

United States Senate

WASHINGTON, DC 20510

May 14, 2023

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

Dear Secretary Austin:

We write in regard to your December 9, 2022 response to our September 7, 2022 inquiry into the failure of the Department of Defense (DoD or “the Department”) and the Department of State (DoS or “State”) to determine how U.S. military support and security assistance, including arms sales, has contributed to civilian harm in Yemen. We appreciate your response and request additional clarification.

We support DoD’s plan to develop guidance that revises the roles and responsibilities for reporting indications of misuse of U.S.-origin defense articles in Yemen by Saudi Arabia and the United Arab Emirates (UAE).¹ We also support DoD’s creation of the Civilian Harm Mitigation and Response Action Plan (CHMR-AP) to reduce civilian harm, and its recognition that “[t]he protection of civilians is a strategic priority as well as a moral imperative.”² The establishment of a Civilian Protection Center of Excellence in the Fiscal Year 2023 National Defense Authorization Act is critical for making progress in reducing and mitigating civilian harm.³

Despite this progress, we continue to have serious concerns about how DoD and the State Department track and monitor U.S.-origin weapons. The failure of DoD and State to properly do so stands in contradiction to U.S. values and our nation’s efforts to prevent and mitigate civilian harm. We have identified several areas of concerns, which we urge DoD and State to further evaluate and make concerted efforts to improve its end-use monitoring (EUM) policies.

A History of Misuse of U.S.-Origin Weapons in Yemen

There has been a consistent pattern of U.S.-origin weapons in Yemen being linked to misuse and the deaths of civilians throughout the years. For example, a 2019 CNN investigation found that, “Saudi Arabia and its coalition partners have transferred American-made weapons to al Qaeda-linked fighters, hardline Salafi militias, and other factions waging war in Yemen, in violation of

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,” Recommendations for Executive Action, <https://www.gao.gov/products/gao-22-105988>.

² Department of Defense, “Civilian Harm Mitigation and Response Action Plan (CHMR-AP),” August 25, 2022, p. I, <https://media.defense.gov/2022/Aug/25/2003064740/-1/-1/1/CIVILIAN-HARM-MITIGATION-AND-RESPONSE-ACTION-PLAN.PDF>.

³ James M. Inhofe National Defense Authorization Act for Fiscal Year 2023, Section 1082, Public Law 117-263.

their agreements with the United States.”⁴ The DoD was aware of this because at the time, a “US defense official confirmed there was an ongoing investigation into the issue” and the investigation found that the “the Saudi-led coalition is breaking the terms of its arms sales with the US, according to the Department of Defense.”⁵ Saudi Arabia and the UAE transferred these articles for nefarious purposes to benefit themselves, using “US-manufactured weapons as a form of currency to buy the loyalties of militias or tribes, bolster chosen armed actors, and influence the complex political landscape.”⁶

More recently, an Oxfam report found “that air raids by the Saudi-led coalition, using weapons solely supplied by the UK and US, accounted for a quarter of all attacks” on civilians from January 2021 through February 2022.⁷ Saudi-led coalition airstrikes resulted in at least 87 civilian deaths and 136 civilian injuries during that time.⁸ The air strikes also resulted in 19 attacks on hospitals, clinics, and ambulances and accounted for 39 percent of all the attacks that forced people to flee their homes.⁹ This link to civilian casualties is unacceptable and stands in stark contrast to the nation’s moral imperative to protect civilians in conflict.

The Failure of End-Use Monitoring Programs

Despite these clear examples of the misuse of U.S.-origin weapons, DoD and State have not taken necessary action to pause or stop related foreign military sales. In its response to our December letter, DoD indicated that “since 2012, DOS has not notified DoD to pause, reduce, or cancel any FMS cases or deliveries as a result of its investigations into reports that a foreign government used U.S.-origin defense articles for purposes other than those for which the items were furnished by the USG.”¹⁰ This raises serious questions about both the terms of end-user agreements the United States has with these countries, and DoD and DoS’s EUM processes.

The Defense Security Cooperation Agency (DSCA) is responsible for managing DoD’s end-use monitoring program, called the Golden Sentry program for any defense articles or services in foreign military sales.¹¹ In managing the program, DSCA must obtain pre-delivery end-user assurances regarding the use of U.S.-origin defense equipment and “oversees Routine and Enhanced end-use monitoring by Security Cooperation Organizations assigned to U.S. Embassies worldwide to verify end-use, accountability, and security of defense articles and services.”¹² As part of its responsibilities under the Golden Sentry Program, the DSCA must conduct Compliance Assessment Visits or Virtual Compliance Assessments in order to assess the

⁴ CNN, “Sold to an ally, lost to an enemy,” Nima Elbagir, Salma Abdelaziz, Mohamed Abo El Gheit and Laura Smith-Spark, February 2019, <https://edition.cnn.com/interactive/2019/02/middleeast/yemen-lost-us-arms/>.

⁵ *Id.*

⁶ *Id.*

⁷ Oxfam, “UK-Armed Airstrikes Part of a ‘Pattern of Violence Against Civilians’ in Yemen,” press release, January 11, 2023, <https://www.oxfam.org.uk/media/press-releases/uk-armed-airstrikes-part-of-a-pattern-of-violence-against-civilians-in-yemen/>.

⁸ *Id.*

⁹ *Id.*

¹⁰ “Tab A – DoD Responses to Inquiries on: GAO Report Regarding Civilian Harm in Yemen,” to Senator Warren, December 9, 2022, p. 3 [On File with the Office of Senator Elizabeth Warren].

¹¹ Congressional Research Service, “U.S. Arms Sales and Human Rights: Legislative Basis and Frequently Asked Questions,” Paul K. Kerr and Michael A. Weber, April 7, 2023, p. 2, <https://www.crs.gov/reports/pdf/IF11197/IF11197.pdf>.

compliance of Security Cooperation Organizations with Golden Sentry policy “and partner nations’ compliance with specific physical security and accountability agreements, provisos, and other terms of sale.”¹³

According to DSCA, the Golden Sentry program, is meant to “verify that defense articles or services transferred by the United States government (USG) to foreign recipients are being used in accordance with the terms and conditions” of the transfer or related agreements¹⁴ and to hold “Foreign Military Sales (FMS) partners accountable for the proper use, storage, and physical security” of these defense articles and services.¹⁵ However, despite this description, the term “end-use monitoring” appears to be a misnomer as DoD and DoS’ EUM programs do not, in fact, monitor how U.S.-origin equipment is used. According to a fiscal year 2021 report on the Golden Sentry program to Congress, “[p]ost-delivery monitoring activities are conducted to verify the partner’s continued ownership of U.S. government provided equipment and also the partner’s compliance with any applicable technology control or physical security requirements. *They are not intended to address a partner nation’s operational use of transferred equipment [emphasis added].*”¹⁶ As outside experts explain, the Blue Lantern and Golden Sentry programs “don’t...monitor the actual use of U.S. weapons and the conduct of forces employing them, including the use of U.S. weapons in human rights abuses, violations of international humanitarian law (IHL), and other civilian harm.”¹⁷ This limitation indicates that the U.S. is failing to properly monitor whether U.S.-origin equipment is being used to commit human rights violations and violations of international law. It is highly disturbing that U.S. government programs are allowing these weapons sales while turning a blind eye to the way that the equipment is being used in direct opposition to U.S. values.

We are very disappointed that despite this clear gap in how these programs are implemented, in DoD’s December response, the Department stated that it “is not planning to expand the Golden Sentry Program to include monitoring a partner’s operational use of transferred U.S. defense articles.”¹⁸ This statement aligns with previous reporting that DoD itself appears to be unclear about the true purpose of EUM programs. In a separate Government Accountability Office (GAO) report on end-use monitoring in El Salvador, Guatemala, and Honduras, GAO noted that,

¹² Defense Security Cooperation Agency, “Golden Sentry End-Use Monitoring,” <https://www.dscamilitary.com/golden-sentry-end-use-monitoring-program>; Defense Security Cooperation Agency, Security Assistance Management Manual, Chapter 8, Section C8.3 & C8.4 Routine EUM, <https://samm.dscamilitary.com/chapter/chapter-8#C8.3>.

¹³ Defense Security Cooperation Agency, Security Assistance Management Manual, Chapter 8, Table C8.T2. DoD End-Use Monitoring Responsibilities, <https://samm.dscamilitary.com/chapter/chapter-8#C8.T2>.

¹⁴ Defense Security Cooperation Agency, Security Assistance Management Manual, C8.1 Definition and Purpose of End-Use Monitoring, <https://samm.dscamilitary.com/chapter/chapter-8#C8.1>.

¹⁵ Defense Security Cooperation Agency, “Golden Sentry End-Use Monitoring,” <https://www.dscamilitary.com/golden-sentry-end-use-monitoring-program>.

¹⁶ U.S. Department of State Directorate of Defense Trade Controls, “End-Use Monitoring of Defense Articles and Services: Government-to-Government Services,” Fiscal Year 2021, https://www.pmdtc.state.gov/sys_attachment.do?sysparm_referring_url=tear_off&view=true&sys_id=c9245d6e1b7ec914d1f1ea02f54bcb43#:~:text=Section%2040A%20requires%20the%20EUM,articles%20and%20services%20are%20being.

¹⁷ “Demystifying End-Use Monitoring in U.S. Arms Exports,” Center for Civilians in Conflict, CIP Security Assistance Monitor, and Stimson Center, September 2021, <https://civiliansinconflict.org/wp-content/uploads/2021/09/EUM-Brief.pdf>.

¹⁸ “Tab A – DoD Responses to Inquiries on: GAO Report Regarding Civilian Harm in Yemen,” to Senator Warren, December 9, 2022, p. 4 [On File with the Office of Senator Elizabeth Warren].

“While DOD officials told us that the Golden Sentry program is not designed to identify misuse, they have also stated elsewhere that they do rely on the program to investigate and prevent misuse.”¹⁹ The lack of focus on the operational use of this equipment, both in end-user agreements and in EUM programs, leaves an enormous void in monitoring how U.S.-origin weapons are used, including if they are contributing to civilian harm.

The Disconnect Between Evidence of Misuse and Corrective Action

Although DoD and State are failing to properly monitor the use of U.S.-origin weapons, the Administration does have the authority and duty to prohibit the sales of arms to foreign countries using U.S.-origin weapons for unauthorized purposes. The *Arms Export Control Act* (AECA) “prohibits the sale or delivery of U.S.-origin defense articles if the President finds that a recipient country has used such articles for unauthorized purposes.”²⁰ Additionally, “[t]he executive branch also has wide-ranging authority to cancel an FMS transaction prior to the articles’ delivery” through the standard terms and conditions within Letters of Offer of Acceptance (LOA), including even in cases where the U.S. has delivered some of these items to a foreign government already.²¹ A 2019 CNN investigation revealed an ongoing investigation by the DoD into whether the Saudi-led coalition was breaking its arms sales terms with the United States.²² DoD’s awareness of these allegations and DoS’s response to our letter indicating that since 2012, it “has not paused, reduced, or canceled any Foreign Military Sales cases or deliveries as a result of its investigations into reports that a foreign government used U.S.-origin or U.S.-provided defense articles for purposes other than those for which the items were furnished by the U.S. government,”²³ raises concerns about how State is upholding its authorities under the AECA.

Additionally, in regard to commercial sales with EUM processes that fall under the State Department’s Blue Lantern Program, the Administration can cancel or modify export licenses for U.S.-origin defense articles under the International Traffic in Arms Regulations (ITAR) whenever DoS “‘believes that’ the recipient has violated ‘the terms of any U.S. Government export authorization,’” or if it is “in furtherance of world peace, the national security or the foreign policy of the United States, or is otherwise advisable.”²⁴ Additionally, under the *Foreign Assistance Act*, except in limited circumstances, “no security assistance may be provided to any country the government of which engages in a consistent pattern of gross violations of internationally recognized human rights.”²⁵ DoS clearly has the authority to pause, reduce, or cancel arms sales to foreign countries where U.S.-origin articles have been used for unauthorized purposes. What is unclear is why it has failed to act on this authority.

¹⁹ Government Accountability Office, “Northern Triangle: DOD and State Need Improved Policies to Address Equipment Misuse” November 2022, p. 21, <https://www.gao.gov/assets/gao-23-105856.pdf>.

²⁰ Congressional Research Service, “Modifying or Ending Sales of U.S.-Origin Defense Articles,” Paul K. Kerr and Liana W. Rosen, May 4, 2020, p. 2, <https://www.crs.gov/reports/pdf/IF11533/IF11533.pdf>.

²¹ *Id.*

²² CNN, “Sold to an ally, lost to an enemy,” Nima Elbagir, Salma Abdelaziz, Mohamed Abo El Gheit and Laura Smith-Spark, February 2019, <https://edition.cnn.com/interactive/2019/02/middleeast/yemen-lost-us-arms/>.

²³ Letter from Assistant Secretary for the Bureau of Legislative Affairs Naz Durakoğlu to Senator Warren, December 6, 2022, p. 3 [On File with the Office of Senator Elizabeth Warren].

²⁴ Congressional Research Service, “Modifying or Ending Sales of U.S.-Origin Defense Articles,” Paul K. Kerr and Liana W. Rosen, May 4, 2020, p. 2, <https://www.crs.gov/reports/pdf/IF11533/IF11533.pdf>.

²⁵ 22 U.S.C. § 2304.

A Poorly Implemented Golden Sentry Program

In DoD’s December response, it conceded to us that the Golden Sentry program is unable to monitor operational use of transferred weapons, writing it was “not feasible” due to “the volume of transferred defense articles, the lack of DoD manning to support such a mission, lack of access to areas of hostilities, and the security risk to DoD Personnel.”²⁶ It is concerning that DoD is failing to properly keep up with the volume of defense articles that the U.S. is sending abroad. This, coupled with the 2022 GAO report on EUM in El Salvador, Guatemala, and Honduras, indicates broader patterns of failures of the Golden Sentry Program.²⁷

In this report, GAO also found that DoD did not properly implement the Golden Sentry program as it “did not maintain accurate data on which equipment is subject to enhanced end-use monitoring” and thus failed “to complete all required enhanced end-use monitoring of sensitive equipment.”²⁸ This ultimately left DoD unable to account for DoD-provided equipment, resulting in circumstances where “DOD may lack reasonable assurance that recipients are using equipment for authorized purposes only.”²⁹ Furthermore, according to the GAO, for cases involving the misuse of DoD-provided equipment in Guatemala, “neither DOD nor State recorded most of these allegations because they do not have policies outlining how to record them.”³⁰ Additionally, DoD officials told GAO that, “they primarily rely on third-party reports to identify misuse.”³¹

We are alarmed by DoD’s repeated failure to track transferred defense articles and the ways in which the Department’s reliance on third-party reports arbitrarily limits effective EUM of U.S.-origin defense articles. We are concerned about the issues discussed in this GAO report and how they extend to the tracking of U.S.-origin equipment and the Golden Sentry program in other countries as well. This leads to situations like those in Yemen, where DoD does not track the operational use of defense transfers, and U.S.-origin weapons harm or kill innocent civilians.

Clarity Needed in Policies to Prevent Civilian Harm in Weapons Transfers

We welcome the Administration’s February 2023 release of its updated Conventional Arms Transfer (CAT) policy, and its recognition that “United States national security is strengthened by greater respect worldwide for human rights and international law, including international humanitarian law.”³² We appreciate its commitment that arms transfers will not be authorized if the U.S. government:

²⁶ “Tab A – DoD Responses to Inquiries on: GAO Report Regarding Civilian Harm in Yemen,” to Senator Warren, December 9, 2022, p. 4 [On File with the Office of Senator Elizabeth Warren].

²⁷ Government Accountability Office, “Northern Triangle: DOD and State Need Improved Policies to Address Equipment Misuse, GAO Highlights” November 2022, <https://www.gao.gov/assets/gao-23-105856.pdf>.

²⁸ *Id.*

²⁹ *Id.*

³⁰ *Id.*

³¹ *Id.*

³² White House, “Memorandum on United States Conventional Arms Transfer Policy,” February 23, 2023, <https://www.whitehouse.gov/briefing-room/presidential-actions/2023/02/23/memorandum-on-united-states-conventional-arms-transfer-policy/>.

assesses that it is more likely than not that the arms to be transferred will be used by the recipient to commit, facilitate the recipients' commission of, or to aggravate risks that the recipient will commit: genocide; crimes against humanity; grave breaches of the Geneva Conventions of 1949, including attacks intentionally directed against civilian objects or civilians protected as such; or other serious violations of international humanitarian or human rights law, including serious acts of gender-based violence or serious acts of violence against children.³³

This is a welcome step toward upholding U.S. obligations under international law. The new policy will consider a "proposed recipient's current and past actions, credible reports that the recipient committed any of the above violations, and other information related to the overall capacity or intention of the recipient to respect international law."³⁴ We appreciate the policy's commitment to review conventional arms transfers already authorized in light of new circumstances that increase the risk of any of the above violations.³⁵ This change in policy is particularly important given the GAO's finding that DoD did not track how the equipment provided was used and, previously, "generally [did] not consider the past use of equipment when developing new FMS cases."³⁶ We request additional clarity on how the Administration plans to implement these important goals. We further expect that the Administration will choose to extend this policy consistently to all recipients of U.S. security assistance, including Saudi Arabia, the UAE, and beyond, and look forward to working with both the Defense and State Departments to ensure security assistance moving forward meets this higher level of scrutiny.

Additionally, we request further information on another policy within the Security Assistance Management Manual (SAMM), which provides DoD-wide guidance to relevant DoD organizational entities that manage or implement DoD Security Assistance and Security Cooperation programs under DSCA responsibility.³⁷ The Targeting Working Group was established in 2019 between DoS and DoD to "reduce the risk of partner nation or coalition operations causing civilian harm,"³⁸ and resulted in the development of the Targeting Infrastructure Policy in 2019,³⁹ which impacts how Country Team Assessments (CTA) are conducted. CTAs are meant to be "the coordinated position of senior U.S. Embassy leadership in support of a proposed sale and provides key information necessary to evaluate and explain it."⁴⁰ Under these updates, CTAs for any air-to-surface or indirect fire surface-to-surface munitions

³³ *Id.*

³⁴ *Id.*

³⁵ *Id.*

³⁶ 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," pg. 28, <https://www.gao.gov/products/gao-22-105988>.

³⁷ Defense Security Cooperation Agency, Security Assistance Management Manual Authorization Letter, April 30, 2012, <https://samm.dsca.mil/listing/authorization-letter>.

³⁸ U.S. Department of State, "Targeting Working Group," October 1, 2020, [https://2017-2021.state.gov/targeting-working-group/index.html#:~:text=The%20TWG%20is%20a%20joint,via%20Foreign%20Military%20Sales%20\(FMS\)](https://2017-2021.state.gov/targeting-working-group/index.html#:~:text=The%20TWG%20is%20a%20joint,via%20Foreign%20Military%20Sales%20(FMS)).

³⁹ Defense Security Cooperation Agency, Memo on Targeting Infrastructure Policy 19-58 [SAMM E-Change 461], November 27, 2019, <https://samm.dsca.mil/policy-memoranda/dsca-19-58>.

⁴⁰ Defense Security Cooperation Agency, Security Assistance Management Manual, C5.1.4 Country Team Assessment (CTA), <https://samm.dsca.mil/chapter/chapter-5#C5.T1>.

and delivery systems must include an element determining whether a partner has “previously demonstrated an ability and willingness to employ weapons in a manner that minimizes collateral damage.”⁴¹ It is unclear, however, how the CTA measures this “ability and willingness,” and what it means to “minimize collateral damage,” and we request additional clarification on this below.

To address our ongoing concerns about these policies, we request answers to each of the following questions no later than June 5, 2023:

1. How many potential end-use violations has DSCA transmitted to DoS since 2012?
 - a. How many of these potential end-use violations involved civilian harm?
 - b. How many pertained to Saudi or Emirati end-use in Yemen?
2. How many of these potential end-use violations involving civilian harm resulting from U.S.-origin arms were reported by media and civil society sources?
 - a. Did the Department receive reports of potential end-use violations involving civilian harm resulting from U.S.-origin arms from the United Nations or its affiliated bodies?
 - b. How many of these reports did you consider credible? For those reports deemed “not credible,” what was the reasoning? Please provide an explanation for each violation.
 - c. What is the process by which civil society and media can report potential end-use violations to DoD? How are such reports used?
3. How many Compliance Assessment Visits has the Golden Sentry program conducted for U.S.-origin defense articles and services sold to Saudi Arabia or the United Arab Emirates since 2012?
4. How many U.S.-origin defense articles and services have been sold through Foreign Military Sales to Saudi Arabia and the UAE since 2012?
 - a. What is the total monetary value of these sales?
5. Which Security Cooperation Organizations (SCOs) have been responsible for conducting routine and enhanced end-use monitoring of U.S.-origin defense articles in Saudi Arabia and the UAE since 2012?
 - a. What type of training do these SCOs receive on conducting end-use monitoring?

⁴¹ Defense Security Cooperation Agency, Security Assistance Management Manual, Table C5.T1h, Additional CTA Elements for Air-to-Surface and Indirect Fire Surface-to-Surface Munitions and their Delivery Systems, <https://samm.dsca.mil/chapter/chapter-5#C5.T1h>.

6. Does DSCA follow up with DoS to determine whether DoS finds allegations of end-use violations to be credible?
 - a. If so, what is DSCA’s process to follow up and how often does DSCA perform these checks? If not, what is the reasoning behind not doing so?
7. In your December response you stated that, “Although any such indications are to be reported and reviewed, an investigation might not be appropriate in all cases; for example, in the case of spurious allegations or when allegations related to a matter that had already been the subject of an investigation and new information was not provided that warranted re-opening the investigation.”⁴² How do you define “spurious allegations?”
8. What steps do DoD and DoS take when EUM violations are found?
9. How will DSCA and DOS review already-approved export licenses and arms transfers under the new CAT policy?
 - a. How will the Department ensure that assistance is halted when credible allegations arise, as mandated under the new CAT policy?
 - b. How will the Department monitor the violations that the CAT policy has determined will result in arms transfers no longer being authorized?
 - c. How will the Department measure that it is “more likely than not” that these violations will or are occurring?
 - d. How will the Department ensure that, per the new CAT policy, a proposed recipient’s past use of U.S.-origin equipment will be fully considered when developing new FMS cases?
10. When did the Targeting Working Group last convene? What steps is it taking to continue to work to “reduce the risk of partner nation or coalition operations causing civilian harm?”⁴³
11. Under the Security Assistance Management Manual (SAMM) within Table C5.T1h, the CTA for any air-to-surface or indirect fire surface-to-surface munitions and delivery systems must include an element determining whether a partner has “previously demonstrated an ability and willingness to employ weapons in a manner that minimizes collateral damage.”⁴⁴

⁴² “Tab A – DoD Responses to Inquiries on: GAO Report Regarding Civilian Harm in Yemen,” to Senator Warren, December 9, 2022, p. 2 [On File with the Office of Senator Elizabeth Warren].

⁴³ U.S. Department of State, “Targeting Working Group,” October 1, 2020, [https://2017-2021.state.gov/targeting-working-group/index.html#:~:text=The%20TWG%20is%20a%20joint,via%20Foreign%20Military%20Sales%20\(FMS\).](https://2017-2021.state.gov/targeting-working-group/index.html#:~:text=The%20TWG%20is%20a%20joint,via%20Foreign%20Military%20Sales%20(FMS).)

⁴⁴ Defense Security Cooperation Agency, “Security Assistance Management Manual, Table C5.T1h, Additional CTA Elements for Air-to-Surface and Indirect Fire Surface-to-Surface Munitions and their Delivery Systems,” <https://samm.dsca.mil/chapter/chapter-5#C5.T1h>.


- a. What guidance does DSCA provide to define “ability and willingness” to minimize collateral damage?
- b. What standard does it follow to determine if collateral damage is being minimized?


12. What is the status of your response to the GAO’s recommendations from the report, “Northern Triangle: DOD and State Need Improved Policies to Address Equipment Misuse,”⁴⁵ and when do you expect to complete these recommendations?


We also request that DoD, no later than June 26, 2023, provide a briefing to our offices on EUM capabilities through the Golden Sentry program.

We thank you for your attention to this matter.

Sincerely,


Elizabeth Warren
United States Senator


Bernard Sanders
United States Senator


Michael S. Lee
United States Senator

⁴⁵ Government Accountability Office, “Northern Triangle: DOD and State Need Improved Policies to Address Equipment Misuse” November 2022, <https://www.gao.gov/assets/gao-23-105856.pdf>.

United States Senate

WASHINGTON, DC 20510

May 14, 2023

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 regard to your December 6, 2022 response to our September 7, 2022 inquiry into the failure of the Department of Defense (DoD or “the Department”) and the Department of State (DoS or “State” or “State Department”) to determine how U.S. military support and security assistance, including arms sales, has contributed to civilian harm in Yemen. We appreciate your response and request additional clarification.

We support the State Department’s plan to develop guidance that revises the roles and responsibilities for reporting indications of misuse of U.S.-origin defense articles in Yemen by Saudi Arabia and the United Arab Emirates (UAE).¹ We also support DoD’s creation of the Civilian Harm Mitigation and Response Action Plan (CHMR-AP) to reduce civilian harm, and its recognition that “[t]he protection of civilians is a strategic priority as well as a moral imperative.”² The establishment of a Civilian Protection Center of Excellence in the Fiscal Year 2023 National Defense Authorization Act is critical for making progress in reducing and mitigating civilian harm.³

Despite this progress, we continue to have serious concerns about how DoD and the State Department track and monitor U.S.-origin weapons. The failure of DoD and State to properly do so stands in contradiction to U.S. values and our nation’s efforts to prevent and mitigate civilian harm. We have identified several areas of concerns, which we urge DoD and State to further evaluate and make concerted efforts to improve its end-use monitoring (EUM) policies.

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¹ Congressional Transmittal Letter from Assistant Secretary for the Bureau of Legislative Affairs Naz Durakoğlu to Senator Warren, October 6, 2022, [On File with the Office of Senator Elizabeth Warren].

² Department of Defense, “Civilian Harm Mitigation and Response Action Plan (CHMR-AP),” August 25, 2022, p. I, <https://media.defense.gov/2022/Aug/25/2003064740/-1/-1/1/CIVILIAN-HARM-MITIGATION-AND-RESPONSE-ACTION-PLAN.PDF>.

³ James M. Inhofe National Defense Authorization Act for Fiscal Year 2023, Section 1082, Public Law 117-263.

their agreements with the United States.”⁴ The DoD was aware of this because at the time, a “US defense official confirmed there was an ongoing investigation into the issue” and the investigation found that the “the Saudi-led coalition is breaking the terms of its arms sales with the US, according to the Department of Defense.”⁵ Saudi Arabia and the UAE transferred these articles for nefarious purposes to benefit themselves, using “US-manufactured weapons as a form of currency to buy the loyalties of militias or tribes, bolster chosen armed actors, and influence the complex political landscape.”⁶

More recently, an Oxfam report found “that air raids by the Saudi-led coalition, using weapons solely supplied by the UK and US, accounted for a quarter of all attacks” on civilians from January 2021 through February 2022.⁷ Saudi-led coalition airstrikes resulted in at least 87 civilian deaths and 136 civilian injuries during that time.⁸ The air strikes also resulted in 19 attacks on hospitals, clinics, and ambulances and accounted for 39 percent of all the attacks that forced people to flee their homes.⁹ This link to civilian casualties is unacceptable and stands in stark contrast to the nation’s moral imperative to protect civilians in conflict.

The Failure of End-Use Monitoring Programs

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The Country and End-Use Analysis (CEA) Division within the State Department Bureau of Political-Military Affairs is responsible for managing State’s EUM program, called the Blue Lantern program, to monitor end-use of U.S.-origin defense articles or services that have been exported through commercial sales.¹¹ The CEA is responsible for determining if these cases are deemed “favorable,” “unfavorable,” or “no action.”¹²

⁴ CNN, “Sold to an ally, lost to an enemy,” Nima Elbagir, Salma Abdelaziz, Mohamed Abo El Gheit and Laura Smith-Spark, February 2019, <https://edition.cnn.com/interactive/2019/02/middleeast/yemen-lost-us-arms/>.

⁵ *Id.*

⁶ *Id.*

⁷ Oxfam, “UK-Armed Airstrikes Part of a ‘Pattern of Violence Against Civilians’ in Yemen,” press release, January 11, 2023, <https://www.oxfam.org.uk/media/press-releases/uk-armed-airstrikes-part-of-a-pattern-of-violence-against-civilians-in-yemen/>.

⁸ *Id.*

⁹ *Id.*

¹⁰ Letter from Assistant Secretary for the Bureau of Legislative Affairs Naz Durakoğlu to Senator Warren, December 6, 2022, p. 3 [On File with the Office of Senator Elizabeth Warren].

¹¹ U.S. State Department, “Report to Congress on End-Use Monitoring of Defense Articles and Defense Services: 22 USC 2785(c): End-Use Monitoring of Defense Articles and Defense Services,” April 15, 2022, p. 1, https://www.pmdtc.state.gov/sys_attachment.do?sysparm_referring_url=tear_off&view=true&sys_id=41245d6e1b7ec914d1f1ea02f54bcb41.

¹² *Id.*, p. 4.

According to the State Department, the Blue Lantern Program is meant to provide “reasonable assurance” that the recipient is complying with the U.S. government requirements for using, transferring, and securing the defense articles or services sold to foreign governments through direct commercial sale and that “such articles and services are being used for the purposes for which they were provided.”¹³ However, despite this description, the term “end-use monitoring” appears to be a misnomer as DoD and DoS’ EUM programs do not, in fact, monitor how U.S.-origin equipment is used. According to a fiscal year 2021 report on the Golden Sentry program to Congress, “[p]ost-delivery monitoring activities are conducted to verify the partner’s continued ownership of U.S. government provided equipment and also the partner’s compliance with any applicable technology control or physical security requirements. *They are not intended to address a partner nation’s operational use of transferred equipment* [emphasis added].”¹⁴ As outside experts explain, the Blue Lantern and Golden Sentry programs, “don’t...monitor the actual use of U.S. weapons and the conduct of forces employing them, including the use of U.S. weapons in human rights abuses, violations of international humanitarian law (IHL), and other civilian harm.”¹⁵ This limitation indicates that the U.S. is failing to properly monitor whether U.S.-origin equipment is being used to commit human rights violations and violations of international law. It is highly disturbing that U.S. government programs are allowing these weapons sales while turning a blind eye to the way that the equipment is being used in direct opposition to U.S. values.

We are very disappointed that despite this clear gap in how these programs are implemented, in DoD’s December response, the Department stated that it “is not planning to expand the Golden Sentry Program to include monitoring a partner’s operational use of transferred U.S. defense articles.”¹⁶ This statement aligns with previous reporting that DoD itself appears to be unclear about the true purpose of EUM programs. In a separate Government Accountability Office (GAO) report on end-use monitoring in El Salvador, Guatemala, and Honduras, GAO noted that, “While DOD officials told us that the Golden Sentry program is not designed to identify misuse, they have also stated elsewhere that they do rely on the program to investigate and prevent misuse.”¹⁷ The lack of focus on the operational use of this equipment, both in end-user agreements and in EUM programs, leaves an enormous void in monitoring how U.S.-origin weapons are used, including if they are contributing to civilian harm.

The Disconnect Between Evidence of Misuse and Corrective Action

¹³ U.S. Department of State, “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/>.

¹⁴ U.S. Department of State Directorate of Defense Trade Controls, “End-Use Monitoring of Defense Articles and Services: Government-to-Government Services,” Fiscal Year 2021, https://www.pmdtcc.state.gov/sys_attachment.do?sysparm_referring_url=tear_off&view=true&sys_id=c9245d6e1b7ec914d1f1ea02f54bcb43#:~:text=Section%2040A%20requires%20the%20EUM,articles%20and%20services%20are%20being.

¹⁵ “Demystifying End-Use Monitoring in U.S. Arms Exports,” Center for Civilians in Conflict, CIP Security Assistance Monitor, and Stimson Center, September 2021, <https://civiliansinconflict.org/wp-content/uploads/2021/09/EUM-Brief.pdf>.

¹⁶ “Tab A – DoD Responses to Inquiries on: GAO Report Regarding Civilian Harm in Yemen,” to Senator Warren, December 9, 2022, p. 4 [On File with the Office of Senator Elizabeth Warren].

¹⁷ Government Accountability Office, “Northern Triangle: DOD and State Need Improved Policies to Address Equipment Misuse” November 2022, p. 21, <https://www.gao.gov/assets/gao-23-105856.pdf>.

Although DoD and State are failing to properly monitor the use of U.S.-origin weapons, the Administration does have the authority and duty to prohibit the sales of arms to foreign countries using U.S.-origin weapons for unauthorized purposes. The *Arms Export Control Act* (AECA) “prohibits the sale or delivery of U.S.-origin defense articles if the President finds that a recipient country has used such articles for unauthorized purposes.”¹⁸ Additionally, “[t]he executive branch also has wide-ranging authority to cancel an FMS transaction prior to the articles’ delivery” through the standard terms and conditions within Letters of Offer of Acceptance (LOA), including even in cases where the U.S. has delivered some of these items to a foreign government already.¹⁹ A 2019 CNN investigation revealed an ongoing investigation by the DoD into whether the Saudi-led coalition was breaking its arms sales terms with the United States.²⁰ DoD’s awareness of these allegations and DoS’s response to our letter indicating that since 2012, it “has not paused, reduced, or canceled any Foreign Military Sales cases or deliveries as a result of its investigations into reports that a foreign government used U.S.-origin or U.S.-provided defense articles for purposes other than those for which the items were furnished by the U.S. government,”²¹ raises concerns about how State is upholding its authorities under the AECA.

Additionally, in regard to commercial sales with EUM processes that fall under the State Department’s Blue Lantern Program, the Administration can cancel or modify export licenses for U.S.-origin defense articles under the International Traffic in Arms Regulations (ITAR) whenever DoS “believes that” the recipient has violated “the terms of any U.S. Government export authorization,” or if it is “in furtherance of world peace, the national security or the foreign policy of the United States, or is otherwise advisable.”²² Additionally, under the *Foreign Assistance Act*, except in limited circumstances, “no security assistance may be provided to any country the government of which engages in a consistent pattern of gross violations of internationally recognized human rights.”²³ DoS clearly has the authority to pause, reduce, or cancel arms sales to foreign countries where U.S.-origin articles have been used for unauthorized purposes. What is unclear is why it has failed to act on this authority.

A Poorly Implemented Blue Lantern Program

In addition to the broader failure of the Blue Lantern Program not properly monitoring the use of U.S.-origin weapons, a recent Government Accountability (GAO) report found further gaps in how the State Department is tracking potential violations of the International Traffic in Arms Regulations (ITAR) by private companies providing defense services. One of the ways in which State enforces ITAR is by reviewing case referrals from the DoS Blue Lantern End-Use

¹⁸ Congressional Research Service, “Modifying or Ending Sales of U.S.-Origin Defense Articles,” Paul K. Kerr and Liana W. Rosen, May 4, 2020, p. 2, <https://www.crs.gov/reports/pdf/IF11533/IF11533.pdf>.

¹⁹ *Id.*

²⁰ CNN, “Sold to an ally, lost to an enemy,” Nima Elbagir, Salma Abdelaziz, Mohamed Abo El Gheit and Laura Smith-Spark, February 2019, <https://edition.cnn.com/interactive/2019/02/middleeast/yemen-lost-us-arms/>.

²¹ Letter from Assistant Secretary for the Bureau of Legislative Affairs Naz Durakoğlu to Senator Warren, December 6, 2022, p. 3 [On File with the Office of Senator Elizabeth Warren].

²² Congressional Research Service, “Modifying or Ending Sales of U.S.-Origin Defense Articles,” Paul K. Kerr and Liana W. Rosen, May 4, 2020, p. 2, <https://www.crs.gov/reports/pdf/IF11533/IF11533.pdf>.

²³ 22 U.S.C. § 2304.

Monitoring Program.²⁴ According to the report, “State was unable to readily provide certain data on the number of disclosures and checks indicating potential violations for defense services.”²⁵ Problems included a lack of “procedures for compliance specialists who record cases information” and a limited “internal information technology mechanism used to tag cases and the mechanism used to collect information on violations from the regulated community.”²⁶

Although DoS claims that it plans to improve its data collection and quality, “State was unable to provide documented evidence of its plans for the procedures and had no definitive timeline for when it would complete the external disclosure portal.”²⁷ This indicated a continued pattern of failure by DoS to properly track violations of defense services and articles to foreign governments. According to GAO, the lack of violations data means that, “State may be unable to systematically assess trends in defense services that may indicate increased risks or threats requiring additional oversight or internal controls for risk mitigation.”²⁸ Tracking this data properly is key to understanding and putting a stop to these ITAR violations.

This lack of a properly conducted Blue Lantern Program is not new. In 2019, the State Department Office of Inspector General (OIG) found that the Directorate of Defense Trade Controls “did not implement sufficient internal controls to ensure that the end-use and end-user of exports were appropriately vetted.”²⁹ One of the applications OIG reviewed was not properly vetted due to the Blue Lantern Officer’s lack of awareness on certain requirements,³⁰ and there were significant delays in completing Blue Lantern checks, with one of these checks being over 600 days past due.³¹ This pattern of gaps within the Blue Lantern Program is highly concerning.

Clarity Needed in Policies to Prevent Civilian Harm in Weapons Transfers

We welcome the Administration’s February 2023 release of its updated Conventional Arms Transfer (CAT) policy, and its recognition that “United States national security is strengthened by greater respect worldwide for human rights and international law, including international humanitarian law.”³² We appreciate its commitment that arms transfers will not be authorized if the U.S. government:

assesses that it is more likely than not that the arms to be transferred will be used by the recipient to commit, facilitate the recipients’ commission of, or to

²⁴ Government Accountability Office, “Export Controls: State Needs to Improve Compliance Data to Enhance Oversight of Defense Services,” February 2023, GAO Highlights, <https://www.gao.gov/assets/gao-23-106379.pdf>.

²⁵ Government Accountability Office, “Export Controls: State Needs to Improve Compliance Data to Enhance Oversight of Defense Services,” February 2023, p. 10, <https://www.gao.gov/assets/gao-23-106379.pdf>.

²⁶ *Id.* at p. 20.

²⁷ *Id.*

²⁸ *Id.*

²⁹ Office of Inspector General United States State Department, “(U) Audit of Department of States Directorate of Defense Trade Controls Export Licensing Processes,” February 2019, p. 15, https://www.stateoig.gov/uploads/report/report_pdf_file/aud-si-19-07_1.pdf.

³⁰ *Id.*, at p. 16.

³¹ *Id.*, at p. 17.

³² White House, “Memorandum on United States Conventional Arms Transfer Policy,” February 23, 2023, <https://www.whitehouse.gov/briefing-room/presidential-actions/2023/02/23/memorandum-on-united-states-conventional-arms-transfer-policy/>.

aggravate risks that the recipient will commit: genocide; crimes against humanity; grave breaches of the Geneva Conventions of 1949, including attacks intentionally directed against civilian objects or civilians protected as such; or other serious violations of international humanitarian or human rights law, including serious acts of gender-based violence or serious acts of violence against children.³³

This is a welcome step toward upholding U.S. obligations under international law. The new policy will consider a “proposed recipient’s current and past actions, credible reports that the recipient committed any of the above violations, and other information related to the overall capacity or intention of the recipient to respect international law.”³⁴ We appreciate the policy’s commitment to review conventional arms transfers already authorized in light of new circumstances that increase the risk of any of the above violations.³⁵ We request additional clarity on how the Administration plans to implement these important goals. We further expect that the Administration will choose to extend this policy consistently to all recipients of U.S. security assistance, including Saudi Arabia, the UAE, and beyond, and look forward to working with both the Defense and State Departments to ensure security assistance moving forward meets this higher level of scrutiny.

We also request further clarification on elements in the DoS response. It is not clear when you plan to update Congress regarding the certification elements to Congress “indicating whether the governments of Saudi Arabia and UAE were undertaking demonstrable efforts to reduce harm to civilians appropriate measures to alleviate the humanitarian crisis in Yemen,” as mandated by the Fiscal Year (FY) 2019 National Defense Authorization Act.³⁶ While State submitted the initial certification in 2018, it did not submit the following two required certifications.³⁷ Your response notes that State will continue to engage with Congress on updates on the conflict in Yemen, but does not note when it will engage on these certifications.³⁸

³³ White House, “Memorandum on United States Conventional Arms Transfer Policy,” February 23, 2023, <https://www.whitehouse.gov/briefing-room/presidential-actions/2023/02/23/memorandum-on-united-states-conventional-arms-transfer-policy/>.

³⁴ *Id.*

³⁵ *Id.*

³⁶ 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, p. 36, <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>.

³⁷ 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>.

³⁸ Letter from Assistant Secretary for the Bureau of Legislative Affairs Naz Durakoğlu to Senator Warren, December 6, 2022, p. 2 [On File with the Office of Senator Elizabeth Warren].

Additionally, in your response,³⁹ you do not specify whether State has taken action to validate the numerous, credible reports that it is likely U.S.-origin arms were used to commit war crimes.⁴⁰ You explain that State does “consider credible allegations of war crimes in our arms sales decisions. Despite our efforts, we are generally unable to conclusively resolve such allegations due to insufficient information received.”⁴¹ However, the GAO report clearly pointed to several reports from a UN investigative team on human rights abuses, including civilian harm, in Yemen.⁴² You received a copy of and reviewed this GAO report, so you have received this information,⁴³ leading us to question how you define “insufficient information” when there are several credible findings out there. We therefore ask for additional information on these questions below.

To address our ongoing concerns about these policies, we request answers to each of the following questions no later than June 5, 2023:

1. How many reports of civilian harm resulting from U.S.-origin arms have you received since 2012?
 - a. How many of these reports were considered from media and civil society sources? How many of these reports did you consider credible? For those reports deemed “not credible,” what was the reasoning?
 - b. How many of these reports did you receive from DoD?
 - c. How many reports did you receive from the United Nations or its affiliated bodies?
 - d. How many of these reports regarded Foreign Military Sales and how many regarded direct commercial sales?
2. What is your definition for what you consider to be “credible” reports of civilian harm resulting from U.S.-origin arms?
3. What criteria do you follow to determine if Foreign Military Sales should be paused, reduced, or canceled after receiving reports of “unauthorized use?”
4. What criteria do you follow to determine if direct commercial sales should be paused, reduced, or canceled after receiving reports of “unauthorized use?”

³⁹ *Id.*

⁴⁰ 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. 30, <https://www.gao.gov/assets/gao-22-105988.pdf>.

⁴¹ Letter from Assistant Secretary for the Bureau of Legislative Affairs Naz Durakoğlu to Senator Warren, December 6, 2022, p. 2 [On File with the Office of Senator Elizabeth Warren].

⁴² 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. 30, <https://www.gao.gov/assets/gao-22-105988.pdf>.

⁴³ *Id.*, pp. 63-66.

5. What steps do DoD and DoS take when EUM violations are found?
6. How many U.S.-origin defense articles and services have been sold through direct commercial sales to Saudi Arabia and the UAE since 2012?
 - a. What was the total monetary value of these sales?
7. How many end-use checks were conducted through the Blue Lantern program for U.S.-origin defense articles and services sold to Saudi Arabia and the UAE since 2012?
 - a. Please provide a breakdown for how many of these results were found to be “favorable,” “unfavorable,” “no action,” or are still pending.
 - b. For those closed as “unfavorable,” please provide the reasons why the check was deemed unfavorable.
 - c. For any closed as “no action,” please provide information on why the check was unable to be completed.
8. What is the average length of time for CEA end-use inquiries to be closed?
9. In regard to the Conventional Arms Transfer policy update, how far back will DoS consider a proposed recipient’s “past actions” to determine whether “it is more likely than not” to use US-sold armaments in violation of international law in the future?⁴⁴
 - a. How will DSCA and DOS review already-approved export licenses and arms transfers under the new CAT policy?
 - b. How will the Department ensure that assistance is halted when credible allegations arise, as mandated under the new CAT policy?
 - c. How will the Department monitor the violations that the CAT policy has determined will result in arms transfers no longer being authorized?
 - d. How will the Department measure that it is “more likely than not” that these violations will or are occurring?
 - e. How will the Department ensure that, per the new CAT policy, a proposed recipient’s past use of U.S.-origin equipment will be fully considered when developing new FMS cases?
10. What steps have you taken to address the information from the UN investigative team described in the GAO report that indicates it is likely that U.S.-origin arms were used by coalition partners to commit war crimes in Yemen?⁴⁵

⁴⁴ White House, “Memorandum on United States Conventional Arms Transfer Policy,” February 23, 2023, <https://www.whitehouse.gov/briefing-room/presidential-actions/2023/02/23/memorandum-on-united-states-conventional-arms-transfer-policy/>.

⁴⁵ 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. 30, <https://www.gao.gov/assets/gao->

- a. Why did you consider this information to be insufficient?
11. In reference to your statement that, “Despite our efforts, we are generally unable to conclusively resolve such allegations due to insufficient information received,”⁴⁶ please clarify what steps you take within those efforts.
 - a. How do you define “sufficient” information?
 - b. Does DOS rely on its ability to “conclusively” resolve an allegation to consider it credible?
 12. Please clarify when you will provide the additional two required certification elements to Congress on whether Saudi Arabia and the UAE are taking efforts to reduce civilian harm, as required under the FY 2019 NDAA.⁴⁷
 13. Has the written guidance for how the Bureau of Political-Military Affairs will respond to reports that U.S.-origin and U.S.-provided defense articles “may have caused civilian harm or are in substantial violation of relevant agreements”⁴⁸ been finalized?
 - a. If so, can you please provide a copy of that guidance? If it has not yet been finalized, when will it be?
 - b. Did the development of this guidance involve consulting with DoD, as the GAO recommended,⁴⁹ or was it only done “in coordination with the Bureau of Democracy, Human Rights, and Labor,”⁵⁰ as noted in your response?
 14. Per the DSCA, CTAs are meant to be “the coordinated position of senior U.S. Embassy leadership in support of a proposed sale”⁵¹ – can you confirm that the U.S. ambassador or chargé d'affaires is required to approve of a proposed sale?

[22-105988.pdf](#).

⁴⁶ Letter from Assistant Secretary for the Bureau of Legislative Affairs Naz Durakoğlu to Senator Warren, December 6, 2022, p. 2 [On File with the Office of Senator Elizabeth Warren].

⁴⁷ 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, p. 36, <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>.

⁴⁸ Congressional Transmittal Letter from Assistant Secretary for the Bureau of Legislative Affairs Naz Durakoğlu to Senator Warren, October 6, 2022, [On File with the Office of Senator Elizabeth Warren].

⁴⁹ 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. 40, <https://www.gao.gov/assets/gao-22-105988.pdf>.

⁵⁰ Congressional Transmittal Letter from Assistant Secretary for the Bureau of Legislative Affairs Naz Durakoğlu to Senator Warren, October 6, 2022, [On File with the Office of Senator Elizabeth Warren].

⁵¹ Defense Security Cooperation Agency, Security Assistance Management Manual, C5.1.4 Country Team Assessment (CTA), <https://samm.dsca.mil/chapter/chapter-5#C5.T1>.

15. In September 2021, GAO was told by DoS officials that they could not locate three selected country team assessments recommending FMS sales to UAE, including one from fiscal year 2021. In June 2022, while reviewing a draft of the GAO report prepared for release, DoS officials said they located the assessments and were working to obtain clearance to provide them to GAO.⁵² Can DoS provide an explanation of how and why the CTAs were temporarily lost? Have those CTAs been provided to GAO?

We also request that DoS, no later than June 26, 2023, provide a briefing to our offices on EUM capabilities through the Blue Lantern Program.

We thank you for your attention to this matter.

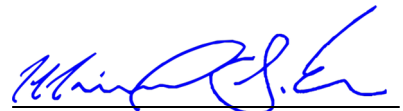
Sincerely,



Elizabeth Warren
United States Senator



Bernard Sanders
United States Senator



Michael S. Lee
United States Senator

⁵² 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. 23, <https://www.gao.gov/assets/gao-22-105988.pdf>.