Nays 60-39, Record Vote Number 261).<br><br>Point of order that amendments offered under 50 U.S.C. 1546a be germane to the underlying joint resolution to which they are offered, considered well taken in the Senate on 12/12/2018 (Yeas and Nays 96-3, Record Vote Number 262).<br><br>Agreed to in the Senate with amendments on 12/13/2018 (Yeas and Nays 56-41, Record Vote Number 266) |

| Bill Number | Principal Sponsors | Summary | Status |
|---|---|---|---|
| S.Amdt. 4080 to S.J.Res. 54 | Senator Todd Young (R)—Indiana | Clarified that S.J.Res. 54would have prohibited United States Armed Forces from refueling non-United States aircraft conducting missions as part of the civil war in Yemen. | Agreed to in the Senate on 12/13/2018 (Yeas and Nays 58-41, Record Vote Number 263). |
| S.Amdt. 4096 to S.J.Res. 54 | Senator John Cornyn (R)—Texas | Provided that nothing in S.J.Res. 54 was to be construed to influence or disrupt any military operations and cooperation with Israel. | Agreed to in the Senate on 12/13/2018 (Yeas and Nays 99-0, Record Vote Number 264) |
| S.Amdt. 4098 to S.J.Res. 54 | Senator Tom Cotton (R)—Arkansas | Would have clarified that the requirement in S.J.Res. 54 to remove United States Armed Forces would not have applied to forces engaged in operations to support efforts to disrupt Houthi attacks against locations outside of Yemen, such as ballistic missile attacks, unmanned aerial vehicle attacks, maritime attacks against United States or international vessels, or terrorist attacks against civilian targets. | Not agreed to in the Senate on 12/13/2018 (Yeas and Nays 45-54, Record Vote Number 265) |
| S.Amdt. 4090 to S.J.Res. 54 | Senator John Cornyn (R)—Texas | To require a report assessing risks posed by ceasing support operations with respect to the conflict between the Saudi-led coalition and the Houthis in Yemen. | Agreed to in the Senate by voice vote on 12/13/2018. |
| S.Amdt. 4095 to S.J.Res. 54 | Senator John Cornyn (R)—Texas | To require a report assessing the increased risk of terrorist attacks in the United States if the Government of Saudi Arabia were to cease Yemen-related intelligence sharing with the United States. | Agreed to in the Senate by voice vote on 12/13/2018. |
| S.Amdt. 4097 to S.J.Res. 54 | Senator Tom Cotton (R)—Arkansas | Would have clarified that the requirement to remove United States Armed Forces would not have applied to the provision of materials and advice intended to reduce civilian casualties or further enable adherence to the Law of Armed Conflict. | Request for unanimous consent not agreed to in Senate by voice vote on 12/13/2018. |
| S.J.Res. 55 | Senator Todd Young (R)—Indiana, and Senator Jeanne Shaheen (D)—New Hampshire | Would have prohibited the obligation or expenditure of U.S. funds for in-flight refueling operations of Saudi and Saudi-led coalition aircraft that were not conducting select operations if certain certifications were not made and maintained at 30-, 180-, and 360-day intervals. Criteria included undertaking an urgent and good faith effort to conduct diplomatic negotiations to end the civil war in Yemen and appropriate measures to alleviate the humanitarian crisis in Yemen by increasing access for all Yemenis to food, fuel, and medicine. | Referred to the Senate Foreign Relations Committee, 03/08/2018.<br>Elements incorporated into Section 1290 of the conference version of H.R. 5515/P.L. 115-232. |

| Bill Number | Principal Sponsors | Summary | Status |
|---|---|---|---|
| S.J.Res. 58 | Senators Young (R-IN), Shaheen (D-NH), Collins (R-ME), and Coons (D-DE) | Would have revised S.J.Res. 55 to add a reduction of civilian harm criterion to the initial certification, amend the description of operations not subject to restrictions in absence of certification, and to add a strategy submission requirement. | Referred to the Senate Foreign Relations Committee, 04/11/2018.<br>Elements incorporated into Section 1290 of the conference version of H.R. 5515/P.L. 115-232. |
| S.J.Res. 69 | Senators Corker (R-TN), McConnell (R-KY), Rubio (R-FL), Portman (R-OH), Ernst (R-IA), Boozman (R-AR), Crapo (R-ID), Toomey (R-PA), Gardner (R-CO), Isakson (R-GA), Sanders (I-VT), Kaine (D-VA), and Reed (D-RI) | Stated, inter alia, that the Senate demanded that all parties seek an immediate cease-fire and negotiated political solution to the Yemen conflict and increased humanitarian assistance to the victims of the conflict; condemned the Government of Iran's provision of advanced lethal weapons to Houthi rebels; condemned Houthi rebels for egregious human rights abuses, including torture, use of human shields, and interference with, and diversion of, humanitarian aid shipments; demanded that the Saudi-led coalition and all parties to the Yemen conflict seek to minimize civilian casualties at all times; supported the peace negotiations being managed by United Nations Special Envoy Martin Griffiths and encouraged the United States Government to provide all possible support to these diplomatic efforts; declared that there was no statutory authorization for United States involvement in hostilities in the Yemen civil war; and supported the end of air-to-air refueling of Saudi-led coalition aircraft operating in Yemen. | Agreed to by voice vote on 12/13/2018. |
| S.Res. 714 | Senator Lindsey Graham (R)—South Carolina | Would have stated that the Senate called on the Government of the Kingdom of Saudi Arabia to negotiate directly with representatives of the Houthi movement in order to end the war in Yemen, agree on a political resolution, reverse the humanitarian crisis, and refocus efforts on defeating al Qaeda and ISIS in Yemen | Introduced in the Senate on 12/05/2018 |
| H.Res. 1142 | Representative Dan Newhouse (R)—Washington | Provided for consideration of the bill (H.R. 6784) to provide for removal of the gray wolf in the contiguous 48 States from the List of Endangered and Threatened Wildlife published under the Endangered Species Act of 1973, and providing for proceedings during the period from November 19, 2018, through November 26, 2018.<br>House considered this rule with provision in Section 4 stating: "The provisions of section 7 of the War Powers Resolution (50 U.S.C. 1546) shall not apply to House Concurrent Resolution 138."<br>H.Con.Res. 138 would have directed the President pursuant to section 5(c) of the War Powers Resolution to remove United States Armed Forces from hostilities in the Republic of Yemen that have not been authorized by Congress. | Motion in Rules Committee to strike Section 4 of the rule, not agreed to on 11/13/2018 (Yeas-Nays 2-6, Rules Committee Record Vote No. 281)<br>Agreed to in the House on 11/14/2018 (Yeas and Nays 201-187, Roll no. 418) |

| Bill Number | Principal Sponsors | Summary | Status |
|---|---|---|---|
| H.Res. 1176 | Representative Dan Newhouse (R)—Washington | Provided for consideration of the conference report to accompany the bill (H.R. 2) to provide for the reform and continuation of agricultural and other programs of the Department of Agriculture through fiscal year 2023, and for other purposes.<br>House considered this rule with provision in Section 2 stating: "The provisions of section 7 of the War Powers Resolution (50 U.S.C. 1546) shall not apply during the remainder of the One Hundred Fifteenth Congress to a concurrent resolution introduced pursuant to section 5 of the War Powers Resolution (50 U.S.C. 1544) with respect to the Republic of Yemen." | Motion in Rules Committee to strike Section 2 of the rule, not agreed to on 12/11/2018 (Yeas-Nays 2-7, Rules Committee Record Vote No. 284)<br>Agreed to in the House on 12/12/2018 (Yeas and Nays 206-203, Roll no. 432) |
| S. 3623 | Senator Tim Kaine (D)—Virginia | Would have prohibited obligation or expenditure of funds available to the Department of Defense for any fiscal year beginning before the date of enactment for aerial refueling of aircraft owned or operated by the Kingdom of Saudi Arabia. | Referred to the Senate Committee on Armed Services on 11/14/2018. |
| S. 3652 | Senator Robert Menendez (D)—New Jersey | Would have stated the sense of the Senate on U.S. policy toward Yemen and required periodic briefings from the Secretary of State, the Administrator of the United States Agency for International Development, the Secretary of Defense, and the Director of National Intelligence on the progress of the United States strategy to end the war in Yemen until a complete cessation of hostilities in the Yemen civil war.<br>Would have required a report describing the causes and consequences of civilian harm occurring in the armed conflict in Yemen, including war crimes, and gross violations of human rights as a result of the actions of all parties to the conflict.<br>Would have suspended weapons transfers to Saudi Arabia of items designated under Category III, IV, VII, or VIII on the United States Munitions List with the exception of ground-based missile defense systems. President could have waived this suspension if certification of specific Saudi-led coalition and Houthi activities were made.<br>Would have prohibited the use of federal funds to provide in-flight refueling of Saudi or Saudi-led coalition non-United States aircraft conducting missions as part of the civil war in Yemen.<br>Would have required the President to impose property and travel sanctions on individuals and entities the President determined inter alia were hindering or restricting humanitarian aid delivery or providing support to the Houthi movement.<br>Would have directed the Comptroller General to review U.S. military support to the Saudi-led coalition in Yemen. | Referred to the Senate Foreign Relations Committee on 11/15/2018 |

| Bill Number | Principal Sponsors | Summary | Status |
|---|---|---|---|
| | | **National Defense Authorization Act, 2019** | |
| H.R. 5515/P.L. 115-232 | Representative Mac Thornberry (R)—Texas | **Section 1286 (HASC Reported)—**requires the Secretary of Defense to submit to the congressional defense committees not later than February 1, 2019, a report describing the strategy of the U.S. Armed Forces with respect to Yemen, including current activities, costs, interests, goals, success metrics, estimated resource needs through FY2022, and current legal authorities. | Reported to House, 05/15/2018.<br>Conferees removed the report requirement from the bill text and in place made it a requirement of the conference report (H.Rept. 115-874).<br>Conference report agreed to in the House on 07/26/2018 (Yeas and Nays 359-54, Roll no. 379).<br>Conference report agreed to in the Senate on 08/01/2018 (Yeas and Nays 87-10, Record Vote Number 181).<br>Signed by the President and became P.L. 115-232 on 08/13/2018. |
| H.R. 5515 | Representative Beto O'Rourke (D)—Texas, and Representative Ro Khanna (D)—California | **House Rules Committee Amendment 312—**would have required the Secretary of Defense to report every 90 days on any mid-air refueling for any non-U.S. aircraft of the Saudi-led coalition for any anti-Houthi missions in Yemen to include recipient aircraft information, targets struck by such aircraft, associated damage, and any records required by cross-servicing agreements. | Submitted on 05/17/2018<br>Not made in order by Rules Committee. |
| H.R. 5515 | Representative Ro Khanna (D)—California, and Representative Barbara Lee (D)—California | **House Rules Committee Amendment 323—**would have required the Secretary of Defense to issue a declassified report on the effect of the war in Yemen on the Islamic State and Al Qaeda in the Arabian Peninsula. | Submitted on 05/17/2018<br>Not made in order by Rules Committee. |
| H.R. 5515 | Representative Ro Khanna (D)—California, and Representative Walter Jones (R) North Carolina | **House Rules Committee Amendment 325—**would have prohibited the use of funds authorized to be appropriated by the Act "for refueling non-United States military aircraft for missions conducted against the Houthi in Yemen." | Submitted on 05/17/2018<br>Not made in order by Rules Committee. |

| Bill Number | Principal Sponsors | Summary | Status |
|---|---|---|---|
| H.R. 5515/P.L. 115-232 | Representative Ro Khanna (D)—California, and Representative Barbara Lee (D)—California | **House Rules Committee Amendment 338—**requires the Secretary of Defense to investigate whether coalition partners or U.S. military or intelligence personnel violated federal law or Department of Defense policy with regard to interrogations or gross violations of internationally recognized human rights while conducting operations in Yemen. | Submitted on 05/17/2018<br>Made in order as Amendment 120 in H.Rept. 115-702 Adopted by voice vote as part of en bloc H.Amdt. 657.<br>Engrossed in the House on 05/24/2018.<br>In conference, an amendment was made by the Senate to require an additional review of U.S. Armed Forces and coalition partners conducting operations in Yemen along with a report on detention operations of allies and partners. All incorporated into Section 1274. |
| H.R. 5515 | Representative Ted Lieu (D)—California, and Representative Ted Yoho (R)—Florida | **House Rules Committee Amendment 367—**would have prohibited the obligation or expenditure of federal funds for refueling of non-U.S. aircraft in Yemen with some exceptions unless the Department of State in conjunction with the Secretary of Defense and Director of National Intelligence certified that the Saudi-led coalition in Yemen was making a good-faith effort on diplomatic negotiations, not obstructing the flow of critical humanitarian aid, not supporting radical Salafi militias, and providing the U.S. Government with battle damage assessments of airstrikes in Yemen for which the United States provided refueling. Would have required a briefing within 30 days on operations in Yemen and a range of civilian protection and other issues. | Submitted on 05/17/2018<br>Not made in order by Rules Committee. |
| H.R. 5515 | Representative Rick Nolan (D)—Minnesota | **House Rules Committee Amendment 399—**Would have prohibited the use of funds authorized by the Act "to deploy members of the Armed Forces to participate in the ongoing civil war in Yemen." | Submitted on 05/17/2018<br>Not made in order by Rules Committee. |

| Bill Number | Principal Sponsors | Summary | Status |
|---|---|---|---|
| H.R. 5515 | Representative Pramila Jayapal (D)—Washington | **House Rules Committee Amendment 456—**Would have prohibited the use of funds authorized to be appropriated by the Act to refuel or assist in targeting of air strikes led by Saudi Arabia or the United Arab Emirates against Houthi forces in Yemen or for Special Operations ground missions in support of anti-Houthi operations until the Secretary of Defense certified that Yemen's Hudaydah port was "completely open to aid and commercial flow of food, fuel, and medicine." | Submitted on 05/17/2018<br>Not made in order by Rules Committee. |
| H.R. 5515 | Representative Mark Pocan (D)—Wisconsin | **House Rules Committee Amendment 507—**Would have required the Secretary of Defense to submit a report within 120 days of enactment regarding all activities conducted by members of the U.S. Armed Forces and civilian personnel of the Department of Defense in providing assistance to the military coalition led by Saudi Arabia and the United Arab Emirates against Houthi forces in Yemen. | Submitted on 05/17/2018<br>Not made in order by Rules Committee. |
| H.R. 5515 | Representative Mark Pocan (D)—Wisconsin, and Representative Justin Amash (R)—Michigan | **House Rules Committee Amendment 508—**Would have prohibited the use of funds authorized to be appropriated by the Act to transfer precision guided munitions to Saudi Arabia until the Secretary of Defense certified that U.S. Armed Forces had withdrawn from all forms of participation in the hostilities led by Saudi Arabia or the United Arab Emirates against Houthi forces in Yemen, unless such participation had been specifically authorized by Congress. | Submitted on 05/17/2018<br>Not made in order by Rules Committee. |
| H.R. 5515 | Representative Karen Bass (D)—California | **House Rules Committee Amendment 561—**Would have required a comprehensive report within 90 days by Department of State, Department of Defense, and USAID on U.S. security and humanitarian interests in Yemen. | Submitted on 05/17/2018<br>Made in order as Amendment 37 in H.Rept. 115-702.<br>Adopted by voice vote as part of en bloc H.Amdt. 645.<br>Engrossed in the House on 05/24/2018.<br>In conference, was removed by the House due to a prior provision that encompasses this amendment. |

| Bill Number | Principal Sponsors | Summary | Status |
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| S. 2987 | Senator James Inhofe (R)—Oklahoma | **Section 1266 (SASC Reported)—**Prohibits the obligation or expenditure of U.S. funds for in-flight refueling operations of Saudi and Saudi-led coalition aircraft that are not conducting select operations if certain certifications cannot be made and maintained at 30-, 180-, and 360-day intervals. Criteria include identifying whether the Government of Saudi Arabia is: undertaking an urgent and good faith effort to conduct diplomatic negotiations to end the civil war in Yemen; alleviating the humanitarian crisis in Yemen by increasing access (including through the port of Hudaydah) for all Yemenis to food, fuel, and medicine; reducing delays to shipments resulting from secondary Saudi coalition inspections other than those associated with the United Nations Verification and Inspections Mechanism (UNVIM); and reducing the risk of harm to civilians resulting from Saudi-led military operations. Enables the Secretary of State to waive the certification requirement for national security purposes if the Secretary provides an unclassified explanatory justification to the appropriate committees. Also requires a report on, among other things, U.S. objectives in Yemen and a detailed strategy to accomplish those objectives. | Reported to Senate, 06/05/2018.<br><br>In conference, an amendment was made to require reporting and certification on the United Arab Emirates in addition to Saudi Arabia.<br><br>Incorporated as Section 1290 of the conference version of H.R. 5515/P.L. 115-232. |
| | | **Defense Appropriations Act for Fiscal Year 2019** | |
| H.R. 6157<br>S.Amdt. 3793 | Senators Murphy (D-CT), Schatz (D-HI), Warren (D-MA), Feinstein (D-CA), Carper (D-DE), Blumenthal (D-CT), and Kaine (D-VA) | **Senate Amendment 3793 to Senate Amendment 3695—**Would have amended the Senate amendment in the nature of a substitute to prohibit the use of funds made available by the act for the Defense Department for U.S. support of the Saudi Arabia-led intervention in Yemen until the Secretary of Defense certified, in writing, to Congress that the Saudi-led coalition air campaign did "not violate the principles of distinction and proportionality within the rules for the protection of civilians." The provision would not have applied "to ongoing support for counterterrorism operations" against Al Qaeda or the Islamic State. | Submitted on 08/20/2018. |
| H.R. 6157 | Representative Ro Khanna (D)—California | **House Rules Committee Amendment 79—**Would have prohibited the use of funds made available by the Act to transfer munitions to Saudi Arabia or the United Arab Emirates in missions against the Houthis in Yemen. | Not made in order by Rules Committee. |
| H.R. 6157 | Representatives Khanna (D-CA) and Jones (R-NC) | **House Rules Committee Amendment 83—**Would have prohibited the use of funds made available by the Act to transfer fuel to Saudi Arabia or the United Arab Emirates in missions against the Houthis in Yemen. | Not made in order by Rules Committee. |
| H.Rept. 115-769 on H.R. 6157 | House Committee on Appropriations | Requests a classified report from the Secretary of Defense, no later than 120 days after the date of enactment of the Act, submitted to the congressional defense committees detailing activities by the Department of Defense in providing assistance to the Saudi-led coalition beginning in March 2015. | Reflected in Division A of Conference Report H.Rept. 115-952 by reference. |

| Bill Number | Principal Sponsors | Summary | Status |
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| | | **Foreign Operations Appropriations Act for Fiscal Year 2019** | |
| S.Rept. 115-282 on S. 3108 | Senate Committee on Appropriations | Noted that 22 million people were in need of assistance in Yemen and 8 million people were at risk of starvation.<br>Urges the Administration to (1) work with all parties involved in the conflict to respect their obligations under international humanitarian law and take all feasible precautions to protect civilians and civilian infrastructure from the impact of hostilities; and (2) take steps to ensure that vital humanitarian aid and commercial goods can continue to flow through the port of Hudaydah and other key entry points. | Reported to the Senate on 06/21/2018 |
| H.Rept. 115-829 on H.R. 6385 | House Committee on Appropriations | Expresses Committee concern about "the significant humanitarian needs in Yemen and the lack of consistent access to allow relief to be provided in Yemen." Requires a report within 45 days of enactment from the Secretary of State, in consultation with the USAID Administrator, addressing humanitarian assistance delivery, humanitarian access, Yemeni port capacity, and "the conditions required to transition from humanitarian assistance to longer-term development assistance."<br>Report urges the Secretary of State "to press for access, including for food and fuel, into all Red Sea Ports, which are critical lifelines for the Yemeni population." | Reported to the House on 07/16/2018 |
| | | **Intelligence Authorization Act for Fiscal Year 2019** | |
| H.Amdt. 865 to H.R. 6237 | Representative Dan Lipinski (D)—Illinois | Would have required an annual report from the Director of National Intelligence describing Iranian expenditures on military and terrorist activities outside the country, such as on Hezbollah, Houthi rebels in Yemen, Hamas, and proxy forces in Iraq and Syria. | Approved in House by voice vote on 07/12/2018. |

| Bill Number | Principal Sponsors | Summary | Status |
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| | | **National Defense Authorization Act, 2018** | |
| H.R. 2810 (NDAA)/P.L. 115-91 | Representative Mac Thornberry (R)—Texas | **Section 1277 (House-passed)—**Would have required the President to provide the appropriate congressional committees with a report that contains a security strategy for Yemen, including, among other things, a discussion of the strategy's compliance with applicable legal authorities and a detailed description of the roles of the U.S. Armed Forces in implementing the strategy. | Engrossed in the House on 07/14/2017. The Senate engrossed amendment contained no similar provision. |
| | | **Section 1275 (Agreed to in Conference)—**Requires the President to provide the appropriate congressional committees with a report that contains a security strategy for Yemen, including, among other things, "an explanation of the legal authorities supporting the strategy; a detailed description of the political and security environment in Yemen; a detailed description of the threats posed by Al Qaeda in the Arabian Peninsula and the Islamic State of Iraq and Syria-Yemen Province, including the intent, capabilities, strategic aims, and resources attributable to each organization; a detailed description of the threats posed to freedom of navigation through the Bab al Mandab Strait and waters in proximity to Yemen as well as any United States efforts to mitigate those threats; a detailed description of the threats posed to the United States and its allies and partners by the proliferation of advanced conventional weapons in Yemen; a detailed description of the threats posed to United States interests by state actors in Yemen; a discussion of United States objectives regarding long-term stability and counterterrorism in Yemen; a plan to integrate the United States diplomatic, development, military, and intelligence resources necessary to implement the strategy; and a detailed description of the roles of the United States Armed Forces in supporting the strategy." | In conference, the prohibition on funds contained in Section 1277(e) [see below] was removed and conferees adopted the security strategy provisions contained in Section 1277 with clarifying changes and incorporated them into Section 1275 in P.L. 115-91. |

| Bill Number | Principal Sponsors | Summary | Status |
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| H.R. 2810 (NDAA)/P.L. 115-91 | Representative Ted Lieu (D-CA), Representative Ruben Gallego (D-AZ), and Representative Yvette Clarke (D-NY) | **House Rules Committee Amendment 274—**Would have required the Secretaries of State and Defense to provide the appropriate congressional committees with a report on military action of Saudi Arabia and its coalitions partners in Yemen, including, among other things, the extent to which the Government of Saudi Arabia and its coalition partners in Yemen are abiding by their "No Strike List and Restricted Target List," and the roles played by U.S. military personnel with respect to operations of such coalition partners in Yemen.<br>**Section 1265 (Agreed to in Conference)**—Requires the Secretaries of State and Defense to provide the appropriate congressional committees with a report on military action of Saudi Arabia and its coalitions partners in Yemen, including, among other things, the extent to which the Government of Saudi Arabia and its coalition partners in Yemen are taking demonstrable actions to "reduce the risk of harm to civilians and civilian objects, in compliance with obligations under international humanitarian law; facilitate the flow of humanitarian aid and commercial goods into Yemen, including commercial fuel and commodities not subject to sanction or prohibition under United Nations Security Council Resolution 2216 (2015); and target al Qaeda in the Arabian Peninsula and affiliates of the Islamic State of Iraq and Syria as part of the coalition's military operations in Yemen." Would also require an assessment of "the role of United States military personnel with respect to operations of such coalition partners in Yemen" and "progress made by the Government of Saudi Arabia and its coalition partners in avoiding and investigating, if necessary, civilian casualties, including improvements to (A) targeting methodology; (B) the strike approval process; and (C) training of personnel, including by implementing the recommendations of the Joint Incident Assessment Team." | Submitted on 07/12/2017.<br>Made in order as Amendment 93 in H.Rept. 115-217. Adopted by voice vote as part of en bloc H.Amdt. 195. Incorporated as Section 1293 and engrossed in the House on 07/14/2017.<br>Agreed to in conference (with clarifying changes) and incorporated as Section 1265 in P.L. 115-91. The conference agreement changed the reporting requirement from an annual report with no time limit to an annual report issued for two years. |
| H.R. 2810 (NDAA)/P.L. 115-91 | Representative Rick Nolan (D)—Minnesota | **House Rules Committee Amendment 159—**Would have prohibited the use of funds authorized to be appropriated by the Act to deploy members of the Armed Forces to participate in the civil war in Yemen. | Submitted on 07/12/2017.<br>Made in order as Amendment 84 in H.Rept. 115-217. Adopted by voice vote as part of en bloc H.Amdt. 194. Incorporated as Section 1277(e) and engrossed in the House on 07/14/2017. The Senate struck the prohibition on funds in conference. |

| Bill Number | Principal Sponsors | Summary | Status |
|---|---|---|---|
| H.R. 2810 (NDAA) | Representative Ro Khanna (D)—California | **House Rules Committee Amendment 70—**Would have required certifications for provision of air-to-ground munitions to countries relating to the civil war in Yemen. | Submitted on 07/12/2017.<br>Not made in order by Rules Committee. |
| H.R. 2810 (NDAA) | Representative Ro Khanna (D)—California | **House Rules Committee Amendment 71—**Would have required an investigation to determine if employees of the Department of Defense violated federal law or Department of Defense policy while conducting operations in Yemen. | Submitted on 07/12/2017.<br>Not made in order by Rules Committee. |
| H.R. 2810 (NDAA) | Representatives Khanna (D-CA), Jones (R-NC), Conyers (D-MI), Pocan (D-WI), Lee (D-CA), Grijalva (D-AZ), and Clarke (D-NY) | **House Rules Committee Amendment 73**—Would have prohibited the use of funds authorized to be appropriated by the Act for refueling for missions over northern and western Yemen and required a reoccurring report to Congress. | Submitted on 07/12/2017.<br>Not made in order by Rules Committee. |
| H.R. 2810 (NDAA) | Representative Warren Davison (R)—Ohio | **House Rules Committee Amendment 386—**Would have prohibited the use of funds authorized to be appropriated by the Act or otherwise available to the Department of Defense for FY2018 to conduct military operations in Yemen with the exception of: Activities carried out in full compliance with the Authorization for Use of Military Force (P.L. 107-40; 50 U.S.C. 1541 note), the provision of humanitarian assistance, the defense of U.S. Armed Forces, and support for freedom of navigation operations. | Submitted on 07/12/2017.<br>Made in order as Amendment 120 in H.Rept. 115-217. Adopted by voice vote as part of en bloc H.Amdt. 196. Incorporated as Section 1298 and engrossed in the House on 07/14/2017. |
| H.R. 2810 (NDAA) | Representatives Gwen Moore (D)—Wisconsin, and Yvette Clarke (D)—New York | **House Rules Committee Amendment 188—**Would have required the U.S. strategy on Yemen to also consider the political and humanitarian environment in Yemen, ways to mitigate harms to civilians caused by the ongoing conflict, and efforts to improve access to food, water, and health care. Would have required an assessment of how military and other support to regional allies will help to achieve this strategy, including how the United States will ensure that such aid is not used to harm civilians. Would have required that future budget requests specifically identify costs associated with implementing the required strategy. | Submitted on 07/12/2017.<br>Not made in order by Rules Committee. |
| H.R. 2810 (NDAA)<br>S.Amdt. 439 | Senator Elizabeth Warren (D)—Massachusetts | **Senate Amendment 439—**Would have required the Secretary of Defense, in consultation with the Director of National Intelligence, to provide Congress with a report assessing whether the use of air-to-ground munitions sold or otherwise supplied by the United States to the Government of Saudi Arabia have resulted in civilian casualties, and providing recommendations on actions to be taken to mitigate the incidence of civilian casualties in Yemen. | Submitted on 07/27/2017.<br>Not considered. |

| Bill Number | Principal Sponsors | Summary | Status |
|---|---|---|---|
| H.R. 2810 (NDAA)<br>S.Amdt. 585 | Senator Todd Young (R)—Indiana | **Senate Amendment 585**—Would have prohibited the sale or export of any defense article to the government of Saudi Arabia during FY2018 until the Secretary of State certifies that, among other things, the Government of Saudi Arabia is complying fully with its obligations in Yemen under international law; and that the government of Saudi Arabia is facilitating the delivery and installation of cranes to the port of Hudaydah. Would also have required the Comptroller General to report on whether the conclusions in the certification are fully supported. | Submitted on 07/27/2017.<br>Not considered. |
| H.R. 2810 (NDAA)<br>S.Amdt. 896 | Senator Christopher Murphy (D)—Connecticut | **Senate Amendment 896**—Would have required the Secretary of Defense to certify certain government of Saudi Arabia action before funds may be authorized by the Act for the refueling of aircraft of Saudi Arabia or its military coalition partners in Yemen. The certification would not have applied for refueling missions related to counterterrorism operations. The Secretary of Defense would have the option to waive the certification requirement. | Submitted on 09/11/2017.<br>Not considered. |
| H.R. 2810 (NDAA)<br>S.Amdt. 923 | Senator Marco Rubio (R)—Florida | **Senate Amendment 923—**Would have required the Secretaries of State and Defense to jointly report on the military action of Saudi Arabia and its coalitions partners in Yemen, including, among other things, the extent to which the Government of Saudi Arabia and its coalition partners in Yemen are abiding by their "No Strike List and Restricted Target List" and the roles played by U.S. military personnel with respect to operations of such coalition partners in Yemen. | Submitted on 09/11/2017.<br>Not considered. |
| H.R. 2810 (NDAA)<br>S.Amdt. 1081 | Senators Todd Young (R)—Indiana, Christopher Murphy (D)—Connecticut, and Dean Heller (R)—Nevada | **Senate Amendment 1081**—Similar to SA Amendment 896, would have required the Secretary of Defense to certify certain government of Saudi Arabia action before funds may be authorized by the Act for the refueling of aircraft of Saudi Arabia or its military coalition partners in Yemen. This certification would have required, among other things, that the Government of Saudi Arabia facilitate the delivery and installation of cranes to the port of Hudaydah. | Submitted on 09/14/2017.<br>Not considered. |

| Bill Number | Principal Sponsors | Summary | Status |
|---|---|---|---|
| **H.R.3219—Make America Secure Appropriations Act, 2018 (Defense Appropriations)** | | | |
| H.R. 3219 (FY2018 Defense Appropriations)/ Division I, H.R. 3354 | Representative Rick Nolan (D)—Minnesota | **House Rules Committee Amendment 35**—Would have prohibited the use of funds made available by the Act to deploy members of the U.S. Armed Forces to participate in the ongoing civil war in Yemen. | Not made in order by Rules Committee. |
| H.R. 3219 (FY2018 Defense Appropriations)/ Division I, H.R. 3354 | Representative Warren Davidson (R)—Ohio | **House Rules Committee Amendment 104**—Would have prohibited the funds appropriated or otherwise made available by the Act from being used with respect to Yemen in contravention of the War Powers Resolution. | Made in order as Amendment 45 in H.Rept. 115-261. Considered as H.Amdt. 268 on 07/27/2017. Failed by voice vote. |
| H.R. 3219 (FY2018 Defense Appropriations)/ Division I, H.R. 3354 | Representatives Khanna (D-CA), Jones (R-NC), Amash (R-MI), and Pocan (D-WI) | **House Rules Committee Amendment 13—**Would have prohibited the use of funds made available by the Act to transfer munitions to Saudi Arabia or the United Arab Emirates. | Not made in order by Rules Committee. |
| H.R. 3219 (FY2018 Defense Appropriations)/ Division I, H.R. 3354 | Representatives Ro Khanna (D)—California, and Walter Jones (R)—North Carolina | **House Rules Committee Amendment 20**—Would have prohibited the use of funds made available by the Act to transfer fuel to Saudi Arabia or the United Arab Emirates, except in connection with Operation Inherent Resolve and operations conducted by Special Operations Command-Central or under Operating Enduring Freedom-Horn of Africa. | Not made in order by Rules Committee. |
| H.R. 3219 (FY2018 Defense Appropriations)/ Division I, H.R. 3354 | Representatives Amash (R-MI), Conyers (D-MI), Jones (R-NC), Pocan (D-WI), Lee (D-CA), McGovern (D-MA), and, Lieu (D-CA) | **House Rules Committee Amendment 44**—Would have prohibited the use of funds made available by the Act from being used to transfer or authorize the transfer of cluster munitions to the Government of Saudi Arabia. | Not made in order by Rules Committee. |
| **Consolidated Appropriations FY2018** | | | |
| H.R. 3354 (“minibus”) | Representative Ro Khanna (D)—California | **House Rules Committee Amendment 45**—Would have reduced funds for the International Military Education & Training (IMET) program for Saudi Arabia and increased the State Department’s international disaster assistance program for Yemen. | Submitted on 09/12//2017. Not made in order by Rules Committee. |

| Bill Number | Principal Sponsors | Summary | Status |
|---|---|---|---|
| **Joint Resolutions of Disapproval on U.S. Arms Sales to Saudi Arabia** | | | |
| S.J.Res. 42 | Senator Rand Paul, (R)—Kentucky | Would have disapproved of the proposed export to the Government of the Kingdom of Saudi Arabia of certain defense articles, such as joint direct attack munitions (JDAMs), Paveway laser-guided munitions kits, and programmable bomb fuzes. | Considered in the Senate on 06/13/2017. |
| H.J.Res 102 | Representative Justin Amash, (R)—Michigan | | Motion to discharge resolution from the Senate Foreign Relations Committee rejected by Yea-Nay Vote (47-53, Record Vote Number 143). |

**Source:** Congress.gov, Congressional Record, and House Rules Committee.

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## Acknowledgments

CRS interns Carmelina Palmer and Christopher Mellon provided research support for this product.

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