

United States Senate

WASHINGTON, DC 20510

September 7, 2022

The Honorable Lloyd J. Austin III
Secretary of Defense
1000 Defense Pentagon
Washington, D.C. 20301-1000

Dear Secretary Austin:

We write in regards to a recent Government Accountability Office (GAO) report detailing that the Department of Defense (DoD or “the Department”) has failed to determine how U.S. military support has contributed to civilian harm in Yemen. The GAO found that “DOD has not fully assessed the extent to which its advisory and training efforts have facilitated civilian harm reduction in Yemen,” and “DOD has not reported to relevant State officials nor could State provide evidence that it investigated indications that U.S.-origin equipment transferred to Saudi Arabia and UAE through [foreign military sales] was used for unauthorized purposes.”¹ We are alarmed that U.S.-origin weapons and support for the Saudi-led coalition may be contributing to an already dire situation in Yemen and that DoD is not taking the steps necessary to prevent and minimize this harm. We applaud the steps DoD is taking to address civilian harm through the Civilian Harm, Mitigation and Response Action Plan. However, in light of the GAO’s report, we urge the Department, in coordination with the Department of State, to thoroughly investigate potential end use violations of U.S. origin weapons that have led to civilian casualties as well as the effectiveness of its civilian harm reduction efforts for the Saudi and Emirati governments.

For more than eight years, Yemen has suffered from a devastating civil war that has killed more than 150,000 people and shattered the country.² An unfortunate hallmark of the war has been an alarming number of civilian casualties. Numerous reports have detailed that the coalition has recklessly launched strikes that have resulted in the deaths of nearly 15,000 innocent civilians.³ Alarming, U.S.-origin weapons have reportedly been used in a number of these strikes, including a 2018 strike on a school bus that killed 40 children.⁴

¹ Government Accountability Office, “Yemen, State and DOD Need Better Information on Civilian Impacts of U.S. Military Support to Saudi Arabia and the United Arab Emirates,” p. 32, 22, June 2022, <https://www.gao.gov/assets/gao-22-105988.pdf>.

² The Armed Conflict Location & Event Data Project, “Yemen, Diplomatic efforts fail to subdue the conflict,” <https://acleddata.com/10-conflicts-to-worry-about-in-2022/yemen/>.

³ The New York Times, “U.S. Fails to Assess Civilian Deaths in Yemen War, Internal Report Says,” Edward Wong, June 7, 2022, <https://www.nytimes.com/2022/06/07/us/politics/saudi-yemen-war-us-weapons.html>.

⁴ Office of the Inspector General, Department of State “Review of the Department of State’s Role in Arms Transfers to the Kingdom of Saudi Arabia and the United Arab Emirates,” p. 3, August 2020, https://www.stateoig.gov/system/files/isp-i-20-19_rdweb_508.pdf; Amnesty International, “Yemen: US-made weapon used in air strike that killed scores in escalation of Saudi-led coalition attacks,” January 26, 2022, <https://www.amnesty.org/en/latest/news/2022/01/yemen-us-made-weapon-used-in-air-strike-that-killed-scores-in-escalation-of-saudi-led-coalition-attacks/>.

Between 2015 through 2020, the U.S. has provided more than \$54.2 billion in defense articles and defense services to the Saudi and Emirati governments, in addition to nearly \$650 million in military training.⁵ The Arms Export Control Act mandates that the United States establish an end use monitoring program to ensure that arms sold abroad are being used for legitimate defensive purposes.⁶ DoD policy also requires that “officials overseeing security cooperation efforts should be alert to and report any indication that U.S.-origin defense articles are being used against anything other than legitimate military targets.”⁷ However the GAO’s reporting finds that DoD has fallen well short of this mandate. DOD officials also said it “lacks guidance on how security cooperation organizations should identify and report indications that U.S.- origin defense articles are being used for unauthorized purposes or against anything other than legitimate military targets.”⁸ Moreover, DoD officials told the GAO that use that causes civilian harm “would not necessarily constitute ‘misuse.’”⁹

The report found DoD has “not fully determined the extent to which U.S. military support has contributed to civilian harm in Yemen.”¹⁰ That included DoD failing to fully measure the “extent to which its advising and training [of the Saudi and Emirati governments] have facilitated civilian harm reduction in Yemen.”¹¹ This training covered topics such as aircraft fuel systems, maritime security, munitions systems, as well as initiatives aimed at reducing civilian harm. This includes several Defense Institute of International Legal Studies’ trainings at the Saudi War College that “focused on the law of armed conflict, including laws related to air-to-ground targeting,” in addition to courses that aim to reduce the incidence of civilian harm, specifically.¹² Additionally, between 2015 and 2021 DoD has provided at least \$319 million in logistic support and other services to both countries, however, the Department revealed that it does not track how countries use this support, meaning civilian harm could be the direct result of aid provided by the United States without our knowledge.¹³

⁵ Government Accountability Office, “Yemen, State and DOD Need Better Information on Civilian Impacts of U.S. Military Support to Saudi Arabia and the United Arab Emirates, Endnote/Source 1,” June 2022, <https://www.gao.gov/assets/gao-22-105988.pdf>.

⁶ U.S. Department of State, “Fact Sheet, End-Use Monitoring of U.S.-Origin Defense Articles,” January 20, 2021, <https://www.state.gov/end-use-monitoring-of-u-s-origin-defense-articles/>.

⁷ Government Accountability Office, “Yemen, State and DOD Need Better Information on Civilian Impacts of U.S. Military Support to Saudi Arabia and the United Arab Emirates,” p. 2, June 2022, <https://www.gao.gov/assets/gao-22-105988.pdf>.

⁸ Government Accountability Office, “Yemen, State and DOD Need Better Information on Civilian Impacts of U.S. Military Support to Saudi Arabia and the United Arab Emirates,” p. 30, June 2022, <https://www.gao.gov/assets/gao-22-105988.pdf>.

⁹ Government Accountability Office, “Yemen, State and DOD Need Better Information on Civilian Impacts of U.S. Military Support to Saudi Arabia and the United Arab Emirates,” p. 26, June 2022, <https://www.gao.gov/assets/gao-22-105988.pdf>

¹⁰ *Id.*, p. 2.

¹¹ *Id.*, p. 2.

¹² *Id.*, pp. 15-16.

¹³ *Id.*, p. 61.

Alarming, doubt has already been cast on the effectiveness of DoD's work. The GAO noted that a former Department of State advisor found that he "ultimately does not think the U.S.'s efforts to train and advise the Saudis have been effective because the U.S. has not focused on assessing and addressing the root cause of civilian casualties."¹⁴ The lion's share of civilian casualties have been a result of dynamic targeting operations, while DoD has focused its training on the deliberate targeting process, which has caused markedly less harm. This is further corroborated by the still-elevated levels of civilian casualties in Yemen, including in the months leading up to the ceasefire.¹⁵ Without assessing its efforts, DoD cannot determine whether or not its advising and training has achieved its goal of reducing civilian harm in Yemen.

In addition to its failing to determine the effectiveness of its training of the Saudi and Emirati governments, the GAO's report found that DoD "could [not] provide examples of reports or investigations of any incidents of potential unauthorized use of U.S.-origin equipment transferred to Saudi Arabia and UAE" from 2015-2021, despite numerous reports that this was the case.¹⁶ For example, State was informed that there were "reasonable grounds to believe that the parties to the armed conflict in Yemen have committed a substantial number of violations of international humanitarian law... in particular from Saudi Arabia, [who] may have conducted airstrikes in violation of the principles of distinction, proportionality and precaution, acts that may amount to war crimes."¹⁷ Additionally, in 2020, a Department of State Office of the Inspector General report detailed a number of high profile incidents of civilian casualties in which U.S.-origin arms were used.¹⁸ These incidents, which include a strike on a market that killed 97 civilians, were subject to DoD's arms transfer review process, but, as the GAO found, no investigation nor referral to the Department of State occurred.¹⁹ State and DoD officials also raised concerns about "the potential risk of equipment contributing to civilian harm" but rejected recommendations to consider additional training to reduce the risk.²⁰

These are alarming findings given the sheer volume of arms and military support that the U.S. has sold to both countries in addition to reports that these weapons have been used in strikes that

¹⁴ *Id.*, p.33.

¹⁵ Norwegian Refugee Council, "Yemen: Civilian casualties double since end of human rights monitoring," February 10, 2022, <https://www.nrc.no/news/2022/february/yemen-civilian-casualties-double-since-end-of-human-rights-monitoring/>.

¹⁶ Government Accountability Office, "Yemen, State and DOD Need Better Information on Civilian Impacts of U.S. Military Support to Saudi Arabia and the United Arab Emirates," p. 21, June 2022, <https://www.gao.gov/assets/gao-22-105988.pdf>.

¹⁷ *Id.*, p. 30.

¹⁸ Office of the Inspector General, Department of State "Review of the Department of State's Role in Arms Transfers to the Kingdom of Saudi Arabia and the United Arab Emirates," p. 3, August 2020, https://www.stateoig.gov/system/files/isp-i-20-19_rdweb_508.pdf.

¹⁹ Office of the Inspector General, Department of State "Review of the Department of State's Role in Arms Transfers to the Kingdom of Saudi Arabia and the United Arab Emirates," p. 3, August 2020, https://www.stateoig.gov/system/files/isp-i-20-19_rdweb_508.pdf.

²⁰ Government Accountability Office, "Yemen, State and DOD Need Better Information on Civilian Impacts of U.S. Military Support to Saudi Arabia and the United Arab Emirates," p. 23, June 2022, <https://www.gao.gov/assets/gao-22-105988.pdf>.

have killed civilians first began surfacing as early as 2018.²¹ DoD’s failure to fully determine the extent to which U.S. military support has led to civilian harm in Yemen is unacceptable. Congress has also repeatedly urged DoD to make a full accounting of how the United States may be contributing to the ongoing devastation in Yemen, including civilian harm, and for numerous administrations to end U.S. support for the war.²²

As the United States begins to reckon with the harm it has caused to civilians through its own military operations, it is imperative we do the same with the weapons we produce and send to countries abroad. A failure to reckon with the devastation the United States may be complicit to in Yemen would represent a failure in the Biden administration’s stated prioritization of human rights and our core democratic values.²³ As such, we urge you to review whether or not DoD training and advising has successfully led to a reduction in civilian harm. If, in either case, it has not, then we urge DoD to halt the provision of support until it can assess the impact of future aid. We also request answers to the following questions no later than October 7 and request that DoD brief our offices on its work to submit these certifications and to address the shortcomings identified in GAO’s report.

1. How does DoD define the terms “misuse” and “unauthorized use” when determining how weapons sold by the United States are deployed?
2. The GAO’s report found that numerous, credible reports have determined that it is likely U.S.-origin arms were used by coalition partners to commit war crimes. Is DoD aware of these reports? Has it taken any action to validate their findings?
3. What processes does DoD have in place to investigate end use violations or instances of civilian harm?
4. How does DoD determine whether or not one of these reports are credible?
5. Please provide a list of investigations into end use violations under the Arms Export Control Act that have resulted in a pause, reduction, or cancelation of arms sales to foreign countries since 2012.

²¹ The New York Times, “Arms Sales to Saudis Leave American Fingerprints on Yemen’s Carnage,” Declan Walsh, Eric Schmitt, December 2018, <https://www.nytimes.com/2018/12/25/world/middleeast/yemen-us-saudi-civilian-war.html>.

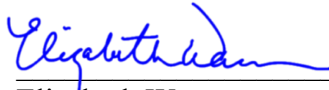
²² The Office of Senator Elizabeth Warren, Press Release, October 9, 2018, <https://www.warren.senate.gov/newsroom/press-releases/sen-warren-and-rep-khanna-cnn-op-ed-end-us-complicity-in-yemens-humanitarian-disaster>; Vox, “Congress passes historic resolution to end US support for Saudi-led war in Yemen,” Tara Golshan, April 4, 2019, <https://www.vox.com/2019/4/4/18293954/war-powers-resolution-passes-congress-yemen-bds>; Friends Committee on National Legislation, “House Lawmakers Introduce Yemen War Powers Resolution,” Kat DesCamp-Renner, June 1, 2022, <https://www.fcnl.org/updates/2022-06/house-lawmakers-introduce-yemen-war-powers-resolution>.

²³ The White House, “The Biden-Harris Administration Immediate Priorities,” <https://www.whitehouse.gov/priorities/>.

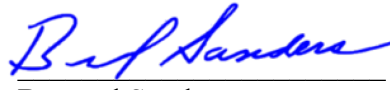
6. Please provide a list of all advisory and trainings on civilian harm reduction provided to the Saudi and Emirati governments since 2014.
7. Does DoD anticipate adjusting the foreign military sales' process in light of the GAO's report? Are additional authorities from Congress required to strengthen end-use monitoring?
8. DoD claimed "there is no mechanism to track how foreign partners use defense articles and defense services transferred through [foreign military sales]."²⁴ Is this still the case? Does DoD plan to develop mechanisms to track how defensive weapons are used?

We thank you for your attention to this matter.

Sincerely,



Elizabeth Warren
United States Senator



Bernard Sanders
United States Senator



Mike Lee
United States Senator

²⁴ Government Accountability Office, "Yemen, State and DOD Need Better Information on Civilian Impacts of U.S. Military Support to Saudi Arabia and the United Arab Emirates," p. 28, June 2022, <https://www.gao.gov/assets/gao-22-105988.pdf>.

United States Senate

WASHINGTON, DC 20510

September 7, 2022

The Honorable Antony J. Blinken
Secretary of State
U.S. Department of State
2201 C Street, NW
Washington, D.C. 20520

Dear Secretary Blinken:

We write in regards to a recent Government Accountability Office (GAO) report detailing that the Department of State (State or “the Department”) and the Department of Defense (DoD) have failed to determine how military support provided by the United States has contributed to civilian harm in Yemen. Notably, State has failed to certify that “the Saudi and Emirati governments [have] made efforts to reduce harm to civilians in Yemen.”¹ We are alarmed that U.S.-origin weapons and support for the Saudi-led coalition may be contributing to an already dire situation in Yemen and urge the Department to certify, as required by the FY19 National Defense Authorization Act (NDAA), whether or not the Saudi and Emirati governments are taking the necessary precautions to avoid civilian harm.²

For more than eight years, Yemen has suffered from a devastating civil war that has killed more than 150,000 people and shattered the country.³ An unfortunate hallmark of the war has been an alarming number of civilian casualties. Numerous reports have detailed that the coalition has recklessly launched strikes that have resulted in the deaths of nearly 15,000 innocent civilians.⁴ Alarming, U.S.-origin weapons have reportedly been used in a number of these strikes, including a 2018 strike on a school bus that killed 40 children.⁵

¹ Government Accountability Office, “Yemen, State and DOD Need Better Information on Civilian Impacts of U.S. Military Support to Saudi Arabia and the United Arab Emirates, GAO Highlights,” June 2022, <https://www.gao.gov/assets/gao-22-105988.pdf>.

² John S. McCain National Defense Authorization Act for Fiscal Year 2019, Public Law No. 115-232, §§ 1274, 1290, 132 Stat. 1636, 2067, 2081-2083 (2018).

³ The Armed Conflict Location & Event Data Project, “Yemen, Diplomatic efforts fail to subdue the conflict,” <https://acleddata.com/10-conflicts-to-worry-about-in-2022/yemen/>.

⁴ The New York Times, “U.S. Fails to Assess Civilian Deaths in Yemen War, Internal Report Says,” Edward Wong, June 7, 2022, <https://www.nytimes.com/2022/06/07/us/politics/saudi-yemen-war-us-weapons.html>.

⁵ Office of the Inspector General, Department of State “Review of the Department of State’s Role in Arms Transfers to the Kingdom of Saudi Arabia and the United Arab Emirates,” p. 3, August 2020, https://www.stateoig.gov/system/files/isp-i-20-19_rdweb_508.pdf; Amnesty International, “Yemen: US-made weapon used in air strike that killed scores in escalation of Saudi-led coalition attacks,” January 26, 2022, <https://www.amnesty.org/en/latest/news/2022/01/yemen-us-made-weapon-used-in-air-strike-that-killed-scores-in-escalation-of-saudi-led-coalition-attacks/>.

Between 2015 through 2020, the U.S. has provided more than \$54.2 billion to the Saudi and Emirati governments, in addition to nearly \$650 million in military training.⁶ The Arms Export Control Act mandates that the United States establish an end use monitoring program to ensure that arms sold abroad are being used for legitimate defensive purposes.⁷ State policy extolls this requirement and the Bureau of Political Military Affairs is tasked with investigating potential end-use violations, including harm to civilians.⁸ State is also required to consider “civilian harm from partner military operations before approving new transfers under the Conventional Arms Transfer Policy.”⁹ However the GAO’s reporting finds that State has fallen well short of this mandate. Moreover, State Department officials told the GAO that use that causes civilian harm “would not necessarily constitute ‘misuse.’”¹⁰

The report found State has “not fully determined the extent to which U.S. military support has contributed to civilian harm in Yemen.”¹¹ That included State not investigating whether U.S. equipment was being used for “unauthorized purposes or against anything other than legitimate military targets,” despite having indications that it was doing so.¹² For example, State was informed that there were “reasonable grounds to believe that the parties to the armed conflict in Yemen have committed a substantial number of violations of international humanitarian law... in particular from Saudi Arabia, [who] may have conducted airstrikes in violation of the principles of distinction, proportionality and precaution, acts that may amount to war crimes.”¹³ State and DoD officials also raised concerns about “the potential risk of the equipment contributing to civilian harm” but rejected recommendations to consider additional training to reduce the risk.¹⁴

The GAO found “State submitted an initial certification in 2018 that the Saudi and Emirati governments had made efforts to reduce harm to civilians in Yemen, but did not submit two

⁶ Government Accountability Office, “Yemen, State and DOD Need Better Information on Civilian Impacts of U.S. Military Support to Saudi Arabia and the United Arab Emirates,” June 2022, Endnote/Source 1, <https://www.gao.gov/assets/gao-22-105988.pdf>.

⁷ U.S. Department of State, “Fact Sheet, End-Use Monitoring of U.S.-Origin Defense Articles,” January 20, 2021, <https://www.state.gov/end-use-monitoring-of-u-s-origin-defense-articles/>; Government Accountability Office, “Yemen, State and DOD Need Better Information on Civilian Impacts of U.S. Military Support to Saudi Arabia and the United Arab Emirates,” June 2022, p. 41, <https://www.gao.gov/assets/gao-22-105988.pdf>.

⁸ U.S. Department of State, “Fact Sheet, End-Use Monitoring of U.S.-Origin Defense Articles,” January 20, 2021, <https://www.state.gov/end-use-monitoring-of-u-s-origin-defense-articles/>.

⁹ NSPM-10, “National Security Presidential Memorandum on United States Conventional Arms Transfer Policy,” April 19, 2018, <https://www.govinfo.gov/content/pkg/DCPD-201800254/pdf/DCPD-201800254.pdf>.

¹⁰ Government Accountability Office, “Yemen, State and DOD Need Better Information on Civilian Impacts of U.S. Military Support to Saudi Arabia and the United Arab Emirates,” June 2022, p. 26, <https://www.gao.gov/assets/gao-22-105988.pdf>.

¹¹ Government Accountability Office, “Yemen, State and DOD Need Better Information on Civilian Impacts of U.S. Military Support to Saudi Arabia and the United Arab Emirates, GAO Highlights,” June 2022, <https://www.gao.gov/assets/gao-22-105988.pdf>.

¹² *Id.*, p. 22.

¹³ *Id.*, p. 30.

¹⁴ *Id.*, p. 30 and 23.

subsequent, required certifications” mandated by the FY19 NDAA.¹⁵ The GAO found, however, that even that initial certification did not contain all the required elements, including whether or not either government was “complying with applicable agreements and laws regulating defense articles purchased or transferred from the U.S.”¹⁶ In a 2019 letter to Congress, State argued that the suspension of aerial refueling to the Saudi-led coalition nullified the necessity for subsequent reporting.¹⁷ But as the GAO pointed out, the suspension of aerial refueling did not negate the requirement to include a certification of Saudi and Emirati civilian harm prevention efforts.¹⁸ The GAO further noted that absent more updated information from State, “Congress may lack information needed to provide oversight of U.S. support to Saudi Arabia and UAE.”¹⁹ While State maintained its position that certifications were not necessary in light of other congressional reporting, we agree with the GAO that providing current information on each of the certification requirements is warranted.²⁰

The GAO’s report found that State attempted to track and understand the harm to civilians caused by the Saudi and Emirati governments by following the work of the Joint Incidents Assessment Team (JIAT), a group compiled by the Saudi-led coalition to investigate instances of harm in Yemen.²¹ The group recommended financial compensation for victims of four of the 17 coalition attacks it investigated, and a number of independent watchdog groups have raised serious questions on JIAT’s investigations, saying “JIAT has failed to meet international standards regarding transparency, impartiality, and independence” and “[JIAT] appears to have regularly failed to conduct a thorough laws-of-war analysis in its investigations and produced flawed and dubious conclusions.”²² This further illustrates that State lacks a full understanding of its impact in Yemen and raises concerns that it may be outsourcing oversight to entities that may not share priorities with the United States.

These are alarming findings given the sheer volume of arms that the U.S. has sold to both countries in addition to reports that these weapons have been used in strikes that have killed

¹⁵ David Brown, “State Department backs Saudi Arabia, UAE efforts to reduce civilian casualties amid Yemen crisis,” *Washington Examiner*, <https://www.washingtonexaminer.com/policy/defense-national-security/state-department-backs-saudi-arabia-uae-efforts-to-reduce-civilian-casualties-amid-yemen-crisis>; Government Accountability Office, “Yemen, State and DOD Need Better Information on Civilian Impacts of U.S. Military Support to Saudi Arabia and the United Arab Emirates,” June 2022, <https://www.gao.gov/assets/gao-22-105988.pdf>; John S. McCain National Defense Authorization Act for Fiscal Year 2019, Public Law No. 115-232, §§ 1274, 1290, 132 Stat. 1636, 2067, 2081-2083 (2018), <https://www.congress.gov/115/plaws/publ232/PLAW-115publ232.pdf>.

¹⁶ Government Accountability Office, “Yemen, State and DOD Need Better Information on Civilian Impacts of U.S. Military Support to Saudi Arabia and the United Arab Emirates,” June 2022, p. 37, <https://www.gao.gov/assets/gao-22-105988.pdf>.

¹⁷ *Id.*, p. 39

¹⁸ Government Accountability Office, “Yemen, State and DOD Need Better Information on Civilian Impacts of U.S. Military Support to Saudi Arabia and the United Arab Emirates,” June 2022, p. 39, <https://www.gao.gov/assets/gao-22-105988.pdf>.

¹⁹ *Id.*

²⁰ *Id.*

²¹ Human Rights Watch, “Hiding Behind the Coalition: Failure to Credibly Investigate and Provide Redress for Unlawful Attacks in Yemen,” August 24, 2018, <https://www.hrw.org/report/2018/08/24/hiding-behind-coalition/failure-credibly-investigate-and-provide-redress-unlawful>

²² *Id.*

civilians first began surfacing as early as 2018.²³ State’s inability to fully determine the extent to which U.S. military support has led to civilian harm in Yemen is an unacceptable failure. This is the second report that has found that State has failed to do enough to protect civilians in Yemen after the Department’s Office of the Inspector General concluded “did not fully assess risks and implement mitigation measures to reduce civilian casualties and legal concerns associated with the transfer of PGMs [precision-guided munitions]”.²⁴ Congress has also repeatedly urged both DoD and State to make a full accounting of how the United States may be contributing to the ongoing devastation in Yemen, including civilian harm, and for numerous administrations to end U.S. support for the war.²⁵

As the United States begins to reckon with the harm it has caused to civilians through its own military operations, it is imperative we do the same with the weapons we produce and send to countries abroad.²⁶ A failure to reckon with the devastation the United States may be complicit to in Yemen would represent a failure in the Biden administration’s stated prioritization of human rights and our core democratic values.²⁷ As such, we urge you to review whether or not the Saudi and Emirati governments are taking the necessary precautions to prevent harm to civilians in Yemen. If either are found to be in violation, we urge State to halt all arms sales to either country until it can verify they are taking steps to protect civilians. We also request answers to the following questions no later than October 7 and request that State brief our offices on its work to submit these certifications and to address the shortcomings identified in GAO’s report.

1. When does State plan to provide the most current information on each of the certification elements to Congress as recommended by the GAO and required by the FY19 NDAA?
2. How does State define the terms “misuse” and “unauthorized use” when determining how weapons sold by the United States are deployed?

²³ The New York Times, “Arms Sales to Saudis Leave American Fingerprints on Yemen’s Carnage,” Declan Walsh, Eric Schmitt, December 2018, <https://www.nytimes.com/2018/12/25/world/middleeast/yemen-us-saudi-civilian-war.html>.

²⁴ Office of the Inspector General, Department of State “Review of the Department of State’s Role in Arms Transfers to the Kingdom of Saudi Arabia and the United Arab Emirates,” Page 2, August 2020, https://www.stateoig.gov/system/files/isp-i-20-19_rdweb_508.pdf.

²⁵ The Office of Senator Elizabeth Warren, Press Release, October 9, 2018, <https://www.warren.senate.gov/newsroom/press-releases/sen-warren-and-rep-khanna-cnn-op-ed-end-us-complicity-in-yemens-humanitarian-disaster>; Vox, “Congress passes historic resolution to end US support for Saudi-led war in Yemen,” Tara Golshan, April 4, 2019, <https://www.vox.com/2019/4/4/18293954/war-powers-resolution-passes-congress-yemen-bds>; Friends Committee on National Legislation, “House Lawmakers Introduce Yemen War Powers Resolution,” Kat DesCamp-Renner, June 1, 2022, <https://www.fcnl.org/updates/2022-06/house-lawmakers-introduce-yemen-war-powers-resolution>


²⁶ Department of Defense, “Department of Defense Releases Memorandum on Improving Civilian Harm Mitigation and Response,” January 27, 2022. <https://www.defense.gov/News/Releases/Release/Article/2914764/departement-of-defense-releases-memorandum-on-improving-civilian-harm-mitigation/>


²⁷ The White House, “The Biden-Harris Administration Immediate Priorities,” <https://www.whitehouse.gov/priorities/>.


3. The GAO's report found that numerous, credible reports have determined that it is likely U.S.-origin arms were used by coalition partners to commit war crimes. Is State aware of these reports? Has it taken any action to validate their findings?
4. State agreed with the GAO's recommendation that additional guidance and memorialized procedures to fully investigate end use violations and instances of civilian harm would be useful, and it has begun drafting this guidance. When does State anticipate finalization of this guidance?
5. What processes does State have in place to investigate end use violations or instances of civilian harm?
6. How does State determine whether or not one of these reports are credible?
7. Please provide a list of investigations, related to end use violations under the Arms Export Control Act that have resulted in a pause, reduction, or cancelation of arms sales to foreign countries since 2012.

We thank you for your attention to this matter.

Sincerely,


Elizabeth Warren
United States Senator


Bernard Sanders
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Mike Lee
United States Senator