

116TH CONGRESS
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S. J. RES. 7

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

IN THE SENATE OF THE UNITED STATES

JANUARY 30, 2019

Mr. SANDERS (for himself, Mr. LEE, and Mr. MURPHY) introduced the following joint resolution; which was read twice and referred to the Committee on Foreign Relations

JOINT RESOLUTION

To direct 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 makes the following findings:

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

8 (2) Congress has not declared war with respect
9 to, or provided a specific statutory authorization for,

1 the conflict between military forces led by Saudi
2 Arabia, including forces from the United Arab Emir-
3 ates, Bahrain, Kuwait, Egypt, Jordan, Morocco,
4 Senegal, and Sudan (the Saudi-led coalition),
5 against the Houthis, also known as Ansar Allah, in
6 the Republic of Yemen.

7 (3) Since March 2015, members of the United
8 States Armed Forces have been introduced into hos-
9 tilities between the Saudi-led coalition and the
10 Houthis, including providing to the Saudi-led coali-
11 tion aerial targeting assistance, intelligence sharing,
12 and mid-flight aerial refueling.

13 (4) The United States has established a Joint
14 Combined Planning Cell with Saudi Arabia, in which
15 members of the United States Armed Forces assist
16 in aerial targeting and help to coordinate military
17 and intelligence activities.

18 (5) In December 2017, Secretary of Defense
19 James N. Mattis stated, “We have gone in to be
20 very—to be helpful where we can in identifying how
21 you do target analysis and how you make certain
22 you hit the right thing.”.

23 (6) The conflict between the Saudi-led coalition
24 and the Houthis constitutes, within the meaning of
25 section 4(a) of the War Powers Resolution (50

1 U.S.C. 1543(a)), either hostilities or a situation
2 where imminent involvement in hostilities is clearly
3 indicated by the circumstances into which United
4 States Armed Forces have been introduced.

5 (7) Section 5(c) of the War Powers Resolution
6 (50 U.S.C. 1544(c)) states that “at any time that
7 United States Armed Forces are engaged in hos-
8 tilities outside the territory of the United States, its
9 possessions and territories without a declaration of
10 war or specific statutory authorization, such forces
11 shall be removed by the President if the Congress so
12 directs”.

13 (8) Section 8(c) of the War Powers Resolution
14 (50 U.S.C. 1547(c)) defines the introduction of
15 United States Armed Forces to include “the assign-
16 ment of members of such armed forces to command,
17 coordinate, participate in the movement of, or ac-
18 company the regular or irregular military forces of
19 any foreign country or government when such mili-
20 tary forces are engaged, or there exists an imminent
21 threat that such forces will become engaged, in hos-
22 tilities,” and activities that the United States is con-
23 ducting in support of the Saudi-led coalition, includ-
24 ing aerial refueling and targeting assistance, fall
25 within this definition.

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

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

19 **SEC. 2. REMOVAL OF UNITED STATES ARMED FORCES**
20 **FROM HOSTILITIES IN THE REPUBLIC OF**
21 **YEMEN THAT HAVE NOT BEEN AUTHORIZED**
22 **BY CONGRESS.**

23 Pursuant to section 1013 of the Department of State
24 Authorization Act, Fiscal Years 1984 and 1985 (50
25 U.S.C. 1546a) and in accordance with the provisions of

1 section 601(b) of the International Security Assistance
2 and Arms Export Control Act of 1976 (Public Law 94–
3 329; 90 Stat. 765), Congress hereby directs the President
4 to remove United States Armed Forces from hostilities in
5 or affecting the Republic of Yemen, except United States
6 Armed Forces engaged in operations directed at al Qaeda
7 or associated forces, by not later than the date that is
8 30 days after the date of the enactment of this joint reso-
9 lution (unless the President requests and Congress author-
10 izes a later date), and unless and until a declaration of
11 war or specific authorization for such use of United States
12 Armed Forces has been enacted. For purposes of this reso-
13 lution, in this section, the term “hostilities” includes in-
14 flight refueling of non-United States aircraft conducting
15 missions as part of the ongoing civil war in Yemen.

16 **SEC. 3. RULE OF CONSTRUCTION REGARDING CONTINUED**
17 **MILITARY OPERATIONS AND COOPERATION**
18 **WITH ISRAEL.**

19 Nothing in this joint resolution shall be construed to
20 influence or disrupt any military operations and coopera-
21 tion with Israel.

22 **SEC. 4. REPORT ON RISKS POSED BY CEASING SAUDI ARA-**
23 **BIA SUPPORT OPERATIONS.**

24 Not later than 90 days after the date of the enact-
25 ment of this joint resolution, the President shall submit

1 to Congress a report assessing the risks posed to United
2 States citizens and the civilian population of Saudi Arabia
3 and the risk of regional humanitarian crises if the United
4 States were to cease support operations with respect to
5 the conflict between the Saudi-led coalition and the
6 Houthis in Yemen.

7 **SEC. 5. REPORT ON INCREASED RISK OF TERRORIST AT-**
8 **TACKS TO UNITED STATES ARMED FORCES**
9 **ABROAD, ALLIES, AND THE CONTINENTAL**
10 **UNITED STATES IF SAUDI ARABIA CEASES**
11 **YEMEN-RELATED INTELLIGENCE SHARING**
12 **WITH THE UNITED STATES.**

13 Not later than 90 days after the date of the enact-
14 ment of this joint resolution, the President shall submit
15 to Congress a report assessing the increased risk of ter-
16 rorist attacks on United States Armed Forces abroad, al-
17 lies, and to the continental United States if the Govern-
18 ment of Saudi Arabia were to cease Yemen-related intel-
19 ligence sharing with the United States.

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