

# United States Senate

WASHINGTON, DC 20510

February 7, 2019

The Honorable Michael Pompeo  
Secretary of State  
U.S. Department of State  
2201 C Street, NW  
Washington, D.C. 20520

Dear Secretary Pompeo:

We write to you regarding Section 1290 of the *John S. McCain National Defense Authorization Act (NDAA) for Fiscal Year 2019 (P.L. 115-232)*, which President Trump signed into law on August 13, 2018. As you know, an additional certification detailing “demonstrable actions” taken by Saudi Arabia and the United Arab Emirates (UAE) to reduce harm to civilians and civilian infrastructure in Yemen is required by February 9, 2019.

Yemen is suffering from the world’s worst humanitarian crisis. According to the United Nations, over 22 million people—three-quarters of Yemen’s population— need humanitarian assistance. Nearly, 18 million people remain food insecure, and more than 8 million are in danger of starvation. Nearly half of all children in Yemen are stunted and 400,000 children suffer from severe acute malnutrition.


We welcome your efforts to alleviate this crisis and in helping to secure the December 6, 2018 ceasefire. We also appreciate that the United Nations Security Council has established the UN Mission to Support the Hodeida Agreement to monitor future ceasefire violations. That said, we would be remiss if we failed to acknowledge continued violations of the current ceasefire agreement by all sides. We remain concerned that the previous Yemen certification submitted to Congress did not accurately reflect known facts on the ground. As such, any follow-on certification should take all evidence into account and succinctly demonstrate to the Saudi-led coalition that the American people and their representatives in Congress will not stand for the continued disregard of the security and humanitarian interests of the U.S.

As detailed in a previous letter to you on October 10, 2018 (attached), we are also concerned about the Saudi-led coalition’s commitment to adhering to all laws and requirements regulating defense articles purchased or transferred from the United States. As you recall, the Memorandum of Justification that accompanied the Department’s September certification stated that Saudi Arabia and the UAE are “complying with applicable U.S. laws governing the sale and transfer of arms, including the Arms Export Control Act, with rare exception.” Recent reports suggest that those exceptions may include a broad array of advanced U.S. weaponry which are now in the hands of al-Qaeda-linked fighters, hardline Salafi militias, the Houthi rebels in Yemen and even, Iran. According to both the Departments of State and Defense, no authorization was provided to either Saudi Arabia or the UAE for transfers of U.S. defense articles. We ask that you keep these reports and the testimony of U.S. officials, including as recently as February 5, 2019 before the Senate Armed Services Committee, in mind for the next certification.

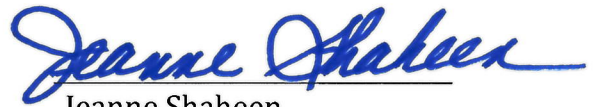
We believe it is vital that our security partners be reminded of their commitments to U.S. interests, laws and humanitarian principles. Section 1290 was drafted to provide the administration with the leverage to achieve its desired outcomes and safeguard American ideals. We note that our provision provides the administration with a national security waiver, if the Department so chooses to use it. If this waiver is utilized, we look forward to reviewing the accompanying report, as required in Section 1290(a)(2)(B). In accordance with the law, we expect to review your written, detailed, and unclassified certification no later than February 9, 2018.

Thank you for your distinguished service to our nation.

Sincerely,



Todd Young  
U.S. Senator



Jeanne Shaheen  
U.S. Senator

CC:

The Honorable Patrick Shanahan, Acting Secretary of Defense  
The Honorable Mark Green, Administrator of the U.S. Agency for International Development