

Saudi Military Campaign in Yemen Draws Congressional Attention to U.S. Arms Sales

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Some lawmakers have introduced legislation seeking to condition or prohibit the sale or transfer of certain munitions and the provision of some U.S. foreign assistance to Saudi Arabia. These proposals have come amid [reports of Yemeni civilian casualties](#) resulting from Saudi-led coalition military operations in Yemen, which resumed in August 2016. [Some](#) lawmakers [suggest](#) that U.S. arms sales and [military support](#) to Saudi Arabia are enabling [alleged Saudi violations of international humanitarian law](#). [Human rights organizations seek further investigations](#) into the alleged Saudi violations, and [some observers are calling](#) for the suspension of U.S. arms sales and Yemen-related military support to Saudi Arabia.

Proponents of proposed sales and continued U.S.-Saudi military cooperation have argued that the United States should provide more advanced U.S. technology and expanded training and intelligence sharing to improve Saudi operations. Some of these proponents point to Saudi actions to mitigate civilian casualties and [investigate alleged violations](#), arguing that disrupting U.S. support could threaten Saudi security and jeopardize broader, long-standing defense and intelligence ties.

Saudi officials acknowledge that their operations have caused undesired civilian casualties, while [also alleging](#) that their adversaries in Yemen intentionally use civilian facilities for military purposes. The Saudi government maintains that its military campaign is an act of legitimate self-defense, citing its Yemeni adversaries' repeated, deadly cross-border attacks, including [ballistic missile attacks](#).

The Arms Export Control Act (AECA, [22 U.S.C. 2754](#)) authorizes the sale of U.S. defense articles and services for specific purposes, including "legitimate self-defense." (See CRS Report R42385, [U.S. Defense Articles and Services Supplied to Foreign Recipients: Restrictions on Their Use](#).) The AECA ([22 U.S.C. 2753](#)) states that recipients may not

use such articles "for purposes other than those for which [they have been] furnished" without prior presidential consent. The act stipulates that sale agreements entered into after November 29, 1999, must grant the U.S. government the right to verify "credible reports" that articles have been used for unauthorized purposes. The United States can prohibit sales or deliveries to recipients found to have used U.S. articles for prohibited purposes by presidential determination or by a joint resolution of Congress, subject to presidential veto. Congress also may enact legislation to amend or suspend sales or transfers, subject to presidential veto.

As Yemen's Peace Talks Stall, Saudi-led Coalition Airstrikes Resume

In April 2016, the United Nations helped broker a [cessation of hostilities](#) to facilitate intra-Yemeni negotiations in Kuwait, marking its third attempt at brokering an end to the conflict since the March 2015 Saudi intervention. Sporadic fighting continued during the recent talks, though the Saudi-led coalition largely refrained from conducting airstrikes in the Yemeni capital, Sana'a.

The ousted Yemeni government of President Abed Rabbo Mansour Hadi and the opposing alliance of the Houthi movement and supporters of former president Ali Abdullah Saleh were reportedly close to agreement, [but differed over settlement sequencing](#) in an atmosphere of persistent mutual mistrust. The internationally recognized Hadi government preferred incremental confidence-building measures through which Houthi-Saleh forces would withdraw from cities and disarm in accordance with [U.N. Security Council Resolution 2216](#) (April 2015). The Houthi-Saleh alliance refused to depart Sana'a and sought a comprehensive settlement to legitimize their control over northern Yemen and to secure Hadi's resignation.

In August 2016, the parties suspended the Kuwait talks and the war intensified. The Obama Administration is calling ["on all parties to cease hostilities immediately,"](#) except for defensive operations. The Administration maintains that ["the only solution to Yemen's challenges ... is through peaceful dialogue."](#)

Congressional Scrutiny and Conditionality Proposals

Congressional scrutiny of U.S. arms sales to Saudi Arabia intensified in 2015, amid reports of civilian casualties in Yemen. When the Obama 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, [Senate Foreign Relations Committee leaders jointly requested](#) that the Administration notify Congress 30 days prior to associated shipments. No related joint resolutions of disapproval were introduced during the [30-calendar-day consideration period](#) outlined in the AECA ([22 U.S.C. 2776](#)).

Legislation was introduced in April 2016 that would place conditions on future proposed sale notifications, previously approved sales, or transfers of PGMs to Saudi Arabia ([S.J.Res. 32](#) and [H.J.Res. 90](#)). These proposals would condition the sale or transfer of munitions on a presidential certification that the Saudi government is

- not aiding U.S.-designated Foreign Terrorist Organizations or Specially Designated Global Terrorists;
- complying with its obligations under international humanitarian law;
- making demonstrable efforts to facilitate the flow to Yemen of humanitarian aid and non-U.N. sanctioned goods; and
- taking "all necessary measures" to target designated terrorist organizations as part of its military operations.

[Proposed amendments to FY2017 defense legislation](#) would have added some similar conditions on the use of funds to implement sales of PGMs (FY2017 National Defense Authorization Act, [S. 2943](#)) or prohibited the [transfer of cluster munitions](#) to Saudi Arabia (Defense Appropriations Act, [H.R. 5293](#)). The PGM amendment was not considered, but the cluster munitions amendment was narrowly defeated in a [June 2016 House floor vote](#). Saudi use of U.S. cluster munitions in Yemen [has been reported](#), and [unnamed U.S. officials indicated](#) that further cluster munitions transfers are being held (see CRS Report RS22907, [Cluster Munitions: Background and Issues for Congress](#)). In August, [60 lawmakers requested](#) that President Obama withdraw a [proposed sale of tanks](#) to Saudi Arabia, citing concerns about Yemen.

In addition, a narrowly rejected [committee amendment](#) to the Senate version of the FY2017 Foreign Operations

Appropriations Act ([S. 3117](#)) sought to place conditions on International Military Education and Training (IMET) funding for Saudi Arabia. IMET aid makes the kingdom eligible for discounts on training purchases. Other [proposed legislation](#) echoes the Administration's requests of parties to the conflict.

Outlook

With negotiations stalled, combatants may intensify military operations to improve their negotiating positions. Under these circumstances, civilian casualties resulting from Saudi operations may draw renewed scrutiny of U.S. support and proposed sales, even as the [Saudis face continuing cross-border attacks](#). Congressional concerns about alleged violations of international humanitarian law by Saudi military forces may continue to be considered alongside concerns about Saudi support for counterterrorism and regional security efforts, [the kingdom's stability](#), and U.S. ties to its future leaders.