

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:

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

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

8 (1) conduct a review of possible war crimes and
9 other violations of international humanitarian law as
10 reported by credible nongovernmental and govern-
11 mental sources by forces of Saudi Arabia and the
12 United Arab Emirates in Yemen during the course
13 of those countries’ military intervention in Yemen
14 since 2014;

15 (2) conduct a review of possible violations of
16 applicable bilateral or multilateral agreements regu-
17 lating defense articles purchased or transferred from
18 the United States, and any indication that United
19 States-origin defense articles have been used for un-

1 authorized end-use purposes or used in violation of
2 international humanitarian law such as against ob-
3 jects or persons other than a legitimate military tar-
4 get;

5 (3) conduct an analysis of whether any such
6 war crimes and violations of international humani-
7 tarian law in paragraph (1) could render the United
8 States out of compliance with the Foreign Assist-
9 ance Act of 1961 (including sections 116 and 502B
10 of such Act), the Arms Export Control Act, and
11 other laws due to continued supply of security assist-
12 ance or defense articles under such Acts to Saudi
13 Arabia and the United Arab Emirates; and

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

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

18 (1) An overview and analysis of reported war
19 crimes and other violations of international humani-
20 tarian law in Yemen by countries receiving security
21 assistance or defense articles from the United States
22 that is governed by the Foreign Assistance Act of
23 1961(including sections 116 and 502B of such Act)
24 or the Arms Export Control Act, including reasons
25 for any inability to make an assessment.

1 (2) An overview of security assistance governed
2 by the Foreign Assistance Act of 1961 and the Arms
3 Export Control Act provided to Saudi Arabia and
4 the United Arab Emirates.

5 (3) An analysis of the applicability of the For-
6 eign Assistance of 1961 and the Arms Export Con-
7 trol Act on denial of security assistance to parties
8 engaged in war crimes, other violations of inter-
9 national humanitarian law, and systematic violations
10 of human rights and United States Government
11 compliance with any such applicable provisions.

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

17 (5) An assessment of potential legal liability for
18 the United States and United States officials under
19 international and domestic law for war crimes com-
20 mitted in Yemen.

21 (6) A statement of the definition of war crimes,
22 including the mental state required to commit a war
23 crime, whether failure to apply a presumption of ci-
24 vilian status in case of doubt is a violation of inter-
25 national humanitarian law, what feasible precautions

1 are required by international humanitarian law, the
2 burdens of proof and standards of proof for assess-
3 ing compliance of Saudi Arabia and the United Arab
4 Emirates with international humanitarian law, and
5 any reasons for failure to make an assessment of
6 any reported incident of violations of humanitarian
7 law.

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

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

