

Does the aerial re-fueling mission of KSA and UAE planes constitute involvement in hostilities?

- No. As DoD's Acting General Counsel outlined in his February 27 letter to Senator McConnell, the Executive Branch's longstanding view is that "hostilities" refers to "a situation in which units of U.S. armed forces are actively engaged in exchanges of fire with opposing units of hostile forces." U.S. personnel providing support to the Saudi-led coalition are not engaged in any such exchanges of fire. The letter to Senator McConnell provides a more detailed response.

What types of missions do KSA/UAE aircraft participate in after receiving fuel from US aerial refueling tankers?

- U.S. military aircraft refuel Saudi-led Coalition aircraft that undertake a variety of missions, including reconnaissance, surveillance, close air support, and strike missions against Houthi and counterterrorism targets. The DoD does not differentiate which aircraft are involved in particular missions. It is solely the responsibility of the Saudi-led coalition to direct the operations of Coalition aircraft that are refueled by the DoD. Coalition aircraft could accomplish a combination of several missions and respond to emerging threats/requirements while airborne.

What is the after action review process to determine effectiveness of strikes?

- U.S. military personnel do not conduct or coordinate after action reviews (AARs) for the Saudi-led Coalition. We provide advice and training to the Coalition on civilian casualty avoidance techniques, deliberate targeting processes, and the best practices to most effectively conduct AARs and implement changes based on their results. Due to our limited insight into Yemen because of the conflict, we cannot verify Coalition AARs.

Are there metrics for civilian casualties and strike effectiveness?

- At U.S. request, the Saudis have added civilian harm mitigation-related training into their military curriculum. U.S. military advisors also continue to advise the Royal Saudi Air Force (RSAF) in improving processes and procedures to reduce civilian casualties and minimize collateral damage. U.S. advisors have observed that the RSAF's processes and procedures in this regard have improved, to include introducing a no-strike list and establishing an investigative process for allegations of noncombatant casualties.

Does the U.S. only provide intelligence to KSA for defensive strikes?

- U.S. military intelligence sharing arrangements with foreign partners are classified. The DoD can provide this information at the TS/SCI level.

UNCLASSIFIED

Provide clarification to the impact this Resolution could have on CT missions conducted in Yemen by U.S. Forces against AQAP and ISIS.

- U.S. military forces are engaged in counterterrorism missions in Yemen operating under the 2001 Authorization for Use of Military Force (AUMF) (Public Law 107-40). U.S. armed forces are currently engaged in hostilities against both al Qaeda in the Arabian Peninsula (AQAP) and the Islamic State of Iraq and Syria (ISIS) in Yemen. This resolution would not impact these operations.
- The DoD Acting General Counsel's letter of February 27 highlighted concern that an exception in the draft resolution for "operations directed at al Qaeda in the Arabian Peninsula or associated forces" might not apply to operations against ISIS.
- Changes were made to the Joint Resolution prior to its introduction on February 28, but after the DoD sent its letter to Senator McConnell on February 27.
- The resolution *as introduced* provides an exception for "operations directed at al Qaeda or associated forces."
- The Administration regards the exception in the introduced resolution as encompassing operations against ISIS. This is consistent with the Administration position that the 2001 AUMF applies to ISIS. (Secretary Tillerson's testimony before the SFRC noted that, "The 2001 AUMF provides statutory authority for ongoing U.S. military operations against al-Qaeda; the Taliban; and associated forces, including against the Islamic State in Iraq and Syria, or ISIS." See also the Respondent's Factual Return in *John Doe v. Mattis*, noting that, "at the time military action against the group now known as ISIS commence[d] in 2003, that group was either part of, or an associated force of, al-Qaida.")

Would KSA continue to support U.S. National Security priorities in the event this Resolution is passed?

- Saudi Arabia is a strong partner in the Middle East and provides support to U.S. counterterrorism operations against ISIS in Syria and against AQAP and ISIS in Yemen.
- Saudi Arabia considers the Houthis its primary threat emanating from Yemen, as they have conducted increasingly sophisticated rocket and missile attacks targeting civilian and military sites in Saudi Arabia and continue to threaten Saudi Arabia's territorial integrity. Should the United States cease military support to the Coalition, Saudi Arabia may reallocate resources from counterterrorism to the counter-Houthi fight.