

Congress of the United States
Washington, DC 20515

January 15, 2021

The Honorable Mike Pompeo
Secretary of State
Department of State
2201 C St NW
Washington, DC 20520

Dear Mr. Secretary:

We write to express deep concern about the announcement that the Department of State will be designating the Houthi Movement of Yemen (“Ansar Allah”) a Foreign Terrorist Organization.

While we are cognizant of the destabilizing role the Houthi movement plays in the Yemeni conflict, including by obstructing aid and launching attacks on their neighbors and shipping lanes, this designation will severely impede the delivery of necessary humanitarian assistance and cause the death of Yemenis still suffering near-famine conditions, rapidly spreading COVID-19, and ongoing fighting.

The Yemeni people suffer the consequences of a brutal war now entering its sixth year. As of December 2020, the UN Office for the Coordination of Humanitarian Affairs stated that in total 233,000 Yemenis have perished as a result of the conflict which is recognized as the world’s worst humanitarian crisis, with over 26 million people in dire need of assistance, over half of whom are children. The country has repeatedly teetered on the brink of famine, battled widespread bouts of cholera and COVID-19, and has seen its economy collapse over the course of the conflict.

Designating the Houthi movement a Foreign Terrorist Organization (FTO) will make it much harder to deliver vital life-saving assistance since, even with humanitarian waivers or licenses for certain assistance provided by the Treasury Department, many aid organizations will be unable to continue their operations due to legal liability and financial risk involved. The US-funded Famine Early Warning System previously warned that a designation could “significantly impact both humanitarian operations and private sector activities in Yemen, as actors with western ties are disincentivized from continuing their operations due to fear of legal repercussions.” Concerningly, when our staff inquired about the status of such licenses during a briefing with senior administration officials on January 11, 2021, briefers stated said licenses and waivers are not yet in place nor available for review by Congress or aid organizations. No indication was provided as to when such licenses would be issued or even if said issuance would be before implementation of the FTO designation on January 19, 2021, but given previous

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experience with obtaining such exceptions, it is highly unlikely this will happen. Moving forward with the designation without such exceptions in place only increases the risk to the Yemeni people and demonstrates a lack of planning on the part of the Department.

Apart from humanitarian assistance, no special licenses or exemptions would apply to commercial shipments or imports to Yemen. Since Yemen is dependent on imports for 90% of its food, fuel, and medicine, the FTO designation on the entity in control of 70% of the country means any firm engaging in such shipments could be subject to prosecution. We have been informed on numerous occasions this will create a chilling effect, cause firms to cut off shipments to Yemen due to legal liability and financial risk, thereby adding to the death sentence facing millions of Yemenis.

Second order consequences extend to ongoing efforts to recover and contain the significant environmental risk posed by the oil tanker “FSO Safer” currently moored off the coast of Yemen. In 2015 the Houthi movement took control of the vessel which is reported to hold 1.14 million barrels of oil and in December 2019 fell into disrepair and began to leak. UN experts have warned a spill from the FSO Safer could be four times larger than the 1989 Exxon Valdez oil spill. The FTO designation risks making it impossible to secure the vessel’s cargo since any international experts tasked with repairing the vessel or resolving the issue with Houthi leaders would be subject to prosecution.

Furthermore, the announcement appears to have been made without regard to the impact to the work of UN Special Envoy for Yemen Martin Griffiths. The U.S. has supported Griffiths’ mission to end the war in Yemen via political means, and Griffiths’ mission remains the only active channel by which negotiations to end the war are still occurring. The FTO designation may expose those assisting the United Nations’ negotiating team to legal consequences for their necessary interactions with Houthi leaders and affiliates. After half a decade of suffering, thousands of Yemeni civilians dead and no military end in sight, it is unconscionable the U.S. has no regard for the diplomatic mission which represents the only viable means to ending the conflict.

Therefore, we again express our deep concern with and opposition to the intent to designate the Houthi movement as a Foreign Terrorist Organization. Licenses alone cannot ensure Yemenis don’t face further obstacles accessing food, medicine, fuel and other necessary goods and services, and thus, we will be urging the incoming Biden administration to fully reverse the designation.

In the Trump administration’s few remaining days in office, we expect the following:

1. For licenses and material support waivers for humanitarian assistance to be provided for review and issued publicly as soon as possible and not later than January 19, 2021.

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2. For public guidance to be issued to indicate that commercial shipments to Yemen of basic goods such as foodstuffs, fuel, and medicine would not face prosecution for violation of material support statutes as soon as possible and not later than January 19, 2021.
3. For exemptions or licenses and similar public guidance be provided for necessary technical work related to resolving and fully securing the cargo of the tanker “FSO Safer” as well as for the UN Special Envoy for Yemen Martin Griffiths and his staff.
4. A detailed written explanation regarding the extent to which the State Department Office of Legal Advisor reviewed this designation and concurred or non-concurred with the decision to designate as well as the Office of Legal Advisor’s legal opinion itself.
5. A detailed written explanation about the extent to which potential loss of life in Yemen was included as a factor in the decision as well as an estimate of the number of Yemenis expected to perish as a result of the designation.

This designation will not help resolve the conflict nor provide justice for the violations and abuses committed during the war; it will only compound the crisis for millions of Yemenis fighting for their survival. We look forward to your response as soon as possible.

Sincerely,



GREGORY W. MEEKS
Chairman
House Committee on Foreign Affairs



TED DEUTCH
Member of Congress



ADAM SMITH
Chairman
House Committee on Armed Services



JAMES P. McGOVERN
Chairman
House Committee on Rules

JIM COSTA
Member of Congress

ALCEE L. HASTINGS
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RO KHANNA
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COLIN ALLRED
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CC:

Secretary Steven Mnuchin, United States Department of the Treasury
Acting Attorney General Jeffrey Rosen, United States Department of Justice