

YEMEN AND RED SEA SECURITY ISSUES

HEARING

BEFORE THE

SUBCOMMITTEE ON NEAR EAST,
SOUTH ASIA, CENTRAL ASIA,
AND COUNTERTERRORISM

OF THE

COMMITTEE ON FOREIGN RELATIONS

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YEMEN AND RED SEA SECURITY ISSUES

TUESDAY, FEBRUARY 27, 2024

U.S. SENATE,
SUBCOMMITTEE ON NEAR EAST, SOUTH ASIA,
CENTRAL ASIA, AND COUNTERTERRORISM,
COMMITTEE ON FOREIGN RELATIONS,
Washington, DC.

The subcommittee met, pursuant to notice, at 2:32 p.m., in room SD-419, Dirksen Senate Office Building, Hon. Christopher Murphy presiding.

Present: Senators Murphy [presiding], Cardin, Shaheen, Kaine, Booker, Young, Van Hollen, Romney, Barrasso, Cruz, and Hagerty.

OPENING STATEMENT OF HON. CHRISTOPHER MURPHY, U.S. SENATOR FROM CONNECTICUT

Senator MURPHY. We call this meeting of the subcommittee to order.

Senator Young is on his way back from votes. I doubt he is pinning to hear all of my opening remarks so I will put them into the record, turn the dais over to him and then we will hear from our witnesses.

We are convening the subcommittee today to discuss an incredibly important topic, developments in Yemen and on the Red Sea.

For the better part of the last decade, Gulf nations, often assisted by the United States, have been at war in Yemen against Houthi forces that control sizable parts of the country.

I have argued that it was a catastrophic mistake for the United States and our Arab partners to be part of this conflict. My belief was that the war would simply strengthen the Houthis and strengthen Iran's influence in Yemen.

During the last several months we have seen tragic evidence of this reality. Armed with sophisticated technology from Iran and coordinated with the Iranian military the Houthis have launched a dizzying barrage of attacks—missiles, underwater drones, aerial drones—against ships transiting through the Red Sea.

The Red Sea is one of the most important geostrategic locations in the world. Fifteen percent of international maritime commerce passes through its waters, and now 90 percent of Red Sea traffic has been forced to choose longer and costlier alternatives.

The cost increases to global shipping of this diversion will be significant. Consumers will bear the brunt of that.

But the impact is not just economic. Due to the Houthis' actions in the Red Sea, bulk container ships with food supplies for starving people in Yemen have not been able to make their deliveries.

In Sudan, where 95 percent of the population cannot afford more than one meal per day, aid deliveries of food and medicine are crucially delayed and come at significantly higher costs.

I opposed the U.S. involvement in the Yemen war. I regret that Houthis are now strong enough to attack our interests in the region. But this is where we are. And now that we are in the cross-hairs we must respond.

That is why I have supported the President's leadership to launch Operation Prosperity Guardian to restore maritime security in the Red Sea.

I have also supported the President's decision, together with our partners in the U.K., to target Houthi infrastructure in Yemen to prevent imminent attacks.

That kinetic response has been paired with a targeted sanctions strategy to squeeze the Houthis' ability to finance their operations and increased interdiction efforts to intercept weapons coming from Iran to the Houthis.

But this response has occurred without congressional authorization. And to my knowledge there is no existing law that would permit military action against the Houthis.

The Constitution requires Congress to authorize acts of war. Period. Stop. We swore an oath to follow the Constitution. If we believe this is a just military action, and I do, then we should authorize it.

But we also need to acknowledge that there is a real risk of escalation in the Red Sea, especially since Iran is unquestionably aiding the actions of the Houthis.

Thus, an authorization is important to legalize the existing operations but also guard against an unauthorized mission creep.

Now, I want the focus of today's hearing to be on the on the ground reality in the Red Sea, the scope of the threat to the United States, the merits of our existing response plan and the options going forward.

I do not intend for this hearing to turn into a forum on congressional authorization. But for the military campaign against the Houthis to continue, I believe that a tailored, time bound congressional authorization is not just nice to have, it is required. To both authorize and limit the current military operation. And I will be in discussions with my colleagues in the coming days to introduce such an authorization.

This debate, if we could have it, would importantly help us understand both the power and the limits of American military might in and around the Red Sea.

The broader crisis in Yemen and the lingering war is not over. It is a crisis that Senator Young and I have been focused on together for years.

The war that has ravaged Yemen for nearly a decade and created the world's worst humanitarian crisis in Yemen has quieted but the country is still in dire straits.

The United States, through Special Envoy Lenderking who will testify before us today, regional allies, and the U.N. have all been working together with Yemeni leaders and citizens to find a political solution to permanently end the war and resolve Yemen's internal conflicts.

Peace will only come through political reconciliation. Our airstrikes can protect U.S. assets in the region and in the Red Sea, but they cannot bring peace to Yemen.

This is an incredibly important hearing today. I look forward to our discussion with our witnesses to help us chart that path forward.

I will now turn it over to Senator Young.

**OPENING STATEMENT OF HON. TODD YOUNG,
U.S. SENATOR FROM INDIANA**

Senator YOUNG. Thank you, Chairman, for convening this important hearing and the critical foreign policy challenge.

I thank our witnesses for appearing today.

The actions of Iran's proxies in Yemen and the surrounding waters threaten the lives of innocent mariners and sailors as well as significant global commerce, and they risk destabilizing a fragile pathway toward peace in Yemen.

Nine nations border the Red Sea and connecting gulfs—none of them are Iran—and yet the bloodstained fingerprints of the world's leading State sponsor of terror are all over the Red Sea.

Whether it be material support to the Houthis in Yemen or whether it be other means of direct support using its intelligence and command and control apparatus to enable the actions of the Houthis, these actions are having a cascading destabilizing effect on food security in Africa, global energy prices, and the dreams of millions of Yemeni people to rebuild their society and lives.

It is imperative that the Administration respond to these actions while demonstrating it is both a strategy for deterring aggression and appropriate legal doctrine for maintaining these Global Commons.

To date I have not seen such a strategy put forward. I am encouraged that the Foreign Relations Committee will be holding two hearings this week on Iran's destabilizing activities across the region.

But I must also point out the lack of public committee action on these and other questions since Hamas attacks on Israel on October 7.

I have no doubt about the sincerity of today's witnesses when they will tell us that they are committed to addressing the security challenges across the Red Sea and particularly in Yemen.

I do have doubts, however, that the Administration has an actionable plan—an actionable plan to bring an end to Houthi aggression, Iranian terrorism, and a curtailment of Russian and Chinese meddling in this vital region.

Our military actions to date carried out by incredibly brave U.S. service members have yet to stop the Houthis. The questions we are thus presented with are what do we do now?

What actions by the United States are we willing to countenance? How do we push back on the Iranian parroted rhetoric tying the Houthis' actions to Israel's fight against Hamas? How do we continue to push for a stable peace process in Yemen?

I hope that we will be able to get at these topics today, and I hope that we will hear from our witnesses today—what we hear will help us all better understand how the Administration plans to

ramp up its response to finally take seriously the need to respond adequately to the threats facing the Red Sea.

Finally, I would like to mention the names of Navy Special Warfare Operator First Class Chris Chambers and Navy Special Warfare Operator Second Class Nathan Gage Ingram, and I would like to acknowledge and offer my sincerest sympathies to their families.

These men came from families of veterans, all of whom understand sacrifice, but they are nonetheless in our hearts.

These two brave men gave their lives to preserving America's security in the Red Sea, and we would be remiss if we did not remember the continued danger our men and women in uniform face even this very hour on the land and sea and in the air around Yemen.

Thank you, Mr. Chairman.

Senator MURPHY. Thank you very much, Senator Young. Let me add my words and sentiments of sympathy. Thank you for that recognition.

The chairman is joining us today, and I turn it over to him for some opening remarks.

**OPENING STATEMENT OF HON. BENJAMIN L. CARDIN,
U.S. SENATOR FROM MARYLAND**

Senator CARDIN. Senator Murphy, first, I want to welcome Ambassador Lenderking and Secretary Shapiro to our committee and thank them for their service.

I want to thank you, Mr. Chairman, and Ranking Member Young for conducting this hearing. I think it is extremely important.

I just want to add my support for your opening comments on the responsibility of Congress in regards to the AUMF—the Authorization for Use of Military Force.

I agree with you that the Administration should be seeking that authority, and it is our responsibility to respond to it, and I also want to acknowledge your leadership and Senator Kaine's leadership in regards to that issue.

One or two points I would just like to make. I am very interested in learning where Iran's command and control was involved in regards to the Houthis' campaign. I think as much information as we can get as to the responsibilities for the proxy activities by Iran would be helpful to us.

And then the point that you raised earlier, and that is how is the campaign in regards to the Red Sea with the Houthis affecting the prospects for peace within Yemen from the warring parties. I think these are all issues that are going to be very important for us to learn today, and I thank you very much for conducting this hearing.

Senator MURPHY. Thank you very much, Mr. Chairman.

Let me introduce our two witnesses, and then I will turn it over to both of you for 5-minute remarks.

It is my pleasure to introduce Tim Lenderking, U.S. Special Envoy for Yemen. Mr. Lenderking is familiar to many of us on this committee.

Previously he served as Deputy Assistant Secretary of State for Arabian and Peninsula Affairs in the Near East Bureau at the De-

partment of State and held other key positions at the State Department in the region.

Dan Shapiro is here with us today—again, well known to this committee. He is currently the Deputy Assistant Secretary of Defense for the Middle East.

Ambassador Shapiro is best known to us as a former U.S. Ambassador to Israel and previously served in a number of important roles here in the U.S. Senate.

I will turn it over to you first, Mr. Lenderking, and then to Ambassador Shapiro.

STATEMENT OF TIMOTHY A. LENDERKING, U.S. SPECIAL ENVOY FOR YEMEN, U.S. DEPARTMENT OF STATE, WASHINGTON, DC

Mr. LENDERKING. Chairman Murphy, Ranking Member Young, distinguished members of the subcommittee, thank you for this invitation to speak with you about the situation in Yemen and the Administration's response to ongoing Houthi attacks in the Red Sea and the Gulf of Aden.

Yemen is at a crucial moment. Reckless Houthi attacks are jeopardizing the very real accomplishments of multilateral diplomacy over the past 3 years.

When President Biden appointed me special envoy for Yemen in 2021 he made clear that achieving a diplomatic durable peace in Yemen was a top Administration priority. That has not changed and there is tangible progress to point to.

In 2020–21 Yemen was a hot war with more than 400 cross-border attacks per year and tremendous destruction of infrastructure, countless deaths inside the country.

Now both the cross-border attacks and that destruction have ceased, and after more than 50 trips to the region over the past 3 years I remain convinced that peace in Yemen is not only possible but serves U.S. interests, those of our regional partners, and of course, the Yemeni people themselves. People of Yemen deserve to live in peace.

Despite the Houthis' illegal maritime attacks the April 2022 truce between Yemen's warring parties continues to hold. Violence inside Yemen remains at the lowest level since 2015, and Yemen's humanitarian crisis, while still acute, is less severe than at its peak.

Until the Houthis' escalation average Yemenis were beginning to see a way back to stability. We should not lose sight of these milestones even as we necessarily degrade and destroy Houthi military capabilities and condemn their attacks on civilian shipping.

In December U.N. Special Envoy for Yemen Hans Grundberg announced that the parties to the conflict had reached an understanding on a roadmap for peace including a durable cease fire and an inclusive Yemeni-Yemeni political process.

We have strived for and supported these goals, and the U.N. roadmap remains Yemen's best hope to end the conflict. Yet, as we have all seen since October, the Houthis are throwing this progress away.

Iran is equipping and facilitating Houthi attacks in the Red Sea. Credible public reports suggest a significant number of Iranian and

Lebanese Hezbollah operatives are supporting Houthi attacks from inside Yemen.

I cannot imagine the Yemeni people want these Iranians in their country. This must stop.

The Houthis risk killing mariners from many nations every time they launch an attack, which now they have done on more than 45 occasions. By attacking oil tankers and other ships carrying hazardous materials they are accountable for environmental catastrophe in the Red Sea.

By making maritime traffic through the Red Sea costly and dangerous the Houthis are exacerbating economic and humanitarian conditions in Egypt, Sudan, Ethiopia, and elsewhere.

These attacks on commercial vessels are acts of terrorism. The Houthis are not even adhering to their stated goals. They are mostly striking ships with no connection whatsoever to Israel and driving up the difficulty and cost of delivering humanitarian aid to people around the world including, of course, to Yemenis themselves.

Since they hijacked the *Galaxy Leader* on November 19 they have held hostage 25 innocent sailors from five countries. The Houthis should release them immediately and unconditionally and not behave in this reckless manner. What they are doing is piracy.

Houthi hypocrisy becomes even clearer as we look at their continued abuse of the human rights of the Yemeni people. Their detention facilities are filling up with political detainees.

They are recruiting child soldiers and indoctrinating them in hate. They are blockading the city of Ta'izz, Yemen's third largest city, and they routinely restrict humanitarian access. Do not take it from me. Ask the Yemeni people.

In response to the Red Sea threat the United States and our partners are employing a multi-prong military, economic, and diplomatic strategy to raise the cost of continued attacks and shift the Houthi calculus.

The U.S. military has acted quickly and decisively to thwart the Houthi military threat. In addition, on February 16th our designation of the Houthis as a specially designated global terrorist went into effect.

The designation is a powerful means to hold the Houthis accountable. In parallel to targeted military strikes and the terrorism designation we are also working every diplomatic channel to speak with one global voice to condemn Houthi attacks.

Building on strong and unanimous Statements from the U.N. Security Council and the G-7, the United States mobilized a group of 44 States to call out Houthi provocations in the strongest possible terms.

On January 10 we secured passage of U.N. Security Council Resolution 2722 which demands a halt to these reckless attacks.

These efforts are one component of a broader diplomatic strategy. Even as we degrade and disrupt Houthi capabilities, squeeze their terrorist financing and shame them on the world stage we must also seek diplomatic off ramps.

We are working multiple channels to make clear to the Houthis that they must cease their attacks immediately. Let me be clear. We do not seek this confrontation, but we will respond to the attacks.

I remain hopeful as the envoy for Yemen that we can preserve a diplomatic path forward. But the Houthis are harming their own people by putting off the peace process.

Ultimately, peace in Yemen serves the interests of all Yemenis just as it does those of the United States and our regional partners the United States stands ready to support.

Thank you again for your invitation today. I look forward to the discussion and your questions.

[The prepared statement of Mr. Lenderking follows:]

Prepared Statement of Mr. Timothy A. Lenderking

Chairman Murphy, Ranking Member Young, distinguished Members of the Subcommittee, thank you for this invitation to speak with you about the situation in Yemen and the Administration's response to ongoing Houthi attacks in the Red Sea and Gulf of Aden.

Yemen is at a crucial moment. Reckless Houthi attacks are jeopardizing the very real accomplishments of multilateral diplomacy over the past 3 years. When President Biden appointed me Special Envoy for Yemen in 2021, he made clear that achieving a durable peace in Yemen was a top Administration priority. That has not changed, and there is tangible progress to point to. After more than 50 trips to the region over the past 3 years, I remain convinced that peace in Yemen is not only possible but also serves U.S. interests, those of our regional partners, and, of course, those of Yemenis themselves. The people of Yemen deserve to live without the war, hunger, and disease that have killed hundreds of thousands over the past decade.

Despite the Houthis' illegal and reckless maritime attacks, the April 2022 truce between Yemen's warring parties continues to hold. Violence inside Yemen remains at the lowest levels since 2015, and Yemen's humanitarian crisis, while still acute, is less severe than at its peak. Until the Houthis' escalation, average Yemenis were beginning to see a way back to stability.

We should not lose sight of these milestones, even as we necessarily degrade and destroy Houthi militant capabilities and condemn their attacks on civilian shipping. Our regional and international partners—the Saudis, Omanis, and Emiratis in particular—remain committed to the peace process in Yemen and continue to engage constructively. In December, U.N. Special Envoy for Yemen Hans Grundberg announced that the parties to the conflict had reached an understanding that would form the basis of a roadmap for peace in Yemen, including a durable cease fire and an inclusive, Yemeni-Yemeni political process. We have strived for these goals, and the U.N. roadmap remains Yemen's best hope to for an end to the conflict and to avoid falling back into bloody civil war.

Yet, as we have all seen since October, the Houthis are throwing this progress away to serve their own self-interested political agenda, aligning with Iran, at the expense of the Yemeni people. Iran is equipping and facilitating Houthi attacks in the Red Sea. Credible public reports suggest a significant number of Iranian and Lebanese Hezbollah operatives are supporting Houthi attacks from inside Yemen. A recent unclassified Defense Intelligence Agency report confirms the Houthis' use of Iranian missiles and unmanned aerial vehicles to conduct attacks across the Middle East. This must stop.

The Houthis risk killing mariners from many nations every time they launch an attack, which they have now done on more than 45 occasions. By attacking oil tankers and other ships carrying hazardous materials, they are accountable for environmental catastrophe in the Red Sea, which would destroy Yemen's fishing industry. The Houthis are exacerbating the suffering of their own people; on February 19, for example, they targeted a ship transporting essential grain and food destined for Aden and Hudaydah. By making maritime traffic through the Red Sea costly and dangerous, the Houthis are exacerbating economic and humanitarian conditions in Egypt, Sudan, and Ethiopia—countries with a combined population of more than 250 million people that rely on the Red Sea and Gulf of Aden for critical imports, economic activity, and humanitarian aid.

These attacks on commercial vessels are acts of terrorism. The Houthis are not even adhering to their stated goals; they are mostly hitting ships with no connection whatsoever to Israel, with over 55 countries affected to date, and driving up the difficulty and cost of delivering humanitarian aid to people around the world—including, of course, to Yemenis themselves. Since November 19, when the Houthis seized the MV *Galaxy Leader* by force, they have held hostage 25 innocent sailors from

five countries. The Houthis should release them immediately and unconditionally, and not behave like an armed militia.

Houthi hypocrisy becomes even clearer as we focus on their continued abuse of the human rights of the Yemeni people. Their detention facilities are filling up with political detainees. They are recruiting child soldiers and indoctrinating them in hate. They are blockading the city of Taiz, and they routinely restrict humanitarian access to civilians as a form of collective punishment. Don't take it from me. Ask the Yemeni people themselves.

In response to the Red Sea threat, the United States and our partners are employing a multi-pronged military, economic, and diplomatic strategy to raise the costs of continued attacks and shift the Houthi calculus.

As DASD Shapiro will describe in detail, the U.S. military has acted quickly and decisively to counter the Houthi maritime threat. We are mobilizing U.S. and partner assets to degrade and destroy their ability to continue their attacks. Our defensive strikes on Houthi missile and drone infrastructure are having a significant effect. Our interdictions have disrupted Iran's resupply of the Houthis and provided tangible evidence of Iran's continued support to the Houthis' maritime attacks. Operation Prosperity Guardian, a U.S. led naval operation in the Red Sea with more than 20 likeminded partners, is defending navigational rights and freedoms. Operation Aspides, a complementary and significant EU naval effort recently announced, further bolsters our collective ability to defend international vessels and makes clear that Red Sea security is a global concern.

In addition, on February 16 our designation of the Houthis as a Specially Designated Global Terrorist—or SDGT—came into effect. The designation is a powerful means to hold the Houthis accountable for their actions through asset freezes and blocking of financial transactions while enabling the continued flow of humanitarian assistance and trade to the Yemeni people. The designation complements a series of targeted sanctions on individuals and entities facilitating Iranian financial assistance to Houthis. We understand the Houthis, despite their grandstanding, are keen to see the terrorist designation removed. What is more, SDGT ensures the Houthis cannot reap the benefits of a peace agreement while continuing their attacks.

The Administration chose to pursue the SDGT rather than a Foreign Terrorist Organization (FTO) designation of the Houthis because we assessed that SDGT maximizes our ability to avoid unintended humanitarian impacts on Yemeni civilians through licenses and other mitigation measures. We will continue to assess these factors on an ongoing basis and adjust as needed.

We do not want the people of Yemen to suffer because of the Houthis' reckless behavior. For that reason, the U.S. Government has taken significant steps to shield the Yemeni people from any adverse impacts this designation may have. During the 30 day implementation period between January 17 and February 16, the Departments of State and the Treasury, together with USAID, conducted robust outreach to stakeholders, including aid providers, financial institutions, insurers, importers, the diaspora community, and partners who are crucial to facilitating humanitarian assistance and the commercial import of critical commodities into Yemen. The Office of Foreign Assets Control (OFAC) at the Department of the Treasury also published five general licenses authorizing certain transactions related to the provision of food, medicine, and fuel, as well as personal remittances, telecommunications and mail, and port and airport operations on which the Yemeni people rely, in addition to a general license authorizing transactions for the official business diplomatic and consular missions. These newly issued general licenses are in addition to the pre-existing global general licenses issued in December 2022, which, inter alia, authorize certain transactions for the official business of the U.S. Government, the United Nations and other international organizations, and certain activities of non-governmental organizations (NGOs).

In parallel to targeted military strikes and the terrorism designation, we are also working every diplomatic channel to speak with one global voice in condemnation of Houthi attacks. The Houthis desire to be viewed as a government, but they are violating international law and behaving like an armed militia with no respect for international norms. Building on strong and unanimous statements from the U.N. Security Council and G7, the United States mobilized a group of 44 states, including the entire EU, all NATO members, and key Indo-Pacific nations in December to call out Houthi provocations in the strongest possible terms. On January 10, the U.N. Security Council adopted resolution 2722, which demands a halt to these reckless attacks and affirmed the navigational rights and freedoms of vessels in the Red Sea. The Houthis seek legitimacy on the world stage, and the broad coalition of likeminded nations we have assembled makes clear the depth of their isolation. Every globally connected country stands to lose from Houthi attacks, including our strategic competitors.

These efforts are one component of a broader diplomatic strategy. Even as we degrade and disrupt Houthi capabilities, squeeze their terrorist financing, and shame them on the world stage, we must also seek diplomatic off ramps to bring an end to these Houthi attacks. Let me be clear—we do not seek this confrontation, but we will respond to Houthi attacks. We are working multiple channels to make clear to the Houthis that the possibility of peace remains if they cease their attacks immediately. But with every missile launched, they run the risk of an even greater catastrophe that could doom the prospects of any agreement. We do not seek escalation or wider conflict in the region.

I remain hopeful we can preserve a diplomatic path forward, but the Houthis are harming their own people by putting off the peace process. The Houthis appear determined to continue their reckless course for now. Ultimately, peace in Yemen serves the interest of all Yemenis, just as it does those of our regional partners. The United States stands ready to support.

Thank you again for your invitation today, and I look forward to your questions.

Senator MURPHY. Thank you.
Ambassador Shapiro.

STATEMENT OF HON. DANIEL B. SHAPIRO, DEPUTY ASSISTANT SECRETARY OF DEFENSE FOR THE MIDDLE EAST, OFFICE OF THE SECRETARY OF DEFENSE, U.S. DEPARTMENT OF DEFENSE, WASHINGTON, DC

Mr. SHAPIRO. Thank you, Mr. Chairman, Ranking Member Young, and members of the subcommittee. I appreciate the invitation to speak with you today about the Houthis' terrorist and piratical threats in the Red Sea and the Department of Defense's work to protect civilians and restore safe and free navigation for all legitimate maritime traffic in one of the world's most critical waterways.

I will summarize the Houthi threat and our guiding principles for addressing this critical issue. Since November 19th the Houthis have conducted at least 48 attacks against commercial shipping and naval vessels in and around the Red Sea through which 15 percent of all global trade flows.

They have used anti-ship ballistic missiles, anti-ship cruise missiles, unmanned aerial systems uncrewed surface vessels, and in one instance a helicopter borne seizure. Despite the Houthis' claims these attacks are almost entirely unrelated to Israel and Israeli affiliated shipping, and to be clear any such attacks would be entirely illegitimate anyway.

These are indiscriminate attacks that are as much an affront to maritime commerce as is piracy, and they have affected the interests of more than 55 nations and threatened the free flow of commerce through the Red Sea, a bedrock of the global economy.

These attacks have prompted more than a dozen major shipping operators to suspend transits of the Red Sea causing a spike in insurance rates for vessels in the region, and, most importantly, putting the lives of innocent mariners and our service members at risk.

The Houthis' attacks are also driving up prices and causing delivery delays in critical humanitarian items such as food and medicine in places where they are needed most.

This is adversely affecting those in need of assistance around the world including in Sudan, Ethiopia, and indeed, in Yemen itself, and to cite one regional country suffering significantly from Houthi terrorism Egypt has seen Suez Canal transit fees decline by some

\$100 million per month, depriving it of a critical source of foreign currency.

Most recently the Houthis launched a series of anti-ship ballistic missile attacks and UAS attacks against commercial ships in the Red Sea including one that impacted the MV Islander on February 22, wounding a member of its crew, and one on February 18 against the MV Rubymar.

They severely damaged that vessel, putting it at risk of sinking, forcing the crew to abandon ship, and causing an 18-mile oil slick in the Red Sea.

The Houthis have also launched weapons toward our warships including an anti-ship cruise missile that the USS Laboon intercepted.

The Houthis have also fired medium range ballistic missiles against Israel that have threatened or caused damage to Egypt, to Jordan, and Saudi Arabia as well.

It is clear that these Houthi attacks represent an international problem that affects all nations committed to the exercise of navigational freedoms and the free flow of commerce.

These attacks, which affect the entire region and nations across the globe, cannot go unchallenged, and this problem demands a broad based and collective response.

So our guiding principles are to internationalize the response to the Houthis' attacks in coordination with our allies and partners and to nest military, diplomatic, and economic——

[Disturbance in the hearing room.]

Senator MURPHY. The meeting will come to order. The meeting will come to order.

[Disturbance in the hearing room.]

Senator MURPHY. The witness can continue.

Mr. SHAPIRO. We seek to internationalize the response to Houthis' attacks in coordination with our allies and partners and to nest military, diplomatic, and economic actions within a whole of government approach to impose costs on the Houthi leadership and degrade their ability to conduct attacks on commercial shipping.

Special Envoy Lenderking has discussed the State Department's intensive partner based diplomacy and the specially designated global terrorist designation. I will expand upon the Department of Defense's efforts in the Red Sea.

Our main defensive effort in the Red Sea is called Operation Prosperity Guardian. Since Secretary Austin announced this coalition in December more than 20 countries have joined to increase maritime patrols in the Red Sea and safeguard commercial shipping.

The coalition is led by Task Force 153, which is charged with providing leadership in command and control of international maritime security activities in the Red Sea, Bab-el-Mandeb Strait, and the Gulf of Aden.

Operation Prosperity Guardian is designed to reassure the maritime shipping industry, deter illegal activity, and promote safe navigation while protecting the free flow of international commerce.

Meanwhile, the department has been engaged in efforts to destroy and degrade the capabilities that the Houthis use to conduct maritime attacks such as the anti-ship ballistic missiles, cruise missiles, unmanned aerial systems, and facilities known to house such weapons.

On January 11, January 22, February 3, and February 24 at the President's direction we executed deliberate, carefully planned multinational strikes against Houthi targets in Yemen alongside the United Kingdom and with the support of a growing number of partners that now includes Australia, Bahrain, Canada, Denmark, the Netherlands, and New Zealand.

In our most recent deliberate strike this past Saturday we struck 18 targets across eight locations in Houthi controlled Yemen including Houthi underground weapon storage facilities, missile storage facilities, one way attack unmanned aerial systems, air defense systems, radars, and a helicopter.

Beyond coalition strikes U.S. forces have also conducted self-defense strikes against Houthi targets including missiles and UAS on launchers posing an imminent threat nearly three dozen times over the past few weeks.

In total we have struck over 230 targets in Houthi controlled Yemen through both deliberate and self-defense strikes, likely destroying hundreds of Houthi weapons.

That is not including the dozens of Houthi missiles and UAS that U.S. and partner naval vessels have intercepted and shot down over the Red Sea.

In December U.S. forces also disrupted the Houthis' attempts to board and seize the MV Maersk Hangzhou, sinking three Houthi fast boats in the process after they fired on U.S. helicopters.

The Houthis have not attempted another seizure since that incident. However, they do appear committed to sustaining standoff maritime attacks with the remaining inventory of weapons.

Complementary to our efforts to degrade and destroy Houthi capabilities I would like to mention the department's efforts to stem the flow of Iranian origin lethal aid to Yemen that enables these attacks and to publicly expose Iran's support to the Houthis.

On January 11 and January 28 U.S. naval forces interdicted dhows carrying Iranian origin lethal aid to the Houthis in clear violation of international law, and Senator Young, I want to thank you for recognizing our two Navy SEALs who perished in the January 11 interdiction.

In these interdictions U.S. forces discovered over 200 packages that contained components of unmanned underwater and surface vehicles, propulsion guidance and warheads for Houthi medium range ballistic missiles and anti-ship cruise missiles, air defense associated components, military grade communication network equipment, anti-tank guided missile launcher assemblies, explosive, and other military components.

These are the very same weapons that have been employed by the Houthis to threaten and attack U.S. Navy vessels but also innocent mariners on international merchant ships.

In support of our efforts to publicly expose Iran's support to the Houthis the Defense Intelligence Agency published this unclassified report providing clear and compelling evidence that the

Houthis have employed Iranian origin missiles and unmanned aerial attack vehicles in these attacks.

Iran does not control the Houthis in the way it does Iran aligned militia groups in Iraq and Syria, but it certainly has the choice to provide or withhold support to the Houthis without which the Houthis would struggle to effectively track and strike vehicles in the Red Sea and Gulf of Aden.

We have made it very clear to Iran that we hold it accountable for attacks by its partners and proxies and believe Iranian leaders are aware of the consequences should these attacks result in U.S. casualties.

Our actions in Iraq and Syria have demonstrated the Administration's willingness to directly hold Iran responsible for militia attacks and to underscore in response to a continuing pattern of Iranian and Iran backed attacks against U.S. personnel and facilities and the continuing threat of future such attacks the United States has taken and as necessary will continue to take military action against the IRGC and its affiliates.

In conclusion, while the Department of Defense supports the overall aim of de-escalating tensions and restoring stability in the Red Sea we will not hesitate to defend civilians and protect the free flow of commerce in one of the world's most critical waterways.

I look forward to your questions.

[The prepared statement of Mr. Shapiro follows:]

Prepared Statement of Mr. Daniel B. Shapiro

Chairman Murphy, Ranking Member Young, and Members of the Subcommittee, thank you for the invitation to speak with you today about the Houthis' piratical threats in the Red Sea and the Department's work to protect civilians and restore safe and free navigation for all legitimate maritime traffic in one of the world's most critical waterways.

Before I begin, I wanted to briefly introduce myself. I am Dan Shapiro, and I am the new Deputy Assistant Secretary of Defense for the Middle East. I look forward to working with you in this capacity.

Now, I'd like to summarize the Houthi threat and our guiding principles for addressing this critical issue.

REGIONAL AND GLOBAL EFFECTS OF HOUTHİ ATTACKS

As you are all aware, since November 19, the Houthis have conducted at least 48 attacks against commercial shipping and naval vessels in and around the Red Sea through which 15 percent of ALL global trade flows using anti-ship ballistic missiles (ASBMs), anti-ship cruise missiles (ASCMs), unmanned aerial systems (UAS), uncrewed surface vessels, and—in one instance—a helicopter borne seizure.

Despite the Houthis' claims, these attacks are almost entirely unrelated to Israel and Israeli affiliated shipping. And to be clear, any such attacks would be entirely illegitimate anyway. These are indiscriminate acts that are as much an affront to maritime commerce as piracy, having affected the interests of more than 55 nations and threatened the free flow of commerce through the Red Sea—a bedrock of the global economy.

These attacks have prompted more than a dozen major shipping operators to suspend transits of the Red Sea, caused a spike in insurance rates for vessels in the region, and, most importantly, put the lives of innocent mariners and our servicemembers at risk.

The Houthis' attacks are also driving up prices and causing delivery delays in critical humanitarian items, such as food and medicine in places where they're needed most. This is adversely affecting those in need of assistance around the world, including in Sudan, Ethiopia, and in Yemen itself. To cite one regional country suffering significantly from Houthi terrorism, Egypt has seen Suez Canal transit fees decline by some \$100 million per month, depriving it of a critical source of foreign currency.

Most recently, the Houthis launched a series of ASBMs and UAS attacks against commercial ships in the Red Sea, including ones that impacted the M/V Islander on February 22 and the M/V Rubymar on February 18. The Houthi attack on the Islander injured a crewmember while the attack on the Rubymar severely damaged the vessel, put it at risk of sinking, forced the crew to abandon ship, and caused an 18 mile oil slick. The Houthis also launched weapons toward our warships, including an ASCM that the USS Laboon intercepted.

The Houthis have also fired missiles against Israel that have threatened or caused damage to Egypt, Jordan, and Saudi Arabia.

WHOLE OF GOVERNMENT APPROACH TO THE HOUTHIS

It is clear that these Houthi attacks represent an international problem that affects all nations committed to the exercise of navigational freedoms and the free flow of commerce. These attacks, which affect the entire region and nations across the globe, cannot go unchallenged. And this problem demands a broad based and collective response.

So, our guiding principles are to internationalize the response to the Houthis' attacks in coordination with our allies and partners and to nest military, diplomatic, and economic actions within a whole of government approach to impose costs on Houthi leadership and deter Houthi attacks on commercial shipping.

The United States has coordinated multiple multilateral statements condemning Houthi attacks, imposed new sanctions on the group and designated it a Specially Designated Global Terrorist (SDGT) group, drafted a successful U.N. Security Council resolution affirming the right of states to defend their vessels from Houthi attacks, established a defensive coalition of more than 20 countries to patrol the Red Sea and safeguard commercial shipping, and now conducted three rounds of combined strikes against Houthi targets in Yemen.

While I will defer to Special Envoy Lenderking to discuss the State Department's intensive partner based diplomacy and the SDGT designation, I would like to expand upon the Department of Defense's efforts in the Red Sea.

OPERATION PROSPERITY GUARDIAN

Our main defensive effort in the Red Sea is called Operation Prosperity Guardian. Since Secretary Austin announced this coalition in December, more than 20 countries have joined on to increase maritime patrols in the Red Sea and safeguard commercial shipping.

This coalition is led by Task Force 153, which is charged with providing leadership and command and control of international maritime security activities in the Red Sea, Bab al-Mandab Strait, and the Gulf of Aden. Operation Prosperity Guardian is designed to reassure the maritime shipping industry, deter illegal activity, and promote safe navigation while protecting the free flow of international commerce.

DELIBERATE AND SELF-DEFENSIVE STRIKES

Meanwhile, the Department has been engaged in efforts to destroy and degrade the capabilities that the Houthis use to conduct maritime attacks, such as ASBMs, ASCMs, UAS, and facilities known to house such weapons. On January 11, January 22, February 3, and February 24, at the President's direction, we executed deliberate, carefully planned multinational strikes against Houthi targets in Yemen alongside the United Kingdom and with support from a growing number of partners that now includes Australia, Bahrain, Canada, Denmark, the Netherlands, and New Zealand.

In our most recent deliberate strike on Saturday, we struck 18 targets across eight locations in Houthi controlled Yemen, including Houthi underground weapons storage facilities, missile storage facilities, one way attack unmanned aerial systems, air defense systems, radars, and a helicopter.

Beyond coalition strikes, U.S. forces have also struck Houthi targets, including missiles and UAS on launchers, nearly three dozen times in self-defense over the last few weeks.

In total, we have struck over 230 targets in Houthi controlled Yemen through both deliberate and self-defense strikes, likely destroying hundreds of Houthi weapons. This is not including the dozens of Houthi missiles and UAS that U.S. and partner naval vessels have intercepted and shot down over the Red Sea. In December, U.S. forces also disrupted the Houthis' attempts to board and seize the M/V Maersk Hangzhou, sinking three Houthi fast boats in the process after they fired on U.S. helicopters. The Houthis have not attempted another seizure attempt since

this incident. However, the Houthis appear committed to sustaining standoff maritime attacks with their remaining inventory of weapons.

DISRUPTING AND EXPOSING IRAN'S SUPPORT

Complementary to our efforts to degrade and destroy Houthi capabilities, I'd like to mention the Department's efforts to stem the flow of Iranian origin lethal aid to Yemen that enables these attacks and publicly expose Iran's support to the Houthis. On January 11 and January 28, U.S. forces interdicted dhows carrying Iranian origin lethal aid to the Houthis in Yemen in clear violation of international law.

In the latest interdictions, U.S. forces discovered over 200 packages that contained unmanned underwater/surface vehicle (UUV/USV) components; propulsion, guidance, and warheads for Houthi medium range ballistic missiles (MRBMs) and anti-ship cruise missiles (ASCMs); air defense associated components; military grade communication and network equipment; anti-tank guided missile launcher assemblies; explosives; and other military components. These same weapons have been employed by the Houthis to threaten and attack not just U.S. Navy vessels, but also innocent mariners on international merchant ships transiting the Red Sea, Bab al-Mandeb, and Gulf of Aden.

In support of our efforts to publicly expose Iran's support to the Houthis, the Defense Intelligence Agency published an unclassified report providing clear and compelling evidence that the Houthis have employed Iranian origin missiles and unmanned aerial vehicles in attacks.

Iran does not control the Houthis in the way that it does Iran aligned militia groups in Iraq and Syria, but it certainly has the choice to provide or withhold support to the Houthis, without which the Houthis would struggle to effectively track and strike vessels navigating shipping lanes through the Red Sea and Gulf of Aden.

We have made it clear to Iran that we hold it accountable for attacks by its partners and proxies, and believe Iranian leaders are aware of the consequences should these attacks result in U.S. casualties. Our actions in Iraq and Syria have demonstrated the Administration's willingness to directly hold Iran responsible for militia attacks. To underscore, in response to a continuing pattern of Iranian and Iran backed attacks against U.S. personnel and facilities and the continuing threat of future such attacks, the United States has taken, and as necessary, will continue to take military action against the IRGC and its affiliates.

CONCLUSION

In conclusion, while the Department of Defense supports the overall aim of de-escalating tensions and restoring stability in the Red Sea, we will not hesitate to defend civilians and protect the free flow of commerce in one of the world's most critical waterways.

Senator MURPHY. Thank you both for your testimony.

We will start a round of 5-minute questions.

Envoy Lenderking, you have spent the better part of the last 3 years both speaking to and trying to understand the Houthis and their rationale for their engagement in a variety of conflicts.

Their rationale for these strikes is ridiculous on its face. They say this is connected to Israel's response in Gaza, and yet they are attacking ships indiscriminant of the ship's flag. This seems to have nothing to do with what is happening in Gaza.

But it is really important that we understand what the reasons are for this engagement, what the Houthis' goals are, because it will help us shape a response and help us try to rebuild deterrence.

So I would appreciate you talking to the committee for a moment about why you think the Houthis have chosen to engage the United States and our allies in this way by attacking the shipping lanes in the Red Sea and what you think the goals are of that engagement.

Mr. LENDERKING. Well, thank you very much, Senator, and thanks for all of your support over the years for this effort that we have engaged on to bring a peace deal in Yemen. Very, very grateful for that.

I think there are two factors that are driving the Houthis at least. One is Gaza, in a sense, presented an opportunity for them that they felt they wanted to take advantage of and I think they were, as we both clearly said, goaded, encouraged, instructed, aided, abetted, assisted by the Iranians to take the fight to the Red Sea, and I think they have had an opportunity to put some of the weapons that they have been able to accumulate over the years on display both through the attacks on civilian infrastructure in Israel at the beginning of this conflict and now on the Red Sea, testing all of these items that they have been able to either receive from the Iranians in violation of U.N. Security Council resolutions or to construct in their own country with the parts that are smuggled in on these dhows.

And I think they have sought, as you note, Senator, to link this to the Gaza situation. It is entirely an illegitimate linkage and you rightly point out they are attacking ships in a reckless manner including those that have—

[Disturbance in the hearing room.]

Senator MURPHY. The witness will suspend. Committee will be in order.

Mr. LENDERKING. Including those destined—they even attacked one ship that was loaded with corn for Iran. They have attacked Russian ships, Chinese ships. They have engendered a huge amount of international enmity as a result of that and I see—I think you see that reflected in the number of countries who are speaking out in various ways about the problem.

But I think the fact that they continue this and have said publicly that they will not stop until there is a cease fire in Gaza is an indication that we are not yet at the point, unfortunately, where they do intend to dial back.

Senator MURPHY. Ambassador Shapiro, the Administration has largely pointed to general Article II authorities as their justification for this military campaign.

I know that you do not serve in the DOD's General Counsel office but this looks to me like war in every bit of the constitutional sense.

We have engaged in multiple rounds of strikes. We have a limited number of boots on the ground. We have taken casualties. We have prisoners.

I am having a hard time understanding why this does not require a traditional congressional war authorization. So maybe you can speak for a moment about the Administration's legal basis for these ongoing strikes.

Mr. SHAPIRO. Thank you, Senator.

U.S. forces maintain the ability to defend themselves when they are operating lawfully on the world's oceans and they have the right, and indeed, they have the obligation to defend and protect U.S. shipping that comes under attack from various sources including piracy when they are transiting international waters.

The President did direct the deliberate strikes consistent with his Article II authority as commander in chief to protect and defend U.S. personnel and certain partners.

The strikes are also necessary and proportionate actions in the exercise of the United States' inherent right of self-defense reflected in Article 51 of the United Nations Charter.

Beyond that I would certainly defer to colleagues in the Office of the General Counsel. On appropriate occasions the President has forwarded to the Congress a report consistent with the War Powers Resolution. But I will defer to my colleagues to go further.

Senator MURPHY. Senator Young.

Senator YOUNG. Thank you, Chairman.

The chairman has referenced the importance of an AUMF in this context. I know the chairman of the committee, Senator Cardin, also articulated that, and I would just emphasize historically it has been important to me that Congress takes its prerogatives as it relates to authorizing force seriously in part because I feel like this strengthens the hand of our commander in chief and our warfighters in reestablishing deterrence.

And so as this conversation moves forward the details will matter, but I want to emphasize that and relatedly dive into a number of follow up questions on this war powers concern we have.

So, Mr. Shapiro, I will begin with you. In this setting can you walk through your understanding; I know you referred us to the Office of Legal Counsel of the department's legal views on unilateral U.S. action—feel free to challenge any premises I have here—but unilateral U.S. action to defend commercial ships of foreign nations.

Mr. SHAPIRO. Thank you, Senator.

The President, again, has directed these strikes consistent with the Article II authority as commander in chief to protect and defend U.S. personnel and certain partners. That is an important element.

We have partners in this coalition, and it is fully within the President's authority as commander in chief to make those.

Senator YOUNG. Is there a precedent you are looking to? Give me just one that gives a legal basis for Operation Prosperity Guardian's multilateral defense of shipping.

Mr. SHAPIRO. Yes. Senator, I would have to defer to colleagues to find the historical precedence for that, but that is an inherent part of the President's Article II authorities.

Senator YOUNG. I have got to—did you not anticipate questions about the legal rationale before you came before the subcommittee?

Mr. SHAPIRO. Senator, we did, indeed, and those are the answers that we believe provide the President the authority to conduct these operations, both the defensive operations, and indeed, the proportional responses.

Senator YOUNG. Okay. That is—this is about as rigorous as I will say, for the record—not for you, of course, because you have been tasked with being here.

But those are about as specific as the Administration's rationale that they gave with the war powers notification. So we are going to need more information on a going forward basis.

Reporting in Bloomberg stated a legal theory as being developed by the Administration that operations in international waters are not even considered hostilities, or that brief and intermittent

strikes do not constitute hostilities and thus would not trigger the war powers resolution.

Can you speak to that?

Mr. SHAPIRO. I am not familiar with that legal theory. The strikes—

Senator YOUNG. I think I read about this in the *New York Times*.

Mr. SHAPIRO. Yes. I am not familiar with that legal theory from internal conversations within the Administration.

The strikes against U.S. vessels, against international mariners, are strikes, certainly, when it involves U.S. ships that the U.S. Navy is obligated and has the right to defend against in international waters and there are necessary and proportionate responses under Article 51 of the United Nations charter.

Senator YOUNG. Has the United States military entered into hostilities with the Houthis? Yes or no. You are a representative of the Administration.

Mr. SHAPIRO. These are strikes on Houthi targets. That might be the correct term. I do not know if that is the correct legal term for what we are engaged in. But we obviously have struck, as I said, many, many targets in Yemen where the Houthis have weapons that they have used and are using and sometimes are in the process of using against us and against our partners.

Senator YOUNG. I will change gears a little bit. What is the long term assessment of what authorities the Administration is going to need if it continues this prolonged exchange of fire with the Houthis?

Mr. SHAPIRO. It is very hard to speculate on hypotheticals about how the conflict could evolve. Until now I think we feel very strongly the President has the authorities, the ones I have articulated.

I do not think there is any question, and this hearing is part of that, that the Administration is committed to consult with Congress on additional actions going forward and the authorities under which that would be conducted.

Senator YOUNG. Thank you.

What is the Administration's anticipated end point at which it assesses it has restored deterrence?

Mr. SHAPIRO. We need to see the Houthis stop these attacks. We, clearly, have not seen that yet. They, clearly, feel that it serves some interests whether it is an internal one, whether it is an Iranian agenda, whether it is a regional raising of their profile, whatever it is, and we have removed and degraded considerable capability. They still have capability.

Senator YOUNG. Yes, sir.

Mr. SHAPIRO. So until they stop, we are not done.

Senator YOUNG. So just extending that, not done, can you characterize for me what level of military activity is going to be necessary, the Administration is prepared to take, to reach that endpoint so that they are not done?

Mr. SHAPIRO. Senator, again, it is very hard to speculate. Much of it depends on when they decide they have endured enough of the strikes that we—and degraded enough of the capability that we are capable of and exercising now on an ongoing basis.

We hope to restore stability and de-escalate tensions in the region very soon. So we do not want to assume this will take a particular amount of time.

We want to use all the tools and the partners and the capabilities we have to make very clear to them and of course, to Iran, their supporters and sponsors, that this must end, and we will continue to take action until it comes to an end.

Senator YOUNG. Chairman.

Senator MURPHY. Senator Kaine.

Senator KAINE. Thank you, Mr. Chair, and thank you to the witnesses.

Houthi behavior is abhorrent but I have got to admit I have grave skepticism about what we are doing right now. I have grave skepticism about the legal authorities. I have grave skepticism about the absence of true shared responsibility with nations whose ships are being attacked by the Houthis.

Why should the U.S. and the U.K. be shouldering the burden of protecting other nations' ships? And I have serious skepticism about the effectiveness of this operation in terms of de-escalating the attacks in the Red Sea.

To begin with, on legal authority I think we have all conceded that there is no congressional authorization for these hostilities. The hostilities definition under the War Powers Resolution has clearly been met when we are talking about 200 attacks on Houthis.

We are losing troops. They are losing civilian casualties and others. This is hostilities. There is no congressional authorization for them.

To claim that this is covered by Article II self-defense; Article II self-defense means you can defend U.S. personnel. You can defend U.S. military assets. You probably can defend U.S. commercial ships.

But the defense of other nations' commercial ships in no way, and it is not even close, that is not self-defense under Article II of the Constitution, and a President cannot make it self-defense by calling another nation a partner.

If you are defending the commercial ships of other nations it is in my view laughable to call that self-defense, and so a narrow mission to defend U.S. shipping both military and commercial that is Article II self-defense.

But broader efforts to defend commercial ships of other nations, while it might be strategically a good idea there is no constitutional authorization that would allow the President to do that unilateral.

And second, taking offensive actions and striking targets within Yemen to degrade Yemeni capacity—Houthi capacity—while, again, it might be strategically a smart thing to do, that is not self-defense under Article II.

And so I basically view this at the first level as a set of actions that might have a strategic value although we have yet to see a strategy.

Senator Young and Senator Murphy and I wrote a letter to the Administration asking many of these questions on January 23, and we do not have a response. But there may be a strategic wisdom

in doing it but I think the activities are far beyond what a President's unilateral power would be. That is number one.

Number two, shared responsibility. Commercial shipping in the Red Sea involves ships from many, many nations, and although there are partners in this operation the military actions are being undertaken by the United States and the U.K.

Why should the United States and U.K. be shouldering the burden of this? There needs to be—if we can get to a point where we can actually authorize U.S. participation we should not do it without other nations participating.

But finally, I guess my most serious skepticism right now is at the effectiveness of this. President Biden himself has said that the actions that we are undertaking are not likely to deter Houthi escalation, and I am a little disappointed that you so quickly tried to pour cold water on the idea that this is connected to the war in Gaza.

These attacks started, Secretary Shapiro, as you said on November 19. The Houthis have said this is because of the war in Gaza.

Now, you have pointed out instances of ships that were not going to Israel or instances of ships that had food that were going to nations that needed food.

But I think the most natural interpretation of this is the Houthis seeing some suffer in the region or saying others are going to suffer in the region until we figure out a response, and I would venture to suggest that about the only time we have seen something that was a de-escalation moment was in the week-plus long pause in Gaza when the first hostage deal was done.

And so trying to reestablish deterrence I do not think you are going to do it if the 200 strikes become 400 strikes, 800 strikes, 1,200 strikes.

I think you will reestablish deterrence when we get a hostage deal that leads us to a truce, that leads us to humanitarian aid into Gaza, that leads us to the ability to discuss whether whatever that truce period is can be extended.

And so I hope you do not just pour cold water on the idea that, oh, this is not really related to Gaza because the timing of it was related to Gaza, they are saying it is related to Gaza, and the only period of de-escalation that we have seen was during the first hostage release.

I am going to continue to press on the legal authority questions, and I think many of us have these questions and there is some difference of opinion, I think, on the committee about whether this U.S. strategy is going to involve de-escalation at all or whether it is actually going to foment more regional conflict.

I consider myself in the camp of Senators who believe the U.S. involvement in another war in the Middle East would reflect that we learned virtually nothing over the last 25 years, and we definitely should not slip or slide into a war.

This is the kind of thing that can lead us to slip or slide into a war, and that is why Congress needs to be engaged and have a debate about whether this is a mission that is in the national interest or not.

I yield back, Mr. Chair.

Senator MURPHY. Thank you.

Senator Romney.

Senator ROMNEY. Thank you, Mr. Chairman.

For the witnesses' benefit I am not going to be talking about the AUMF, but I think we have discussed that fully and it is an important topic, and I concur with the direction of the questions that have been asked so far.

I am very concerned about the fact that this is an attack on trade in the Red Sea, which I presume affects the nations along the Red Sea in a very significant way and that only Bahrain is participating in preventing or defending against these attacks.

What is the Administration's effort with Saudi Arabia in terms of becoming more involved in this effort, and is there progress on that front?

Mr. Lenderking.

Mr. LENDERKING. Thank you, Senator. I think that is a very apt question to ask as well.

I know that from the State side and Secretary Blinken this was a very significant issue that was raised early, on and we felt, I think, as Ambassador Shapiro said the President had said that this is an international problem and needs an international response, and certainly, we need to see our Gulf partners in the game much more, and I think we all feel that that is the case.

There is not a country in the Gulf that does—that approves of what the Houthis are doing.

Senator ROMNEY. But what is happening with the Saudis? Are they getting on board? Is the Administration working with them or—and the other nations, UAE and so forth? Is there effort in that regard or they are just saying, no thank you, you guys do it?

Mr. LENDERKING. There certainly is. I mean—sorry.

There is certainly engagement at my level—I will not speak for the Defense Department—but the Secretary of State as well to if anything expand this coalition, either OPG or the strike coalition.

Senator ROMNEY. Okay.

Mr. LENDERKING. And there is very strong recognition that the Gulf partners—I think to get at Senator Kaine's question this is a multifaceted responsibility. It should not be all on the U.S. and the U.K.

Senator ROMNEY. Where is the economic impact? Who suffers as a result of this?

I know that shipping rates for Europe and Asia have gone up significantly but even in the Atlantic and Pacific shipping rates have gone up in part because there is less container capacity as a result of people having to go around the Cape of Good Hope.

But who really suffers from this? Are the Chinese traders suffering? Are the nations along the Red Sea suffering? Who is suffering as a result of what the Houthis are doing? Where is the economic impact the biggest?

I guess what I am getting at is this. Why is not China putting pressure on the Houthis? Why are they not putting pressure on Iran?

I mean, we are out there with our flag flying and our men and women in harm's way. China is the nation that I would presume is most impacted by closing off trade to the Red Sea, and yet they

are sitting on the sidelines pretending like they are everybody's friend.

Why is China not being embarrassed? You mentioned in your testimony that the Houthis are suffering international enmity. I do not think they could care less, the Houthis, about international enmity.

China cares, however, and putting a spotlight on China's lack of involvement and lack of effort to stop these attacks I think would be highly effective.

Help me with this idea of who suffers the most in terms of trade, and why is China not participating?

Mr. LENDERKING. I could not agree more with you, Senator. I think the burden has to be shared because the pain is being felt in multiple realms and multiple regions.

If you look at where the impact is, you look at a country like Egypt where Suez Canal fees are down 50 percent, it is impacting the currency. It is impacting the ability of their economy to function. You look at the movement of humanitarian supplies into Sudan, a desperately poor situation, violence prevailing there. That is very disturbing.

The Ethiopian economy also suffering and Yemen itself—the Yemenis themselves are being hurt by what the Houthis are doing—the decrease in commercial activity going into Yemen's own ports. So—

Senator ROMNEY. It strikes me that we are there at huge risk and huge economic impact for ourselves in order to support the Chinese economy and to support the economies of people along the Red Sea who are all sitting back quietly supporting—in many cases supporting Iran, who has given the support that the Houthis are relying upon.

I find it—I mean, what are the strategic options here? One is to say, hey, we are out. You guys want to close down the Red Sea that is up to you guys unless you want to step in and protect it.

The idea that we are there suffering and these people are not defending themselves and putting pressure on Iran is something I just do not understand.

Mr. Chairman, I know my time is up so I will stop there.

Senator MURPHY. Thank you, Senator Romney.

Senator Hagerty.

Senator HAGERTY. Thank you, Mr. Chairman.

Special Envoy Lenderking, I would like to spend some time with you. You have been dealt a tough hand.

I would like to talk with you about the designation that the Trump administration made of the Houthis as a foreign terrorist organization and the fact that shortly after the Biden administration took office they delisted the Houthis as a foreign terrorist organization.

We saw what has happened in the time in between. There have been attacks on our allies at UAE, attacks on our allies the Saudis. We have seen attacks on U.S. personnel in our facilities in the Middle East.

We have seen a tremendous amount of unrest since that time, and I think you know, but I am going to read it for my colleagues

here what the designation of a foreign terrorist organization requires.

First, it requires that it is a foreign organization. Indeed, the Houthis are. The organization engages in terrorist activity, or it retains the capability and intent to engage in terrorist activity or terrorism. Yes, they do.

And finally, the terrorist activity or terrorism of the organization threatens the security of United States nationals or the national security of the United States. The Houthis meet these requirements.

My question for you was the Trump administration wrong in designating the Houthis as a foreign terrorist organization?

Mr. LENDERKING. Well, thank you, Senator. At that time, as you probably know, there was a strong movement within the Trump administration to designate the Houthis. It led to the FTO.

A new administration came in, sought to prioritize Yemen as a foreign policy priority, and I believe that effort has borne fruit in terms of the peace process, which I described.

But yes, over time—

Senator HAGERTY. I heard you describe the peace process. But with all due respect, I also saw the article in Foreign Affairs where our national security adviser claimed that the Middle East was in the greatest period of peace we have ever seen, and now we have seen what happens.

My question is what do the Houthis have to do to be declared a foreign terrorist organization? Do they have to kill Americans?

Mr. LENDERKING. Certainly not. I think we have come down hard with this designation that we have. The FTO is a possibility. I think we constantly assess the impact of the campaign that we are doing, both the military—the impact of the designation.

The SDGT, Senator, that I described will cut off financial networks, their ability to fundraise. It will put some hurt, and if we need to adjust to the FTO, if these attacks continue then we have that option.

Senator HAGERTY. Well, they certainly have continued at a rapid pace. I would like to see more than a little hurt. I would like to see this addressed, sir.

Let me go to another thing that concerns me, and that has to do with the diversion of the aid that we send to Yemen. I think about what Hamas has done with the aid that we have sent to Gaza.

I am deeply concerned that the Houthis may as well divert the aid that we are sending—the U.S. taxpayer funded humanitarian aid that we are sending into Yemen, and I have got a very disturbing example here. I am sure there are others.

But the Biden administration right now is sending over \$1.1 million for the Yemen based operations of Norwegian Peoples Aid.

This is an organization—the NPA—that settled a civil lawsuit with the Department of Justice in 2018 for previously providing training and expert advice to the Iranian military and to Palestinian terrorist groups including Hamas, and we are sending our tax dollars there. They started receiving them in August of last year and they are supposed to be receiving them all the way through September of this year.

We should not send a penny toward an organization like this. So my question to you, and I know this is a tough question to answer, but can you guarantee that our taxpayer dollars that are going to Yemen are not in some way being diverted to the Houthis to support this activity that we are talking about right now?

Mr. LENDERKING. Well, Senator, I think that is an incredibly important point.

I am not aware of any taxpayer dollar going to support this type of activity. That should not be happening. That is definitely not within the priorities of our—

Senator HAGERTY. Can you guarantee that our taxpayer money will not wind up supporting the Houthis doing exactly what they are doing, which is putting U.S. and many other lives at risk, driving up inflation not only in the region as was described by Mr. Shapiro, but it is disrupting supply chains.

It is causing cargo shipments to go up. It is causing inflation right here hurting Americans at home. I am concerned that we are right back funding both sides of the proposition here by sending this aid there.

Mr. LENDERKING. Senator, I share the concern. I will certainly take a look at that.

Senator HAGERTY. I would appreciate it.

Mr. LENDERKING. Yes. Absolutely.

Senator HAGERTY. Secretary Blinken could not answer me either when I asked him about the foreign aid that is going into Gaza and that is being diverted by Hamas.

Please, please address this. Thank you.

Mr. LENDERKING. Thank you for your concern. Yes.

Senator MURPHY. Are you ready to go, Senator Van Hollen? Because you are up.

Senator VAN HOLLEN. I am. Thank you. Thank you, Mr. Chairman.

Welcome to both of you. It is great to see you.

And just to my friend Senator Hagerty I would suggest everybody look at the statements including a recent renewal of the statement by David Satterfield, our Ambassador, that makes it absolutely clear that when it comes to aid being provided by U.N. organizations and international NGOs that there have been—he has gotten no reports of diversion even from our Israeli friends, and I would be happy to share that with the Senator.

Senator HAGERTY. If I might.

I have had direct reports from the Israelis. That is exactly what is happening.

Senator VAN HOLLEN. Well, they have not reported it to the person on the ground, David Satterfield, who is our coordinator, and that is the statement I have got from him recently just a couple days ago. Happy to share it with you.

Senator HAGERTY. It would only require Mr. Satterfield to go and ask the national security advisor—

Senator MURPHY. Senator Van Hollen is recognized.

Senator VAN HOLLEN. Thank you. If I could, Mr. Chairman, just have a few more minutes as a result of that.

Look, I want to pick up on a couple of questions raised by Senator Kaine—and Ambassador Shapiro, good to see you—there has

been lots of discussion here about our actions against the Houthis, and I am fully in support of protecting waterways.

But let us also recognize that the Houthi action has been in response to the war on Gaza. Would you not agree with that, Mr. Shapiro?

Mr. SHAPIRO. Thank you, Senator.

I would certainly agree that the Houthis have made the claim that that is the original motivation for their attacks. I think they have made some other claims along the way.

I would just simply say that whatever the rationale or reason or claim that the Houthis or any other organization would make for conducting these kinds of attacks, there is no legitimacy to them.

There is no legitimacy to target international—

Senator VAN HOLLEN. Ambassador, I agree with you. I agree there is no legitimacy. There is no disagreement there.

But is it not a fact that the Houthi attacks on shipping went down significantly during the period of the humanitarian pause in November?

Mr. SHAPIRO. I believe there was a decline during that period. It was not a complete cessation, and there have been various points when there have been spikes and valleys so I do not know to what we can attribute that.

Senator VAN HOLLEN. Right.

Mr. SHAPIRO. Sometimes I think the decline is in response to our strikes while they reload and prepare for their next strikes.

Senator VAN HOLLEN. Well, our strikes, as you know, actually came after this humanitarian pause period.

Mr. SHAPIRO. Correct. That is correct.

Senator VAN HOLLEN. And so their reduction in strikes there during that pause period cannot be attributed to the actions we took in terms of strikes. I think the record is pretty clear.

But if I could ask you—as you know, the Algerians had a cease fire resolution at the U.N. which we vetoed, but we at the same time said we were going to provide—we, the United States, were going to propose a U.N. Security Council resolution.

I do not know if you have had a chance to look at some of the provisions that have been put out there by the United States.

But one of them indicates that under current circumstances a major ground offensive into Rafah would result in further harm to civilians and further displacement including potentially into neighboring countries.

Do you agree with that conclusion?

Mr. SHAPIRO. A bit outside my brief to speak about the Security Council resolution. Obviously, the State Department should address that.

I will say that in all of our recent engagements with Israel—that includes Secretary Austin's conversations with Minister of Defense Gallant, that includes conversations between our military—we have made very clear that no operation should be considered or undertaken in Rafah without a clear and executable plan and the follow through to implement it to ensure the safety—safe evacuation of civilians who are taking safe harbor in Rafah and provision for their humanitarian needs as they move.

Senator VAN HOLLEN. Well, given that would you agree that it would it be a mistake for the United States to provide more offensive weapons at this time to the Netanyahu government without receiving assurances with respect to actions in Rafah that we have requested?

Mr. SHAPIRO. Well, as you know, Senator, the President has made clear from the beginning of this conflict on October 7th that he will help ensure Israel has what it needs to defend itself following those terrible terrorist attacks and ensuring they cannot be repeated, that they must observe the laws of war and laws of armed conflict and ensure that they do the maximum to protect civilians and provide for their humanitarian needs.

As you know, the President very much in dialogue with you, Senator, issued the National Security Memorandum 20 which will help ensure that we receive credible and reliable assurances from all our partners who receive defense services—defense articles and certain defense services.

Senator VAN HOLLEN. And I very much appreciate the President taking that action. I think it was an important step, and I thank you and the Administration and the President, of course, on that.

But let me just say I think it would be sending very mixed signals if prior to receiving clear assurances from the Netanyahu government that they will not take the actions in Rafah that we are worried about we were to at the same time extend further significant military assistance.

Finally, Mr. Chairman, I would just like to include in the record a statement made by Samantha Power today from Jordan where she is standing in front of lots of World Food Programme shipments that need to get into Gaza saying these should be into Gaza.

And I would just ask you, Ambassador Shapiro, and both of you to take back to the present Administration 20 Senators—25, actually, I think—wrote the President a letter talking about five specific actions the Netanyahu government needs to take to allow more assistance into Rafah including opening more crossings, things that are common sense measures that in the view of many of us should be taken right now.

So thank you, Mr. Chairman. I appreciate it.

Thank you both.

Senator MURPHY. I will enter that into the record. Thank you, Senator Van Hollen.

[EDITOR'S NOTE.—The information referred to above can be found in the "Additional Material Submitted for the Record" section at the end of this hearing.]

Senator MURPHY. Senator Young and I are going to pose a series of second round questions for you, and I want to start with, I think, this really important series of questions that you got from Senator Kaine and to a certain extent Senator Van Hollen.

So, listen, I support the actions that the Administration has taken because I believe that the United States is the guarantor of the freedom of navigation of international waters.

We have an obligation to respond when United States interests are being attacked in commercial waters. But I do worry about the efficacy of a campaign of military strikes when we have seen very little evidence that airstrikes against the Houthis have restored de-

terrence over the course of a 7-year war with the Saudis who conducted 23,000 airstrikes.

I would note that nine of the locations targeted by the United States and the U.K. strikes in January of this year were previously hit by 419 airstrikes in the Saudi led air war between 2015 and 2022.

So if 23,000 airstrikes by the Saudis were not effective in moving the needle militarily and restoring deterrence how can we be confident that our campaign of airstrikes is going to have a different outcome?

Mr. SHAPIRO. Thank you, Mr. Chairman.

Look, we, first of all, have to understand who we are dealing with. We are dealing with an organization, now a specially designated global terrorist organization, that simply thinks the rules do not apply to it.

They are backed by the common denominator of a range of threats around the region by Iran which provides weapons which we have discussed, which provides intelligence, which provides targeting information, which provides financial support and training, and they too have an agenda, and that agenda includes to try to get the United States to depart the Middle East.

And so these are the actors we are dealing with, and what our strikes are intended to demonstrate, first of all, is that we will continue to degrade and remove their capability if they continue to conduct these attacks.

We will also try to interdict as much as we can and work with our partners on that. We will, of course, defend those who are transiting the waters and that we will be prepared to take additional actions if there are, obviously, additional threats against us or against our people.

We have demonstrated that very clearly in our responses to the tragic attack on Tower 22 in Jordan and there was a very strong U.S. response in Iraq and Syria against IRGC affiliated targets, individuals and facilities, and it has until now led to a quiet period since February 4th.

We do not want to take that for granted. But it has demonstrated to Iran, again, one of the key enablers of the Houthis, that we are prepared to respond.

Senator MURPHY. Right. But the extent of the military infrastructure inside Yemen, especially after 7 years of developing partnership with Iran, is extensive, and they have shown over the course of 7 years of significant airstrikes from the Saudis, sometimes with U.S. participation and help, the ability to very quickly rebuild their capacity.

There is not a lot of evidence that during the period of these airstrikes we have had any effective deterrent. Do we actually believe there is a finite amount of infrastructure that can be hit and destroyed so as to change the reality inside the Red Sea through military operations alone?

Mr. SHAPIRO. We know that they still have capability. We sort of have a good sense of the numerator, what we have been able to eliminate and what they have used, and we do not fully know the denominator.

That is, obviously, information we are working to develop, and obviously we are working to prevent that from expanding through interdictions and working with partners to prevent other smuggling activities.

I cannot tell you that we know that there is a moment when they will decide that they have had enough. That is our intention to make sure that they understand that if they continue to target us and our innocent mariners that we will work with our partners to prevent—to protect them and that we will respond as appropriate to conduct these acts of self-defense.

Senator MURPHY. Let me ask you one last question on this question of authorization.

I do agree that it is a very troubling and creative interpretation of Article II authority to extend protection to partners. I agree with Senator Kaine that that is probably not a theory in good standing.

But let me ask you if you believe that Article II authority gives you the ability to attack partners of those that are directing attacks at U.S. partners. I am asking, of course, about Iran.

Do you have existing Article II authority, having identified Iran as a participant in these Houthi attacks, to launch strikes against Iranian assets or Iran itself?

Mr. SHAPIRO. I would really be overstepping to speculate on authorities that would be cited for strikes that have not taken place. I will say that the President's Article II authority was very much relevant in the response strikes in Iraq and Syria following the attack on Tower 22 in Jordan in which three U.S. service members were killed.

And I do think that has an impact. That has an impact in Iran's thinking since the targets included IRGC affiliated facilities, and it included individuals that IRGC was well known to support in their attacks on the United States.

So I think they take that seriously, and they should take that seriously.

Senator MURPHY. Senator Young.

Senator YOUNG. Special Envoy Lenderking, the Houthis had indicated that if they were relisted as a specially designated global terrorist group that they would expel humanitarian workers and take other actions.

We are just days, frankly, into this going into effect, this re-listing. Can you provide any update on where those threats stand as well as the practical implications of this designation on the ground?

Mr. LENDERKING. Thank you, Senator.

I mean, the Houthis took a few actions which, honestly, have not had a great deal of impact. They did, as you note, threaten to expel U.S. and U.K. aid workers in Yemen.

There are a number of U.S. and U.K. nationals who do a lot of great work on the humanitarian side in Yemen. From what I understand so far the Houthis have not made good on those threats. They issued "legislation," quote/unquote. I say that in quotes because they are not a legitimate government. They are not internationally recognized. They are a militant group and recently designated as a terrorist group also.

They took action to designate us, and they have said that they will continue their attacks on shipping. So they have taken a few steps which I think are mainly for their own public consumption.

Senator YOUNG. Over the years you have spent countless days in the region. You may head there again soon, we were discussing before the hearing. Can you describe how the narrative has shifted since the brutal attacks on October 7 in terms of bringing peace to Yemen from before the war to now?

Mr. LENDERKING. Well, I think a significant number of Yemenis want to see the Yemen conflict ended, and I think it is heartening that, as I mentioned earlier, that the truce, which was set in April 2022, has essentially held inside Yemen.

So despite the fact that there are attacks on the Red Sea by the Houthis—by Red Sea shipping the internal war in Yemen has not heated up, and we are very concerned that that could happen and be another effect, if you will, of a prolonged situation on the Red Sea.

So we want to—and by the way, Senator, I think it is important also that the roadmap that I described is something that the parties—that is, the Yemen government and the Houthis and the Saudis—all say they still want to see achieved.

I think that is important. But as a priority of course—

Senator YOUNG. That is where I was headed next.

Mr. LENDERKING. Yes. A key priority, of course, is to get the Red Sea attacks under control. Stopped.

Senator YOUNG. And what if there is ongoing escalation? What will be implications for your broader efforts to try and reconcile—

Mr. LENDERKING. No question that a broader escalation or continuation of the status quo undermines the peace effort, which we have worked very hard to achieve over the last 3 years and would ultimately, I think, degrade our own interests in the region which are solidly behind seeing a peace effort in Yemen.

We do not want a return of al-Qaeda in Yemen. We do not want ISIS building up its capabilities in Yemen. Yemen is a country that, unfortunately, in the past has threatened and led to the deaths of Americans.

So stability in Yemen is important to our interest and to those of our partners so we want to see this effort drive forward. The roadmap that I referred to, Senator, is the best opportunity that Yemen has had for peace since this conflict began.

Senator YOUNG [presiding]. Before I recognize Senator Cruz I would be remiss if I did not ask a question about China.

In the last year or so it has liked to sort of style itself as a power broker in the Middle East, and yet here we are in the midst of real security crisis, which is for so many an economic and diplomatic crisis in the region, and China is nowhere to be found.

So, Mr. Lenderking, how has this example of Chinese inaction been helpful for our diplomats, if at all, in pushing back on Chinese diplomatic and financial inroads in the region? Seems like an opportunity to remind people who is really working to effect positive change in the region.

Mr. LENDERKING. No, Senator, thank you, and it picks up on the questions that Senator Romney also posed about the Chinese role,

and we do see a certain degree of freeloading that is absolutely unacceptable.

When we talk about an international problem that needs an international solution we need the Chinese much more aggressively engaged. They are feeling the impact economically of the Red Sea attacks on their own shipping effort.

So that is—and I would just assure you that we have a dialogue at my level and at the most senior levels of this Government with the Chinese about taking a more responsible role in the Red Sea, and we will continue that.

Senator YOUNG. That is positive.

Senator Cruz.

Senator CRUZ. Thank you, Mr. Chairman.

Mr. Shapiro, you have worked on Iran related issues throughout this Administration. You were on the team headed by Rob Malley, and you are now at the Defense Department.

Meanwhile, the Biden administration has allowed the Iranian regime to build up a ghost fleet of tankers which are third country flagged tankers. That fleet grew from about 70 vessels at the beginning of the Administration to almost 400 tankers today.

The Iranian regime used that ghost fleet to ship over a billion barrels of oil and to make unaccountable tens if not hundreds of billions of dollars.

When Joe Biden came into power Iran was selling, roughly, 300,000 barrels of oil a day. Today, due to the Biden administration's appeasement of Iran, Iran is selling, roughly, 2 million barrels of oil a day.

Those billions of dollars went directly to fund terrorism. They went to the Houthis. They went to Hamas. They went to Hezbollah. They pay for the Houthis' terrorists, terrorism, and for their weapons. They paid for the October 7 atrocities in Israel.

The Biden administration refused to meaningfully enforce our sanctions, and we are seeing the consequences with war in the Middle East.

In your judgment how is the Biden administration's appeasement of Iran and refusal to enforce sanctions against Iran—how has that worked out for the safety and security of Israel and the safety and security of America?

Mr. SHAPIRO. Thank you, Senator.

A number of the questions you raise about sanctions enforcement are the province of the Treasury Department, and I simply on behalf of the Defense Department will have to defer to my colleagues there.

I will tell you that the subject of the hearing focuses on how we are responding to this particular threat of an Iranian sponsored and backed organization, the Houthi. Before you arrived we also spoke a bit about the U.S. response to other Iranian proxies.

Senator CRUZ. I had a question. How is this working out for the safety and security of Israel and the safety and security of America? You are not answering that question.

Mr. SHAPIRO. The answer I can provide is that we are making very clear to Iran through our posture in the region, through the assistance we provide to our partners including Israel and its need to defend itself, to our own responses when Iran and Iranian

backed organizations have targeted our personnel and tragically have killed three of our personnel, and in their sponsorship of the Houthi military strikes against free shipping in the Red Sea that we will respond and Iran——

Senator CRUZ. With all respect that is baloney, and the Ayatollah has heard the message. Let me ask you how many ghost fleet vessels did the Biden administration sanction before October 7?

Mr. SHAPIRO. Again, sanctions matters belong to the Treasury Department so I do not know——

Senator CRUZ. Do you know the answer?

Mr. SHAPIRO. I do not know the answer and would have to defer to the Department for that answer.

Senator CRUZ. And is the Biden administration concerned about the billions of dollars they continue to flow to the Ayatollah today?

Right now, today, that money is flowing to the Ayatollah because there are 400 ships in the ghost fleet that this Administration will not sanction. The Ayatollah is selling much of that oil to Communist China.

The revenue is being used to fund Hamas, to fund Hezbollah, to fund the Houthis, and the Biden administration's response is, well, we made very clear there will be consequences.

Baloney. Cut off the money. Why will the Biden administration not cut off the money from Iran?

Mr. SHAPIRO. Senator, I really have to stay in the lane of the Department of Defense. What we have made very clear——

Senator CRUZ. Did you work with Rob Malley on his task force?

Mr. SHAPIRO. I worked for a few months as an advisor to then Special Envoy Malley, yes.

Senator CRUZ. And you were Ambassador to Israel. You have long experience in the region. I find it impossible that you have no views on the \$100 billion plus that Joe Biden has gifted to the Ayatollah that has been used to murder Americans and murder Israelis.

I am asking you is it not time to cut off the money?

Mr. SHAPIRO. On behalf of the Defense Department what I can say is that when we see Iran, which we do see on a daily and regular basis, supporting terrorism, providing weapons, providing intelligence, providing sponsorship and training to terrorist organizations, we make very clear to Iran that not only will we——

Senator CRUZ. But you do not make clear. If they continue to have the money you are not making it clear. If you say here is \$100 billion, but you know what, we are going to send you a stern letter, well, that \$100 billion is being used to fund weapons.

Let me ask—all right. And it is not just Iran, by the way. The Houthis—listen, the Trump administration rightly designated the Houthis as a foreign terrorist organization. Within a month of taking office what did the Biden administration do? Delisted the Houthis.

Now, finally, last month the Biden administration was forced to relist the Houthis and to designate them as a specially designated global terrorist group.

How did it work out delisting the Houthis for 3 years? Did they behave just quietly, or did they continue to be the terrorists they

have been the whole time even while the Administration was trying to appease them?

Mr. SHAPIRO. Some of this is Special Envoy Lenderking's province. What we have done as the Houthis have demonstrated through their actions that they are behaving as a terrorist organization is not only that designation but also the defensive operation of Operation Prosperity Guardian.

Senator CRUZ. So prior to January of this year they were not behaving as terrorists? Is that your—

Mr. SHAPIRO. They were not shooting at ships in the Red Sea in November of last year.

Senator CRUZ. Were they terrorists last year? Were the Houthis terrorists last year?

Mr. SHAPIRO. They were designated as of—as a designation that took—

Senator CRUZ. I am asking you is it DoD's view were the Houthis terrorists in 2023, yes or no?

Mr. SHAPIRO. They were a designated terrorist organization as of a few days ago when I took office on February—

Senator CRUZ. And your delisting them was indefensible and has proven catastrophic.

Senator YOUNG. Just as a quick follow up, Mr. Shapiro, to Mr. Cruz's line of questioning, forces in the region have interdicted shipping—Special Envoy Lenderking referenced it earlier—interdicted the shipments from Iran over to Yemen for a number of years running.

Can you describe briefly—and then I will turn it over to my colleague, Senator Barrasso, Mr. Shapiro—how has the smuggling situation evolved since October 7 and since we have surged our forces into the Red and Arabian Sea?

Mr. SHAPIRO. Thank you, Senator.

The smuggling continues. We know that it continues. I think to get into details to describe exactly what we are seeing—the volume, the routes, the shipments—would probably require speaking in a closed session.

But because we continue to see those efforts we have undertaken, and NAVCENT in particular has been in the lead on this, enhanced efforts to identify and then interdict those shipments when we see them.

We do communicate with various partners who could also bring that capability to interdict. Ambassador Lenderking and I have worked together on looking at opportunities to strengthen the inspection mechanism of UNVIM which tanker shipments that are on their way into the Hodeidah port of Yemen are also searched for weapons. This is a work in progress.

So I believe the smuggling does continue, but because we know it continues we are upping our efforts to interdict those shipments.

Senator MURPHY [presiding]. Senator Barrasso.

Senator BARRASSO. Well, thanks so much, Mr. Chairman. Thanks for holding this meeting.

Mr. Lenderking, last week I was in Djibouti. We have 140 members of the Wyoming Air National Guard there, kind of right there at the tip of activities. It is a hotspot, what we see is happening

with the attack on the ships that are trading to the point where they cannot get through the Suez Canal.

They cannot get insurance. They are going around Africa. It is adding about 12 days to the transit time. Concern adding to the costs significantly, the impact of foreign trade, all of these things as a result of the Houthis and what they are doing in that area aiming at ships with drones, sometimes with missiles.

It is only about 11 miles that I was there at the point looking how close things were. So they are in a hotspot.

The day I get back the *New York Times* has this big expose about the fact that the Administration has really fallen down on the job of trying to prevent the sale of Iranian oil to China.

They reported 59 million barrels of oil on—they describe them as shadowy tankers that left Iran and all of these have ended up in China, and then the cash from all of this ended up in Iran, and at the lowest prices of oil it would be \$2.8 billion but likely much more as prices fluctuate.

The Secretary of Treasury came to Congress. She testified—this is before that report came out—that, oh, things are fine, that we are doing everything we can.

The American people do not believe it. The soldiers that are there risking their lives do not believe it, because that is the money that is being used. There was 140 attacks by the Houthis funded—and by Iran on American soldiers in the last 4 months.

We know where the money is coming from. A lot of it is coming from the sale of oil that we should be blocking or other funds that go from the United States.

I think the Administration has failed completely. I think the President is just being outworked and outplayed and outmaneuvered by the Iranians. I think the world is seeing a diminished President who is just not up to the job.

What are you doing from the standpoint of the State Department to prevent this ongoing effort to sell—for Iran to be able to continue to sell to China?

I mean, they are working together, and Iran is also giving drones to Russia. You have North Korea being belligerent as well. It just seems that we are not where we want to be. As a State Department official what is your response to all this?

Mr. LENDERKING. Well, thank you, Senator, first of all, for visiting Djibouti. It is not necessarily everybody's first thought of where to go, but we have important interests there.

I have been there three times in this particular job so I am aware of the details about with which you speak. We do have a very important interdiction and inspection operation for Yemen ships that is based in Djibouti called the U.N. Verification Inspection Mission.

But certainly, agree with you that the Iranians are not supposed to be able to sell that kind of oil to China. I think there are very vigorous efforts to counter that with our partners and allies and that kind of funding, I think, that you are speaking about is in violation of not only U.S. interests but also numerous U.N. Security Council resolutions.

Senator BARRASSO. And it does seem that it was the New York Times expose that actually brought it to the fore because the Ad-

ministration seems to be unaware of all of this that was happening out there.

Mr. LENDERKING. I think the Administration—I am not the Iran expert, Senator, but I think the Administration is aware of it and would certainly look into these reports in more depth now that they have been—

Senator BARRASSO. If they are aware of it then they tried to mislead Congress intentionally because the Secretary of Treasury said we are doing absolutely everything possible, and then all of a sudden this gets shown to the world from a press coverage. So anything you want to add on this?

Okay. Well, we can go on and on. The other thing that I saw in Djibouti, and I would ask you to comment on this, and you saw as well, China is building a large base there. You can see it from the air coming in. You can see it from the ground. China is making significant investments in that area.

Our base in Djibouti was an old French Foreign Legion base, which is why it is named after the commander of the base at the time. Communist China is making significant investments right in that area where the Gulf of Aden comes down and then it goes up into the Red Sea.

And from a State Department standpoint anything that you are noticing with that and we need to be concerned with?

Mr. LENDERKING. Well, certainly, Senator, I think we are very conscious and aware of Chinese expansion in the Gulf region, which is by and large not in our interests. I think that is very much a part of the engagement that we have with the Chinese and also our partners in the region and in East Asia as well.

Senator BARRASSO. Okay.

And then to Mr. Shapiro, last month Qatar Energy decided to suspend all transits through the Red Sea. This led to the shipments being forced, as I talked about, around the Cape of Good Hope in South Africa, adding significant delays, about a day—probably 12 days added in Israel, much more fuel being expended to move the product around.

At the same time Russia, Iran, are both building up their LNG export capacity. Europe's energy supply be helped or hurt by President Biden's decision to reduce American LNG exports, actually putting a pause on that, given that the supplies from Qatar are now forced to go around Africa?

Mr. SHAPIRO. Senator, I am certainly not an expert on energy markets or energy export policies so I think I will decline to answer the question.

Senator BARRASSO. Well, it is hurting.

Mr. SHAPIRO. Sorry?

Senator BARRASSO. I will just tell you the answer. It is hurting.

Mr. SHAPIRO. Yes. May I address your question about China, if it is all right?

Senator BARRASSO. Please.

Mr. SHAPIRO. Because China has been mentioned on a couple of occasions, and I think it is actually quite noteworthy—one of your colleagues mentioned that what is quite clear is that China is playing no role to help with this multilateral international effort to defend legitimate shipping in international waterways, and it is one

of those moments when I think it has become clear to many of our partners in the region sometimes who—when people ask questions are they going to remain committed to the U.S. or they ask will the U.S. remain committed to the region or will they have alternative security partners.

They do not have a alternative security partner in China. There is nobody other than the United States who will do what we are doing to defend freedom of navigation in this region.

And so I actually think it has been a moment of clarity about U.S. influence in this region in this regard.

Senator BARRASSO. I do not know if either of you want this question. You can comment.

What is the Administration's strategy to ensure Europe is not forced to turn to Iran and Russia for LNG now that the U.S. is not wanting to export based on the President's new policy?

Mr. SHAPIRO. I think it is a bit beyond the Defense Department's area of—

Senator BARRASSO. Well, it is indefensible. Thank you.

Thank you, Mr. Chairman.

Senator MURPHY. Thank you very much, Senator Barrasso.

Let me thank both of you for being here today.

In particular, Envoy Lenderking, let me thank you for all the hard work that you had done previous to the eruption of this conflict to try to bring a political settlement to the people of Yemen.

I know we were close, and I think one of the reasons why we need to place an imperative and a priority on bringing to close this round of hostilities so that you and others can get back to the work of trying to midwife that political compromise.

I noticed an individual with a resemblance in the audience, and so I want to welcome your father and stepmother to the hearing today. You should be very proud of the work that your son has done to try to bring peace to a region that has been without it for far too long.

With that, we thank you both for your testimony. Senator Young and I were just commenting this has been one of the most substantive and wide ranging hearings that we have had on this committee.

We are going to keep the record open for members to submit questions until the close of business Thursday, and with thanks to the subcommittee this hearing is now adjourned.

[Whereupon, at 3:58 p.m., the hearing was adjourned.]

ADDITIONAL MATERIAL SUBMITTED FOR THE RECORD

RESPONSES OF MR. TIMOTHY A. LENDERKING TO QUESTIONS SUBMITTED BY SENATOR TIM KAINE

Question. How does the Administration define the term “hostilities” for the purposes of the War Powers Act of 1973?

Answer. Whether a particular situation involves hostilities for purposes of the War Powers Resolution is a highly fact specific inquiry and analysis.

With respect to recent U.S. military actions in the Red Sea region, actions taken to date have been to defend U.S. forces from Houthi threats and attacks as those U.S. forces continue to carry out their longstanding maritime mission in waters off the coast of Yemen. The Administration's view is that the War Powers Resolution's

60 day termination provision does not require an end to U.S. actions like those taken to date.

This conclusion is based on the facts of this particular situation, which the Administration does not believe constitute an introduction of forces into hostilities or imminent hostilities that triggers the termination provision.

This is a question that lawyers from across the interagency have analyzed closely. The Biden administration remains committed to acting consistent with applicable domestic and international law, including on the use of military force, and respects the important role of Congress in these matters.

Question. Does the Administration distinguish between offensive and defensive U.S. military actions as to what constitutes “hostilities,” for the purposes of the War Powers Act of 1973? If so, on what basis?

Answer. The strikes that U.S. forces have taken have been necessary to defend U.S. forces from Houthi threats and attacks as U.S. forces carry out their longstanding mission to protect and defend U.S. commerce and interests at sea.

Whether a particular situation involves hostilities for purposes of the War Powers Resolution is a highly fact specific inquiry and analysis.

Question. Does the Administration distinguish between military actions ordered by the President and those directed by combatant commands, such as U.S. Central Command, as to what constitutes “hostilities”? If so, on what basis?

Answer. The level of approval does not itself determine whether the War Powers Resolution’s 60-day termination provision is triggered. Whether a particular situation triggers the War Powers Resolution is a highly fact specific inquiry and analysis.

Both the strikes approved by the President and those approved by the Commander of U.S. Central Command or below have been necessary to defend U.S. forces who are operating to protect and defend U.S. commerce and interests at sea, where we and others are operating in accordance with international law.

Question. Why did the Administration refrain from submitting War Powers reports for U.S. naval actions in the Red Sea beginning in October 2023, including the repeated downing of Houthi drones and missiles aimed at Israel, U.S., and international commercial vessels, and U.S. Navy vessels?

Answer. The Biden administration remains fully committed to keeping the appropriate committees of Congress informed. To that end, the President notified Congress about certain counter-Houthi actions on January 12, 2024, January 24, 2024, February 5, 2024, and February 26, 2024.

That said, the War Powers Resolution does not require reporting on the actions U.S. forces have taken to defend themselves, and the actions taken to date have been to defend U.S. forces from Houthi threats and attacks as those U.S. forces continue to carry out their longstanding maritime mission in waters off the coast of Yemen.

We will continue to evaluate the facts and circumstances as they evolve, and the Administration will continue to ensure that we act consistent with applicable domestic and international law, including with congressional reporting requirements.

Question. Why did the Administration refrain from submitting a War Powers report for the skirmish between U.S. Navy helicopters and Houthi boats on December 31, resulting in the sinking of multiple vessels and ten Houthi fatalities?

Answer. The Biden administration remains fully committed to keeping the appropriate committees of Congress informed.

Actions taken to date have been to defend U.S. forces from Houthi threats and attacks as those U.S. forces continue to carry out their longstanding maritime mission in waters off the coast of Yemen.

On December 31, 2023, U.S. forces responded to a distress call from a commercial vessel, consistent with international law, and were required to use force to defend themselves as they responded to the distressed civilian mariners.

The War Powers Resolution does not require reporting on this action U.S. forces took to defend themselves while continuing to conduct longstanding naval operations to protect and defend U.S. commerce and interests at sea; it was not an introduction of forces into hostilities or into situations where imminent involvement in hostilities is clearly indicated by the circumstances.

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Question. Why has the Administration only submitted War Powers reports for some U.S. airstrikes in Yemen (such as those conducted with the United Kingdom) but not others?

Answer. The President authorized U.S. forces to take certain limited strikes against facilities in Yemen that facilitate Houthi militants' attacks in the Red Sea region on four occasions: January 11, 2024, January 22, 2024, February 3, 2024, and February 24, 2024. These discrete strikes were carried out as part of a multinational operation alongside the United Kingdom, with support from Australia, Bahrain, Canada, and the Netherlands. In each of these instances, in an effort to keep Congress informed, the President notified Congress on January 12, 2024, January 24, 2024, February 5, 2024, and February 26, 2024, as a matter of comity.

The War Powers Resolution does not require reporting on the actions U.S. forces have taken to defend themselves while continuing to conduct longstanding naval operations to protect and defend U.S. commerce and interests at sea.

We will continue to evaluate the facts and circumstances as they evolve, and the Administration will continue to ensure that we act consistent with applicable domestic and international law, including with congressional reporting requirements.

Question. The Administration has characterized many recent strikes against Houthi targets as in "self-defense." How does the Administration define "self-defense" and "imminent threat" in this context?

Answer. The strikes that U.S. forces have taken have been necessary to defend U.S. forces from Houthi threats and attacks as U.S. forces carry out their longstanding mission to protect and defend U.S. commerce and interests at sea. The strikes have targeted the specific types of weapons and infrastructure that have been used for Houthi attacks and that continue to threaten U.S. forces.

What constitutes a threat of imminent attack depends on the particular facts and circumstances at the time.

Question. Does the President have authority under the Constitution's Article II to use military force to defend non-U.S. commercial shipping?

Answer. The U.S. military actions taken to date have been consistent with the President's authority under Article II of the Constitution.

The strikes that U.S. forces have taken have been necessary to defend U.S. forces from Houthi threats and attacks as U.S. forces carry out their longstanding mission to protect and defend U.S. commerce and interests at sea.

The U.S. military actions have also been consistent with the U.S. Navy's longstanding authorities and mission. Defending U.S. commerce and interests at sea has been a core mission of the U.S. Navy since the Constitution authorized Congress to provide and maintain a permanent Navy.

To that end, the U.S. Navy has long operated in the waterways around Yemen, consistent with the U.S. Navy's statutory authorities and mission of the peacetime promotion of national security interests and prosperity of the United States. This area is critical to global commerce: Nearly 15 percent of all seaborne trade passes through the Red Sea, including 8 percent of global grain trade; 12 percent of all seaborne traded oil; and 8 percent of the world's liquefied natural gas.

Question. When did the *War Powers Act* of 1973's 60-day clock start with respect to hostilities involving U.S. forces in the Red Sea, Yemen, and Gulf of Aden following the October 7, 2023, terrorist attack on Israel by Hamas? Is this clock still running? If so, when will it run out?

Answer. Actions taken to date have been to defend U.S. forces from Houthi threats and attacks as those U.S. forces continue to carry out their longstanding maritime mission in waters off the coast of Yemen. The War Powers Resolution's 60 day termination provision does not require an end to U.S. actions like those taken to date.

This is a question that lawyers from across the executive branch have analyzed closely. The Biden administration remains committed to acting consistent with applicable domestic and international law, including on the use of military force, and respects the important role of Congress in these matters.

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The strikes that U.S. forces have taken have been necessary to defend U.S. forces from Houthi threats and attacks as U.S. forces carry out that longstanding mission

to protect and defend U.S. commerce and interests at sea. The strikes have targeted the specific types of weapons and infrastructure that have been used for Houthi attacks and that continue to threaten U.S. forces.

Thus, we do not believe the War Powers Resolution requires termination of U.S. actions like those taken to date.

Indeed, if we were required to cease defending ourselves in this way, we would in effect need to abandon our ongoing naval posture in waters where we have been conducting a mission to protect and defend U.S. commerce and interests at sea that is longstanding and consistent with statutory authorities, and where we and others are operating in accordance with international law.

We would emphasize that this conclusion is based on the facts of this particular situation, which we do not believe constitute an introduction of U.S. forces into hostilities or imminent hostilities that triggers the termination provision.

We will continue to evaluate the facts and circumstances as they evolve.

Question. Does the Administration intend to remove U.S. forces from hostilities when the 60-day clock runs out or seek congressional authorization?

Answer. In the particular facts and circumstances here, we do not believe that the War Powers Resolution's termination provision requires U.S. forces to cease taking actions like those undertaken thus far. These actions have been necessary to defend U.S. forces conducting longstanding naval operations to protect and defend U.S. commerce and interests at sea.

We will continue to evaluate the facts and circumstances as they evolve.

The Administration respects the important role of Congress in these matters and remains committed to keeping Congress informed on the situation.

Question. Does the Administration believe U.S. strikes in Yemen will lead to an end to Houthi attacks on commercial shipping in the Red Sea and Gulf of Aden? If so, when and how?

Answer. The Administration's strikes on Houthi targets in Yemen are designed to degrade the Houthis' capabilities to continue their reckless attacks on international and commercial shipping in the Red Sea and the Gulf of Aden. The Administration is also taking measures to interdict the supply of weapons to the Houthis. The Houthis have publicly stated they will stop attacks on commercial shipping in the Red Sea and Gulf of Aden when there is a cease fire in Gaza.

RESPONSES OF MR. TIMOTHY A. LENDERKING TO QUESTIONS
SUBMITTED BY SENATOR MARCO RUBIO

Question. During your April 21, 2021, SFRC testimony, you stated that "what has been most striking to me is the recognition and understanding of the necessary role of Houthi representation in any post-war Yemeni government. No longer is anyone suggesting Houthi representatives be locked out of any future settlement—a popular refrain when the conflict began." Do you still believe there is room for the Houthis in a future Yemeni government after their string of Red Sea attacks, which have targeted our service members and innocent mariners?

Answer. We strongly condemn the Houthis' behavior; their attacks must cease, and the United States will continue to hold the group accountable for their actions. A fully inclusive Yemeni-Yemeni political dialogue that includes all legitimate actors is the only sustainable solution to the country's internal conflict. Only Yemenis can decide the future of their country.

Question. Do you feel the same about Hamas's future role in Gaza?

Answer. Although my area of responsibility is Yemen, not Gaza, I strongly condemn Hamas's behavior, just as I do the Houthis'.

Question. Why should we continue to provide aid to what in effect has become a failed state, taken over by Houthi terrorists and Iran?

Answer. U.S. humanitarian assistance is designed to benefit individuals in need, not governments or authorities. We remain committed to supporting the most vulnerable Yemenis, and we continue to support critical and lifesaving humanitarian activities and services, such as the provision of essential nutrition, healthcare, and water, sanitation, and hygiene assistance across all of Yemen. The people of Yemen should not be made to suffer for the actions of a terrorist group that is both deeply unpopular and unrepresentative of the Yemeni people. USAID development assistance programs are implemented only in areas controlled by the Republic of Yemen Government.

Question. What steps should we take to ensure that a functional government in Yemen exists, one that is not dominated by the Houthis or other terrorist groups?

Answer. The United States strongly supports the Republic of Yemen Government. We will continue to support this government to allow it to fulfill its obligations to the Yemeni people.

Question. In February 2021, the Biden administration removed the Houthis from the Foreign Terrorist Organization (FTO) and Specially Designated Global Terrorist (SDGT) organization lists. In January 2024, the Biden administration only re-designated the Houthis as a SDGT. Was this the right decision given the results?

Answer. In 2021, the Department of State revoked Ansarallah's FTO and SDGT designations in recognition of the dire humanitarian situation in Yemen. The revocations were intended to ensure that relevant U.S. policies did not impede assistance to those already suffering a humanitarian crisis. However, since November 2023, the Houthis have launched dozens of unprecedented attacks against international maritime vessels in the Red Sea and Gulf of Aden, as well as military forces positioned in the area to defend the safety and security of commercial shipping.

The Administration has made clear that the Houthis must be held accountable for their actions in the Red Sea and beyond. The Administration also seeks to mitigate any adverse humanitarian impacts of U.S. sanctions on the people of Yemen. The designation of Ansarallah as an SDGT advances both these Administration priorities.

Question. Do you believe revocation of terrorist designations allowed Iran to move more arms and funding into Yemen?

Answer. The Administration will continue to counter and blunt Iranian malign influence wherever we can. The choice to move away from Iran is in the hands of the Houthis. Iran also has the choice to provide or withhold support, without which the Houthis would struggle to effectively track and strike commercial vessels navigating shipping lanes through the Red Sea and Gulf of Aden. Iran has been providing support for the planning of operations against commercial vessels in the Red Sea. This is consistent with Iran's long term support and encouragement of the Houthis' destabilizing actions in the region.

Question. Why were the Houthis only re-designated as SDGT and not as an FTO?

Answer. The SDGT designation is carefully calibrated to maximize its deterrent impact on the Houthis while mitigating any adverse impacts on vulnerable Yemeni civilians to the greatest extent possible.

Question. What was that decision based on, and why?

Answer. The Administration remains concerned about the grave humanitarian situation in Yemen and seeks to mitigate any adverse humanitarian impacts of U.S. sanctions on the people of Yemen. At the time the SDGT designation was announced, the Department of the Treasury published general licenses designed to facilitate the provision of food, medicine, and fuel, as well as personal remittances, telecommunications, and port and airport operations on which the Yemeni people rely. An FTO designation would trigger a criminal prohibition on knowingly providing material support or resources, whose potential impacts on the humanitarian situation would not be mitigated by the general licenses.

RESPONSES OF MR. TIMOTHY A. LENDERKING TO QUESTIONS
SUBMITTED BY SENATOR JOHN BARRASSO

Question. Why was the position of Special Envoy for Yemen created, and what need was it attempting to fill?

Answer. President Biden created a Special Envoy for Yemen to bring the conflict parties together to reach a negotiated settlement that will end the conflict in Yemen through a Yemeni-Yemeni dialogue and end the suffering of the Yemeni people.

Question. Please identify and delineate the lines of authority and responsibilities between these two positions (Special Envoy for Yemen and U.S. Ambassador to Yemen) as they relate to Yemen.

Answer. The U.S. Ambassador to Yemen leads the U.S. Mission to Yemen and is responsible for the bilateral relationship with the internationally recognized Government of Yemen. The U.S. Special Envoy for Yemen is mandated by the President to bring the conflict parties together to reach a negotiated settlement that will end

the conflict in Yemen through a Yemeni-Yemeni dialogue and work to mitigate the humanitarian crisis and the suffering of the Yemeni people.

Question. What system is in place to avoid overlapping responsibilities, conflicting policy positions, organizational stove piping, and miscommunications between these two positions and their staff?

Answer. The U.S. Mission to Yemen and the Office of the Special Envoy work as one team to advance U.S. policy with respect to Yemen. In addition to daily staff level contacts, the U.S. Ambassador to Yemen and the U.S. Special Envoy maintain routine, structured contact to advance U.S. priorities.

Question. Are the Houthis terrorist?

Answer. The Administration designated Ansarallah (commonly known as the Houthis) as a Specially Designated Global Terrorist, effective February 16, 2024.

Question. Is the Administration currently reviewing the FTO designation for the Houthis?

Answer. The Department will continue to monitor the Houthis' destabilizing activity against peaceful maritime trade as well as their contacts with Iran and continue to consider additional designations as appropriate in the future.

Question. Do the Houthis meet the requirements and definition to be designated as an FTO?

Answer. As a matter of law, in order to designate any group as an FTO, the Secretary of State must determine that it is a foreign organization that engages in terrorist activity or terrorism or retains the capability and intent to engage in terrorist activity or terrorism, that threatens the security of United States nationals or the national security of the United States. In 2021, the Department of State revoked Ansarallah's FTO and SDGT designations in recognition of the dire humanitarian situation in Yemen. The U.S. Government carefully calibrated Ansarallah's 2024 SDGT designation to maximize its deterrent impact on the group while mitigating impact on vulnerable Yemeni civilians to the greatest extent possible.

Question. How many Houthis and individuals supporting the Houthis have been sanctioned by the U.S. Government?

Answer. Ten Houthi operatives have been designated pursuant to E.O. 13611 (Yemen authority) and five Houthi operatives as well as the group itself have been designated pursuant to E.O. 13224 (counterterrorism authority). Additionally, 45 persons have been designated and nine vessels identified as blocked property pursuant to E.O. 13224 for involvement with the network of Iran based IRGC-QF and Houthi financial facilitator Sa'id al-Jamal.

Question. How many Houthi attacks have there been on U.S. commercial and naval vessels since November 2023?

Answer. We would refer you to the Department of Defense for an accurate, unclassified answer to this question.

Question. How many total attacks have the Houthis conducted since November 2023?

Answer. There have been over 55 total maritime attacks thus far.

Question. How many injuries and deaths to U.S. citizens, personnel, and servicemembers have resulted from Houthi attacks?

Answer. Houthi attacks have not resulted in any injuries or deaths to U.S. citizens thus far.

RESPONSES OF MR. DANIEL B. SHAPIRO TO QUESTIONS
SUBMITTED BY SENATOR TIM Kaine

Question. How does the Administration define the term "hostilities" for the purposes of the War Powers Act of 1973?

Answer. Whether a particular situation involves hostilities for purposes of the War Powers Resolution is a highly fact specific inquiry and analysis.

With respect to recent U.S. military actions in the Red Sea region, actions taken to date have been to defend U.S. forces from Houthi threats and attacks as those U.S. forces continue to carry out their longstanding maritime mission in waters off the coast of Yemen. The Administration's view is that the War Powers Resolution's 60 day termination provision does not require an end to U.S. actions like those taken to date.

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What constitutes a threat of imminent attack depends on the particular facts and circumstances at the time.

Question. Does the President have authority under the Constitution's Article II to use military force to defend non-U.S. commercial shipping?

Answer. The U.S. military actions taken to date have been consistent with the President's authority under Article II of the Constitution.

The strikes that U.S. forces have taken have been necessary to defend U.S. forces from Houthi threats and attacks as U.S. forces carry out their longstanding mission to protect and defend U.S. commerce and interests at sea.

The U.S. military actions have also been consistent with the U.S. Navy's longstanding authorities and mission. Defending U.S. commerce and interests at sea has been a core mission of the U.S. Navy since the Constitution authorized Congress to provide and maintain a permanent Navy. To that end, the U.S. Navy has long operated in the waterways around Yemen, consistent with the U.S. Navy's statutory authorities and mission of the peacetime promotion of national security interests and prosperity of the United States. This area is critical to global commerce: Nearly 15 percent of all seaborne trade passes through the Red Sea, including 8 percent of global grain trade; 12 percent of all seaborne traded oil; and 8 percent of the world's liquefied natural gas.

Question. When did the War Powers Act of 1973's 60 day clock start with respect to hostilities involving U.S. forces in the Red Sea, Yemen, and Gulf of Aden following the October 7, 2023, terrorist attack on Israel by Hamas? Is this clock still running? If so, when will it run out?

Answer. Actions taken to date have been to defend U.S. forces from Houthi threats and attacks as those U.S. forces continue to carry out their longstanding maritime mission in waters off the coast of Yemen. The War Powers Resolution's 60 day termination provision does not require an end to U.S. actions like those taken to date.

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Thus, we do not believe the War Powers Resolution requires termination of U.S. actions like those taken to date.

Indeed, if we were required to cease defending ourselves in this way, we would in effect need to abandon our ongoing naval posture in waters where we have been conducting a mission to protect and defend U.S. commerce and interests at sea that is longstanding and consistent with statutory authorities, and where we and others are operating in accordance with international law.

We would emphasize that this conclusion is based on the facts of this particular situation, which we do not believe constitute an introduction of U.S. forces into hostilities or imminent hostilities that triggers the termination provision.

We will continue to evaluate the facts and circumstances as they evolve.

Question. Does the Administration intend to remove U.S. forces from hostilities when the 60-day clock runs out or seek congressional authorization?

Answer. In the particular facts and circumstances here, we do not believe that the War Powers Resolution's termination provision requires U.S. forces to cease taking actions like those undertaken thus far. These actions have been necessary to defend U.S. forces conducting longstanding naval operations to protect and defend U.S. commerce and interests at sea.

We will continue to evaluate the facts and circumstances as they evolve.

The Department of Defense respects the important role of Congress in these matters and remains committed to keeping Congress informed on the situation.

Question. Does the Administration believe U.S. strikes in Yemen will lead to an end to Houthi attacks on commercial shipping in the Red Sea and Gulf of Aden? If so, when and how?

Answer. The strikes conducted to date have all been designed to defend U.S. forces from Houthi threats and attacks. Strikes have sought to degrade and destroy the capabilities that the Houthis use in attacks on naval vessels and commercial shipping and erode the Houthis' ability to sustain such attacks. Such actions are necessary to end Houthi attacks.

In addition, the U.S. Government is engaged in a whole of government campaign to impose costs on Houthi leadership to bring about an end to these attacks. The Department of Defense is supporting this whole of government campaign, including by establishing Operation Prosperity Guardian, a multinational coalition to defend commercial shipping in the Red Sea, and conducting measures to disrupt the flow of Iranian materiel to Yemen.

RESPONSES OF MR. DANIEL B. SHAPIRO TO QUESTIONS
SUBMITTED BY SENATOR MARCO RUBIO

Question. Considering the significant support the Houthis receive from Iran, how do you propose addressing the deepening relationship between the Houthis and Iran while seeking a comprehensive peace agreement in Yemen?

Answer. While the Department of Defense supports the de-escalation of regional tensions through diplomacy, it is clear that the United States cannot endorse a peace agreement while the Houthis hold international commerce hostage. It is also clear that Iran continues to enable the Houthis' ability to conduct these aggressive acts. The Department of Defense is addressing the relationship between the Houthis and Iran by publicly exposing Iran's complicity in the Houthis' attack campaign and working to cut off Iranian resupply to the Houthis.

In January, the Department interdicted two dhows carrying Iranian shipments of advanced conventional weapons components to the Houthis, including ballistic and cruise missile components, explosives, unmanned underwater/surface vehicle components, air defense components, military grade communication and network equipment, and anti-tank guided missile launcher assemblies. In recent years the Department has conducted or enabled partners to conduct over a dozen such seizures.

While the Administration remains committed to ending the war in Yemen and pursuing all off ramps to de-escalate tensions in the Red Sea, the Houthis' actions have undermined peace in Yemen through their continued attacks. The Houthis cannot seek international legitimacy and recognition and concurrently conduct illegal and piratical acts against international shipping in the Red Sea. The Administration has made clear to the Houthis that their actions are alienating and are to the detriment of the Yemeni people and the Houthis' own interests.

Question. What measures can be taken to reduce Iran's influence and promote stability in the region amidst ongoing conflict?

Answer. The Department of Defense has bolstered the defensive capabilities of our partners in the region and conducted both combined and unilateral action against Iran backed threats to make clear to Iran that its destabilizing behavior risks escalation in the region and direct conflict with the United States. Since October 7, the Department of Defense has rapidly flowed forces into theater, including two carrier strike groups, additional fighter aircraft, missile defense platforms, and intelligence, surveillance, and reconnaissance assets to deter Iran from expanding the conflict and promote stability in the region. The Secretary of Defense has also directed seven strikes against IRGC and Iranian aligned militia group (IAMG) infrastructure in Iraq and Syria and two strikes against IAMG militia personnel involved in planning and directing attacks against U.S. forces. These strikes have made clear to Iran that we remain willing and able to impose heavy costs on Iran for its destabilizing actions in the region. IAMGs have not attacked U.S. forces in Iraq and Syria since February 4, underscoring the importance of the Department's response strikes and flexible force posture in deterring Iran backed attacks.

Question. What is limiting the Department of Defense from effectively neutralizing the Houthis threat in Yemen and their backers in Iran?

Answer. The Houthis have deep and robust weapons stockpiles resulting from extensive Iranian supply provided over a decade of conflict with the Saudi led Coalition. While the Houthis have not yet ceased their attacks, our coalition and unilateral strikes have likely destroyed hundreds of Houthi weapons that the Houthis would otherwise use to conduct maritime attacks. The Department stands ready and able, in concert with our international partners, to strike additional Houthi targets as necessary with the goal of further degrading the Houthis' ability to sustain their attacks. The Department's strikes continue to gradually erode the Houthis' ability to sustain the tempo and scale of their attacks and to communicate to the Houthis that there will be a cost for their attacks.

Question. What will it take for the U.S. re-establish deterrence in the Red Sea?

Answer. The Department of Defense is clear eyed that military means are necessary but insufficient to stop Houthi attacks and uphold freedom of navigation in the Red Sea. Forcing the Houthis to reconsider the viability of their attack campaign demands a robust whole of government, multinational approach across the diplomatic, information, military, and economic domains. Accordingly, the Department of Defense is working with interagency partners to impose costs on Iran and the Houthis and isolate them internationally, protect international shipping, deny Houthi weapons resupply, and degrade Houthi ability to sustain their attacks, ultimately to uphold freedom of navigation in the Red Sea.

While the Department has already organized two robust multinational coalitions to protect international shipping and degrade Houthi capabilities, the Department is bolstering efforts in tandem with our partners and allies to neutralize the Houthis' ability to restock their weapons inventory. The Department is also working with interagency partners to publicly expose Iran's role in facilitating Houthi attacks and highlight that Houthi attacks have compromised the welfare of the Yemeni people they claim to defend. In conjunction with our interagency partners and in consultation with our partners and allies, the Department is identifying opportunities to sever Houthi financial networks and increasing diplomatic pressure against the Houthis.

RESPONSES OF MR. DANIEL B. SHAPIRO TO ADDITIONAL QUESTIONS
SUBMITTED BY SENATOR MARCO RUBIO

Question. On February 1, 2024, President Biden issued Executive Order 14115, "Imposing Certain Sanctions on Persons Undermining Peace, Security, and Stability in the West Bank." Thus far, only Israeli citizens have been sanctioned, though as written, it can and should be applied to Palestinians who engage in violence.

Was it the Administration's intent to sanction Palestinians under the E.O.?

Answer. The Administration issued Executive Order 14115 to promote accountability for certain harmful actions that threaten the peace, security, and stability of the West Bank. The E.O. established U.S. authority to issue financial sanctions against those directing or participating in certain actions, including acts or threats of violence against civilians, intimidating civilians to cause them to leave their homes, destroying or seizing property, or engaging in terrorist activity in the West Bank. I defer to the State Department to provide additional information about how the U.S. Government has exercised the authorities pursuant to the E.O.

Question. Why has the Administration not imposed the property blocking and visa sanctions on the Palestinian Authority (PA), whose continued “pay for slay” martyr payment programs provide financial support for individuals that have directly participated in acts of violence targeting civilians in the West Bank, and activities that are explicitly prohibited by the order?

Answer. The Administration issued Executive Order 14115 to promote accountability for certain harmful actions that threaten the peace, security, and stability of the West Bank. The E.O. established U.S. authority to issue financial sanctions against those directing or participating in certain actions, including acts or threats of violence against civilians, intimidating civilians to cause them to leave their homes, destroying or seizing property, or engaging in terrorist activity in the West Bank. I defer to the State Department to provide additional information about how the U.S. Government has exercised the authorities pursuant to the E.O.

Question. Why has the Biden administration failed to fully exercise the authorities of the President’s executive order in order to hold those Palestinian individuals accountable for undermining peace, security, and stability in Judea and Samaria and Israel more broadly?

Answer. The Administration issued Executive Order 14115 to promote accountability for certain harmful actions that threaten the peace, security, and stability of the West Bank. The E.O. established U.S. authority to issue financial sanctions against those directing or participating in certain actions, including acts or threats of violence against civilians, intimidating civilians to cause them to leave their homes, destroying or seizing property, or engaging in terrorist activity in the West Bank. I defer to the State Department to provide additional information about how the U.S. Government has exercised the authorities pursuant to the E.O.

*Tweets by U.S. Agency for International Development Director Samantha Power,
Submitted by Senator Chris Van Hollen*

 **Samantha Power** @PowerUSAID · Feb 26

More than 500 trucks should be entering Gaza daily. In the past week only ~85/day managed to get through.

Everything behind me here at this @WFP warehouse in Jordan should be in Gaza to address what WFP calls "catastrophic levels of hunger." (1/2)

A photograph of Samantha Power, the U.S. Agency for International Development Director, standing in a large warehouse. She is wearing a dark blue puffer jacket and is looking down at a green folder she is holding. The warehouse is filled with tall stacks of cardboard boxes, many of which have the WFP logo on them. The lighting is bright, and the ceiling is visible with wooden beams.



Samantha Power  @PowerUSAID · Feb 26

...

Aid workers are confronting extreme danger every day — from IDF military operations, organized criminals and even desperate civilians increasingly overrunning trucks and still they are working tirelessly to help those in need. (2/2)

