AMENDMENT TO RULES COMM. PRINT 116–19
OFFERED BY MR. TED LIEU OF CALIFORNIA

At the end of subtitle G of title XII, add the following:

SEC. __. LEGAL REVIEW OF WAR CRIMES IN YEMEN FOR PURPOSES OF COMPLIANCE WITH RELEVANT PROVISIONS OF DOMESTIC LAW.

(a) IN GENERAL.—Not later than 120 days after the date of the enactment of this Act, the General Counsel of the Department of Defense, in consultation with the Legal Adviser to the Department of State, shall—

(1) conduct a review of possible war crimes and other violations of international humanitarian law as reported by credible nongovernmental and governmental sources by forces of Saudi Arabia and the United Arab Emirates in Yemen during the course of those countries’ military intervention in Yemen since 2014;

(2) conduct a review of possible violations of applicable bilateral or multilateral agreements regulating defense articles purchased or transferred from the United States, and any indication that United States-origin defense articles have been used for un-
authorized end-use purposes or used in violation of international humanitarian law such as against objects or persons other than a legitimate military target; 

(3) conduct an analysis of whether any such war crimes and violations of international humanitarian law in paragraph (1) could render the United States out of compliance with the Foreign Assistance Act of 1961 (including sections 116 and 502B of such Act), the Arms Export Control Act, and other laws due to continued supply of security assistance or defense articles under such Acts to Saudi Arabia and the United Arab Emirates; and 

(4) submit to the Secretary of Defense a report on such review.

(b) ELEMENTS.—The review and report required by subsection (a) shall include the following: 

(1) An overview and analysis of reported war crimes and other violations of international humanitarian law in Yemen by countries receiving security assistance or defense articles from the United States that is governed by the Foreign Assistance Act of 1961 (including sections 116 and 502B of such Act) or the Arms Export Control Act, including reasons for any inability to make an assessment.
(2) An overview of security assistance governed by the Foreign Assistance Act of 1961 and the Arms Export Control Act provided to Saudi Arabia and the United Arab Emirates.

(3) An analysis of the applicability of the Foreign Assistance of 1961 and the Arms Export Control Act on denial of security assistance to parties engaged in war crimes, other violations of international humanitarian law, and systematic violations of human rights and United States Government compliance with any such applicable provisions.

(4) An assessment of whether the United States is party to the conflict through its weapons sales, mid-air refueling, targeting and intelligence support, training, or other services provided to parties in the conflict.

(5) An assessment of potential legal liability for the United States and United States officials under international and domestic law for war crimes committed in Yemen.

(6) A statement of the definition of war crimes, including the mental state required to commit a war crime, whether failure to apply a presumption of civilian status in case of doubt is a violation of international humanitarian law, what feasible precautions
are required by international humanitarian law, the
burdens of proof and standards of proof for assessing compliance of Saudi Arabia and the United Arab
Emirates with international humanitarian law, and
any reasons for failure to make an assessment of
any reported incident of violations of humanitarian
law.

(c) SUBMITTAL TO CONGRESS.—Not later than 30
days after the date on which the Secretary of Defense re-
ceives the report required by subsection (a)(4), the Sec-
retary shall submit to the congressional defense commit-
tees the report together with any comments by the Sec-
retary that amplify or clarify the report.

(d) FORM.—The report required by subsection (a)
shall be submitted in unclassified form.