

116TH CONGRESS
1ST SESSION

H. J. RES. 37

IN THE SENATE OF THE UNITED STATES

FEBRUARY 14, 2019

Received; read twice and referred to the Committee on Foreign Relations

JOINT RESOLUTION

Directing the removal of United States Armed Forces from
hostilities in the Republic of Yemen that have not been
authorized by Congress.

1 *Resolved by the Senate and House of Representatives*
2 *of the United States of America in Congress assembled,*

3 **SECTION 1. FINDINGS.**

4 Congress finds the following:

1 (1) Congress has the sole power to declare war
2 under article I, section 8, clause 11 of the United
3 States Constitution.

4 (2) Congress has not declared war with respect
5 to, or provided a specific statutory authorization for,
6 the conflict between military forces led by Saudi
7 Arabia, including forces from the United Arab Emir-
8 ates, Bahrain, Kuwait, Egypt, Jordan, Morocco,
9 Senegal, and Sudan (the Saudi-led coalition),
10 against the Houthis, also known as Ansar Allah, in
11 the Republic of Yemen.

12 (3) Since March 2015, members of the United
13 States Armed Forces have been introduced into hos-
14 tilities between the Saudi-led coalition and the
15 Houthis, including providing to the Saudi-led coal-
16 ition aerial targeting assistance, intelligence sharing,
17 and mid-flight aerial refueling.

18 (4) The United States has established a Joint
19 Combined Planning Cell with Saudi Arabia, in which
20 members of the United States Armed Forces assist
21 in aerial targeting and help to coordinate military
22 and intelligence activities.

23 (5) In December 2017, Secretary of Defense
24 James N. Mattis stated, “We have gone in to be
25 very—to be helpful where we can in identifying how

1 you do target analysis and how you make certain
2 you hit the right thing.”.

3 (6) The conflict between the Saudi-led coalition
4 and the Houthis constitutes, within the meaning of
5 section 4(a) of the War Powers Resolution (50
6 U.S.C. 1543(a)), either hostilities or a situation
7 where imminent involvement in hostilities is clearly
8 indicated by the circumstances into which United
9 States Armed Forces have been introduced.

10 (7) Section 5(c) of the War Powers Resolution
11 (50 U.S.C. 1544(c)) states that, “at any time that
12 United States Armed Forces are engaged in hos-
13 tilities outside the territory of the United States, its
14 possessions and territories without a declaration of
15 war or specific statutory authorization, such forces
16 shall be removed by the President if the Congress so
17 directs”.

18 (8) Section 8(c) of the War Powers Resolution
19 (50 U.S.C. 1547(c)) defines the introduction of
20 United States Armed Forces to include “the assign-
21 ment of members of such armed forces to command,
22 coordinate, participate in the movement of, or ac-
23 company the regular or irregular military forces of
24 any foreign country or government when such mili-
25 tary forces are engaged, or there exists an imminent

1 threat that such forces will become engaged, in hos-
2 tilities”, and activities that the United States is con-
3 ducting in support of the Saudi-led coalition, includ-
4 ing aerial refueling and targeting assistance, fall
5 within this definition.

6 (9) Section 1013 of the Department of State
7 Authorization Act, Fiscal Years 1984 and 1985 (50
8 U.S.C. 1546a) provides that any joint resolution or
9 bill to require the removal of United States Armed
10 Forces engaged in hostilities without a declaration of
11 war or specific statutory authorization shall be con-
12 sidered in accordance with the expedited procedures
13 of section 601(b) of the International Security and
14 Arms Export Control Act of 1976 (Public Law 94–
15 329; 90 Stat. 765).

16 (10) No specific statutory authorization for the
17 use of United States Armed Forces with respect to
18 the conflict between the Saudi-led coalition and the
19 Houthis in Yemen has been enacted, and no provi-
20 sion of law explicitly authorizes the provision of tar-
21 geting assistance or of midair refueling services to
22 warplanes of Saudi Arabia or the United Arab Emir-
23 ates that are engaged in such conflict.

1 (11) It is in the national security interest of the
2 United States to combat anti-Semitism around the
3 world because—

4 (A) anti-Semitism is a challenge to the
5 basic principles of tolerance, pluralism, and de-
6 mocracy, and the shared values that bind Amer-
7 icans together;

8 (B) there has been a significant amount of
9 anti-Semitic and anti-Israel hatred that must
10 be most strongly condemned; and

11 (C) there is an urgent need to ensure the
12 safety and security of Jewish communities, in-
13 cluding synagogues, schools, cemeteries, and
14 other institutions.

15 (12) It is in the foreign policy interest of the
16 United States to continue to emphasize the impor-
17 tance of combating anti-Semitism in our bilateral
18 and multilateral relations, including with the United
19 Nations, European Union institutions, Arab League,
20 and the Organization for Security and Cooperation
21 in Europe.

22 (13) Because it is important to the national se-
23 curity interest of the United States to maintain
24 strong bipartisan support for Israel, the only democ-
25 racy in the Middle East, all attempts to delegitimize

1 and deny Israel's right to exist must be denounced
2 and rejected.

3 (14) It is in the national security interest of the
4 United States to oppose restrictive trade practices or
5 boycotts fostered or imposed by any foreign country
6 against other countries friendly to the United States
7 or against any United States person.

8 **SEC. 2. REMOVAL OF UNITED STATES ARMED FORCES**
9 **FROM HOSTILITIES IN THE REPUBLIC OF**
10 **YEMEN THAT HAVE NOT BEEN AUTHORIZED**
11 **BY CONGRESS.**

12 Pursuant to section 1013 of the Department of State
13 Authorization Act, Fiscal Years 1984 and 1985 (50
14 U.S.C. 1546a) and in accordance with the provisions of
15 section 601(b) of the International Security Assistance
16 and Arms Export Control Act of 1976 (Public Law 94–
17 329; 90 Stat. 765), Congress hereby directs the President
18 to remove United States Armed Forces from hostilities in
19 or affecting the Republic of Yemen, except United States
20 Armed Forces engaged in operations directed at al-Qaeda
21 or associated forces, by not later than the date that is
22 30 days after the date of the enactment of this joint reso-
23 lution (unless the President requests and Congress author-
24 izes a later date), and unless and until a declaration of
25 war or specific authorization for such use of United States

1 Armed Forces has been enacted. For purposes of this reso-
2 lution, in this section, the term “hostilities” includes in-
3 flight refueling of, non-United States aircraft conducting
4 missions as part of the ongoing civil war in Yemen.

5 **SEC. 3. RULE OF CONSTRUCTION REGARDING CONTINUED**
6 **MILITARY OPERATIONS AND COOPERATION**
7 **WITH ISRAEL.**

8 Nothing in this joint resolution may be construed to
9 influence or disrupt any military operations and coopera-
10 tion with Israel.

11 **SEC. 4. RULE OF CONSTRUCTION REGARDING INTEL-**
12 **LIGENCE SHARING.**

13 Nothing in this joint resolution may be construed to
14 influence or disrupt any intelligence, counterintelligence,
15 or investigative activities conducted by, or in conjunction
16 with, the United States Government involving—

- 17 (1) the collection of intelligence;
18 (2) the analysis of intelligence; or
19 (3) the sharing of intelligence between the
20 United States and any foreign country if the Presi-
21 dent determines such sharing is appropriate and in
22 the national security interests of the United States.

1 **SEC. 5. REPORT ON RISKS POSED BY CEASING SAUDI ARA-**
2 **BIA SUPPORT OPERATIONS.**

3 Not later than 90 days after the date of the enact-
4 ment of this joint resolution, the President shall submit
5 to Congress a report assessing the risks posed to United
6 States citizens and the civilian population of Saudi Arabia
7 and the risk of regional humanitarian crises if the United
8 States were to cease support operations with respect to
9 the conflict between the Saudi-led coalition and the
10 Houthis in Yemen.

11 **SEC. 6. REPORT ON INCREASED RISK OF TERRORIST AT-**
12 **TACKS TO UNITED STATES ARMED FORCES**
13 **ABROAD, ALLIES, AND THE CONTINENTAL**
14 **UNITED STATES IF SAUDI ARABIA CEASES**
15 **YEMEN-RELATED INTELLIGENCE SHARING**
16 **WITH THE UNITED STATES.**

17 Not later than 90 days after the date of the enact-
18 ment of this joint resolution, the President shall submit
19 to Congress a report assessing the increased risk of ter-
20 rorist attacks on United States Armed Forces abroad, al-
21 lies, and to the continental United States if the Govern-

1 ment of Saudi Arabia were to cease Yemen-related intel-
2 ligence sharing with the United States.

Passed the House of Representatives February 13,
2019.

Attest:

KAREN L. HAAS,

Clerk.