There was no objection. The SPEAKER pro tempore, Pursuant to House Resolution 122 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the state of the Union for the consideration of the joint resolution, H.J. Res. 37.

The Chair appoints the gentlewoman from the Virgin Islands (Ms. PLASKETT) to preside over the Committee of the Whole.

In the committee of the whole, H.J. Res. 37, accordingly, the House resolved itself into the Committee of the Whole House on the state of the Union for the consideration of the joint resolution (H.J. Res. 37) directing the removal of United States Armed Forces from hostilities in the Republic of Yemen that have not been authorized by Congress, with Ms. PLASKETT in the chair.

The Clerk read the title of the joint resolution.

The CHAIR. Pursuant to the rule, the resolution is considered read the first time.

General debate shall not exceed 1 hour equally divided and controlled by the chair and ranking minority member of the Committee on Foreign Affairs.

Mr. ENGEL. Madam Chair, I yield myself such time as I may consume.

This is an important moment for the House, Madam Chair. For years, under the administrations of both parties, the United States has engaged in Yemen with no clear mission, no clear plan, and no accountability for the catastrophic impact on the Yemeni people. This is why this measure is so important. I think we will hear my friends question whether this resolution misguided. I think because this resolution has to do with our security agreements with the Saudis and Emiratis, it is time for Congress to act.

I am glad that we moved this measure through regular order, that we had a hearing with experts and a markup, and that the gentleman from Texas and I made our cases before the Rules Committee. It allowed me to hear the arguments from all perspectives on this issue.

I think, during this debate, we will hear my friends on the other side call this resolution misguided. I think because this resolution has to do with our security agreements with the Saudis and Emiratis, we will hear them question what impact this may have on other security agreements.

It is a fair question, to be honest. That is why this measure is tailored specifically to deal with just this situation. This is not a broad, blanket policy that is going to tie the hands of the executive branch. There is no dangerous precedent being set here, just an attempt to stop a war that is costing far too many innocent lives.

Article I of the Constitution gives Congress the responsibility to declare war, yet we have given Presidents of both parties a virtual blank check to send our brave service members into harm’s way while we have stood on the sidelines.

With the measure we are considering today, we take some of that power back, and we do so to restore a sense of American values and American leadership to the worst humanitarian catastrophe in the world.

For the last few years, we have all seen horrific images of the civilian casualties in the Yemen war: starving children, millions displaced, outbreaks of deadly disease. Madam Chair, 85,000 children have starved to death. Forty million are on the brink of famine. More than a million suffer from cholera. And the ongoing military operations are bringing us no closer to a resolution. The only way out of this mess is for parties to sit down and work toward a political solution.

The United States can and should play a role pushing for that solution, pushing parties to make a commitment to negotiations. This measure, introduced by Mr. KHANNA, will help us do exactly that.

Let me explain why this is so important and why I support passing this resolution right now.

In the last few years, the Saudi-led coalition has carried out 18,000 airstrikes. A full one-third of those strikes hit nonmilitary targets. This is absolutely reckless.

I am not naive, Madam Chair. I know we have critical strategic interests in that region. The Houthis is a problem. They get support from Iran. They launch missiles into Saudi territory and international waterways, threatening Saudi civilians. They are starving the Yemeni people, diverting assistance, and holding civilians hostage to their political demands. But we cannot just give the coalition a blank check when so many lives are being lost. And if the administration won’t demand any sort of accountability from the Saudis and Emiratis, it is time for Congress to act.

I want to acknowledge my friend from Texas, the ranking member on the Foreign Affairs Committee, Mr. McCaul. I believe that he also wants to see Congress reclaim our prerogatives on foreign policy, though I understand we have an honest difference of opinion on the approach we are dealing with today.

Mr. ENGEL. Madam Chair, I yield myself such time as I may consume.

This is an important moment for the House, Madam Chair. For years, under the administrations of both parties, the Congress has handed away our authority and abrogated our responsibility when it comes to foreign policy, particularly the questions of how and where our military is engaged around the world.

Article I of the Constitution gives Congress the responsibility to declare war, yet we have given Presidents of both parties a virtual blank check to send our brave service members into harm’s way while we have stood on the sidelines.

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Department has stopped refueling as a matter of policy, but policies can be reversed, so this resolution would cut off refueling as a matter of law.

My second point is broader and gets at the heart of today’s debate. This body is not subject to the definitions conjured up by the Defense Department. We don’t ask permission to exercise our Article I authority. Of course, the Pentagon will try to define things in a way that consolidates the power of the executive branch, but Congress, with authority over war powers, need not accept that definition.

The Congress has lost its grip on foreign policy, in my opinion, by granting too much deference to the executive branch, by failing to examine the decisions, determinations, and definitions that are used to justify sending Americans into harm’s way. Our job is to keep that branch in check, not to shrug our shoulders when they tell us to mind our own business.

Lastly, I think we will hear my colleagues on the other side ask: Isn’t this just all politics? No, Madam Chair. Politics is what the former majority did to this resolution twice during the last Congress. Politics is stifling debate on national security issues because we are uncomfortable with the message it might send or we don’t want to take a tough vote.

Politics is walking away from our constitutional responsibilities, as Congress has done for far too long; and frankly, we have done it for far too long. Congresses in both parties with a majority and Presidents in both parties.

Our Article I responsibilities are things that we cannot just simply turn the other way. We are a coequal branch of government, and we have not had a declaration of war, for instance, since 1941. We are content to just tell whatever administration is in, go ahead, you handle it. We don’t have any responsibility. I hope that that stops this afternoon.

The other body has already weighed in on this measure. It passed with bipartisan support. Today, the Members of the House get our chance to go on record finally and say where we stand. I joined this resolution as an original cosponsor because I think it will lead to a sort of reckoning for our government.

What is our role in the conflict in Yemen? What is Congress’ voice in our foreign policy?

How will we exercise American leadership and American power?

What will we provide and what will we withhold to push warring parties toward peace?

I want to thank Mr. KHANNA for his hard work and for his leadership in shining the light on this issue.

I would like to call on some of the Members of the House Foreign Affairs Committee who have contributed so far to a valuable debate.

I want to thank Mr. McCaul, who has made his opposition to this about the policy, not about the politics or the personalities. We are going to have a lot more debates; sometimes we will be on the same side and sometimes not, but I hope we can always grapple with these issues in a collaborative way. Madam Chair, I reserve the balance of my time.

Mr. McCaul. Madam Chair, I yield myself such time as I may consume.

Let me just extending my appreciation for the chairman. I know his arguments are well-intentioned, as are mine. I believe that we both completely agree and completely support Congress’ solemn duty under Article I of the Constitution, to authorize the commitment of U.S. troops to foreign hostilities; and perhaps there will be another example where we can join forces in that. But that is not the issue here.

Allow me to quote the actual War Powers Act, from Title 50 of the United States Code. This procedure applies to “the removal of United States Armed Forces engaged in hostilities outside the territory of the United States.” This has always meant, historically, and today, U.S. troops being directly involved in live-fire combat. As the Department of Defense has repeatedly confirmed, U.S. Armed Forces are not engaged in hostilities against the Houthi forces in Yemen.

This resolution is directing us to remove troops that simply, Madam Chair, are not there. Even the aerial refueling of coalition jets, which does not constitute traditional hostilities, ended last November.

This resolution, in my judgment, misuses the tool to try to get at the different issue of security assistance to third countries. It provides no clear decisions on which forms of assistance are cut off. It does not address the humanitarian crisis in Yemen, and, alarmingly, it completely ignores the destabilization role that Iran is playing in Yemen and the region.

This irresponsible measure is trying to hammer a square peg in a round hole.

This resolution really stretches the definition of “hostilities” to cover non-U.S. military operations by other countries. It reinterprets U.S. support to those countries as “engagement in hostilities.”

This overreach has dangerous implications far beyond Saudi Arabia. This approach will now allow any single Member to use this privileged mechanism to second-guess U.S. security cooperation relationships with more than 100 countries around the world.

Under this model, if one Member doesn’t like something that any of our security partners does overseas, that Member can force quick consideration by a resolution directing the removal of U.S. forces from hostilities “in or affecting” that situation. It no longer matters that U.S. forces are not actually conducting those hostilities.

This could impact our assistance to Israel. It could affect our cooperation with our NATO allies. It could impact counterterrorism cooperation with African nations in the Sahel. We could recklessly undo critical security relationships that we have spent decades building.

That is not what the War Powers Resolution has ever meant, and I don’t think that is what Congress designed it to do, and it should not be used in this way now.

No one is saying that U.S. security assistance to Saudi Arabia, or anyone else, is beyond congressional scrutiny. Congress has many tools at its disposal. Our committee receives regular arms sales notifications. Congress can condition or cut off security assistance through targeted legislation or the annual appropriations process.

But this resolution is the wrong tool. It is vague and irresponsible. It will create new doubts for our partners and allies around the world.

For those reasons, Madam Chair, I strongly oppose this measure, and I reserve the balance of my time.

Mr. Engel. Madam Chair, I yield 3 minutes to the gentleman from California (Mr. KHANNA), the author of this joint resolution.

Mr. Khanna. Madam Chair, I thank Chairman Engel for his extraordinary leadership to help bring a war in Yemen to an end. I want to thank him and Chairman McCaul, Speaker Pelosi, and Majority Leader Hoyer, for finally speaking up for the millions of Yemenis who are on the brink of starvation.

This is not a complex issue. For the last 2 years, we have been assisting the Saudis in bombing Yemeni civilians; and the reports say there are 14 million Yemenis who face starvation; 14 million.

Let’s put that in context: 800,000 people have died in Rwanda, 100,000 in Bosnia, and 14 million face famine in Yemen. And it is not because the world doesn’t have enough food or medicine to get in there. It is because there is a systematic bombing preventing the food and medicine to get in.

We want to send the food. We want to send medicine, but the Saudis aren’t allowing that food and medicine to get in.

And what do we know about Saudi Arabia? We know that they were responsible for the murder of Khosoughi. We know recently, that MBS admitted that he wanted Khoshoggii dead.

We know that they, the Saudis, are supplying arms to al-Qaida in Yemen who are fighting our troops. The Saudis are giving modern weapons to the very people who are fighting our troops. This is why Senator Lindsey Graham has said he may support this resolution.

The only patriotic thing, if you care about our troops, if you care about American interests, if you care about the outrage that the Saudis are inflicting on Americans, and on the world, the only patriotic thing to do is to vote
for this resolution. I am convinced it will pass with a bipartisan majority.

Mr. McCaul. Madam Chair, I yield 3 minutes to the distinguished gentleman from Texas (Mr. Thornberry), ranking member of the House Armed Services Committee.

Mr. Thornberry. Madam Chair, I appreciate the gentleman for yielding.

Madam Chair, this resolution is misguided, and let me take a few moments to illustrate some of the reasons.

Number 1, as the ranking member of the Foreign Affairs Committee, Mr. McCaul, has described, this is a misuse of the War Powers Resolution. It conflates two different sections. It has definitional problems. I am not going to repeat all the arguments he has used.

My point is that, if we use that powerful law, it should be clear, direct, and applicable. To misuse it in this way actually weakens the authority of Congress, the exact opposite of what the chairman of the committee was talking about.

Secondly, the message coming from this resolution to Iran, you can do whatever you want to. Now, it is clear we do not have troops in the fight against the Houthis. We do, however, want other countries to join in trying to constrain Iran’s aggression in various parts of the world. But with this resolution, we are saying, Okay, you are on your own. We are not going to assist you in any way. And that message reverberates throughout the Middle East. It will have lasting consequences.

Third, if anything, this resolution will make our military more cautious when targeting ISIS and al-Qaeda.

Now there is a section in here that says, Well, it doesn’t really apply when you are going to the heart of territory of Yemen. That is a mess. You have individuals commingled in the same location. Sometimes the same individual can have multiple loyalties.

Our military will be overly cautious in interpreting this resolution. They will be less likely to target ISIS and al-Qaeda.

Mr. Chairman, don’t forget. It wasn’t very long ago the most serious threats coming to our homeland, to American citizens emanated from Yemen. This adds danger to the world.

Fourth, I think this resolution makes a humanitarian situation worse. As long as rockets are fired from Yemen into Saudi Arabia, there will be a military response.

Now, the U.S. has been assisting the Saudis in targeting, so that it is narrower; so that they are only targeting military targets and minimizing civilian casualties. And yet, this resolution says, No, you can’t offer that sort of help.

So what is the result? It is going to, unfortunately, be less specific targeting, and I am afraid that the humanitarian situation will only grow worse.

Fifth, and finally, if this passes and signs into law, it will not help the people of Yemen one iota. There are lots of things we just heard from the author of the resolution, why he does not approve of some of the actions going on with Saudi Arabia. This does not help any of that.

It is an attempt to make us feel better, that we have at least done something. And yet, the result is, we reduce our influence in the Middle East; we encourage and enhance the position of Iran; and we lead to a more dangerous world for us. That is quite an afternoon’s work.

Mr. Engel. Mr. Chair, I yield 1 minute to the gentleman from California (Mr. Bera), the chairman of the Foreign Affairs Committee’s Oversight and Investigations Subcommittee, a very valued member of the Foreign Affairs Committee.

Mr. Bera. Mr. Chairman, I rise today to support H.J. Res. 37, and applaud Chairman Engel, as well as my colleague from California, Mr. Khanna, on their leadership.

This joint resolution would direct the removal of U.S. forces from supporting the Saudi and Emirati campaign in Yemen. We will still be supporting our fight against ISIS and al-Qaida in the Arabian Peninsula, which Congress has specifically authorized. We are not debating that.

But let’s not debate, as some might suggest, setting a precedent when it comes to cooperating with our allies. This is about hostilities we are engaged in because we are supporting a coalition in war.

We have authorized our military to act in the Yemeni civil war. This is about reclaiming the jurisdiction of Congress in making a war. That is our job. That is what we were elected to do. I would say that if there were a Democrat, or a Republican in the White House.

Now, if the administration wants to be involved there, they need to come to Congress and make a compelling case. But let’s not debate that discussion.

For that reason, I support this resolution, and I urge my colleagues to join me in helping to move this resolution out of the House.

Mr. McCaul. Mr. Chairman, I yield 2 minutes to the distinguished gentleman from South Carolina (Mr. Wilson), the ranking member on the Middle East and North Africa Subcommittee.

Mr. Wilson. Mr. Chairman, I urge opposition to H.J. Res. 37, directing the removal of U.S. Armed Forces from the hostilities in Yemen. Actually, the U.S. is not directly engaged in any hostilities in Yemen. This is not my independent assessment, but the determination of the Department of Defense.

The U.S. is currently supporting the Saudi-led coalition in Yemen by providing targeting assistance, intelligence sharing, and joint planning to defeat the Houthi rebels who are supported by Iran, with missiles that they have directed at civilian airports in Saudi Arabia.

There is no doubt that the Saudi-led coalition in Yemen has made terrible targeting mistakes. But what would happen if the U.S. were to pull the plug on our intelligence-sharing and targeting cooperation?

Mr. Engel. Mr. Chair, I yield an additional 30 seconds to the gentleman.
Mr. LEVIN of Michigan. Mr. Chair, I thank the gentleman for yielding the additional time.

Mr. Chair, I urge my colleagues to support this resolution.

Mr. McCaul. Mr. Chairman, I yield 2 minutes to the gentleman from Florida (Mr. Yoho), the ranking member on the Asia, the Pacific, and Nonproliferation Subcommittee.

Mr. Yoho. Mr. Chair, I think the chairman for yielding. I appreciate it.

Mr. Chair, this is something that we do need to get resolved, but I cannot support H.J. Res. 37.

Mr. Chair, I rise today in opposition to this resolution, which I could not support as it was pushed through the Foreign Affairs Committee over strong objection from me and my 16 colleagues.

The Foreign Affairs Committee has a proud tradition of bipartisanship, but that was thrown out the window with this bill.

Among my objections to this bill is the basic premise of the bill, which is flawed. U.S. Forces are not engaged in hostilities between the Saudi-led coalition and the Houthi forces in Yemen.

This bill distorts the definition of hostilities to cover non-U.S. military operations by third countries. It then interprets U.S. activities in support of those countries as U.S. engagement in those hostilities.

I have been well documented throughout my time in Congress as opposing the misuse of the War Powers Act. That is really what needs to be addressed: the misapplication of the 2001 and 2002 AUMFs.

While I wholeheartedly believe that the U.S. Forces put into combat roles must be approved by Congress, I cannot stand by as those firm beliefs in the Constitution are twisted around to make a political messaging point.

Keep in mind, my colleagues from the other side of the aisle, about the humanitarian crisis in Yemen, yet they fail to mention the Houthi rebel fighters overthrew the legitimate government of President Hadi, and this overthrow was sponsored by Iran, which Iran is the largest sponsor of state terrorism. That is really where the problem is in this. We are there in a different capacity.

Mr. Chair, I urge my colleagues not to vote for this partisan bill because, if we break this agreement, we have got over 100 other agreements that we would have to negotiate with our allies, and this would be bad for America’s foreign policy.

Mr. Chair, I thank the gentleman for sponsoring this.

Mr. Engel. Mr. Chair, I yield 1 minute to the gentleman from Maryland (Mr. Hoyers), our majority leader.

Mr. Hoey. asked and was given permission to revise and extend his remarks.

Mr. Hoey. Mr. Chair, I want to thank Chairman Engel, Chairman Smith, Representative Khanna, and others for ensuring that the House expresses its views on the humanitarian catastrophe in Yemen.

After the Republican leader declined to allow this resolution to come to the floor in December, I promised to bring it to the floor.

Here we are today, and now the House will have an opportunity to express its views to the President and to the country that he ought to end his administration’s support of the Saudi coalition and to require the administration to declassify the 9/11 investigation. We and I find many of the things the Saudis to be doing horrific, including the murder of Muslim Brotherhood member Jamal Khashoggi. I was one of the first people to go on the record demanding the declassification of the 9/11 report concerning Saudi Arabia, but this will not be the first action Saudi Arabia takes that is counter to our beliefs in the United States. During the first 4 months of 2017, Saudi Arabia beheaded 48 people.

The Acting Chair. The time of the gentleman has expired.

Mr. McCaul. Mr. Chair, I yield an additional 30 seconds to the gentleman from Pennsylvania.

Mr. Perry. Mr. Chair, according to the reports, half of those deaths were for nonviolent drug charges. The Saudi Kingdom executes its citizens for blasphemy and crimes against the state, actions that are protected in the First Amendment of the U.S. Constitution.

I must understand that we are dissatisfied—I am, too—but using poor policy to termine U.S. assistance will not improve conditions in Yemen. Iran’s own IRGC commander openly admitted that Iran provides military assistance to the Houthis in Yemen.

Mr. Perry. Mr. Chair, I thank the gentleman from Texas for yielding.

I am an opponent of H.J. Res. 37. Mr. Chair. This resolution is poor policy and will not achieve the aims of those who support it. That is really the crux of the issue here.

My colleagues are using this resolution to express their concerns with the actions of Saudi Arabia and the status of the war in Yemen, disregarding the dangerous precedent this resolution will send.

The joint resolution improperly expands the definition of hostilities to include non-U.S. military operations by third countries. This bill then reinterprets the U.S. activities in support of those countries as U.S. engagements in said hostilities.

The Department of Defense and the White House have both correctly stated that, under the longstanding definition of hostilities, the United States is not engaged in such in Yemen.

In order to force a privileged measure in the Senate, my colleagues had to expand the definition of the War Powers Resolution to achieve their goal. This is absolutely poor policy, and we cannot support such a measure.

The misuse of this privileged tool endangers U.S. security cooperation with over 100 partners around the world, to include Israel, NATO, and many antiterror allies.

Now, I understand my colleagues on both sides of the aisle are unhappy with the actions taken by Saudi Arabia. Frankly, I am as well. Unfortunately, we live in an imperfect world. Mr. Chairman, with imperfect actors. We must deal with the reality of geopolitics in the way that they are and not the way that we wish they would be.

We and I find many of the things the Saudis to be doing horrific, including the murder of Muslim Brotherhood member Jamal Khashoggi. I was one of the first people to go on the record demanding the declassification of the 9/11 report concerning Saudi Arabia, but this will not be the first action Saudi Arabia takes that is counter to our beliefs in the United States. During the first 4 months of 2017, Saudi Arabia beheaded 48 people.

The Acting Chair. The time of the gentleman has expired.

Mr. Yoho. Mr. Chair, I think the gentleman is being a bit judgmental. We and I find many of the things the Saudis to be doing horrific, including the murder of Muslim Brotherhood member Jamal Khashoggi. I was one of the first people to go on the record demanding the declassification of the 9/11 report concerning Saudi Arabia, but this will not be the first action Saudi Arabia takes that is counter to our beliefs in the United States. During the first 4 months of 2017, Saudi Arabia beheaded 48 people.

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Mr. Engel. Mr. Chair, I yield 1 minute to the gentleman from Pennsylvania (Mr. Hoyer), our majority leader.

Mr. Hoey. Mr. Chair, I thank the gentleman for his remarks. We and I find many of the things the Saudis to be doing horrific, including the murder of Muslim Brotherhood member Jamal Khashoggi. I was one of the first people to go on the record demanding the declassification of the 9/11 report concerning Saudi Arabia, but this will not be the first action Saudi Arabia takes that is counter to our beliefs in the United States. During the first 4 months of 2017, Saudi Arabia beheaded 48 people.

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Mr. Chair, this resolution is not the right step. It is poor policy. I encourage my colleagues to vote “no.”

Mr. ENGEL. Mr. Chair, I yield 2 minutes to the gentleman from California (Mr. TED LIEU), a very well-respected member of the House Foreign Affairs Committee.

Mr. LIEU of California. Mr. Chair, I thank Chairman ENGEL for his leadership.

Mr. Chair, I rise in support of this resolution. I want to commend Congressman KHANNA for offering it. It is another step in years of pressure that Congress has put on the executive branch to get us out of this bloody war in Yemen.

In 2015, I wrote a letter to the Pentagon about what was then a little-known war in Yemen, asking why the U.S. was involved in war crimes committed by the Saudis in Yemen.

I pushed for a stop of U.S. refueling of Saudi jets. I pushed for a stop of a shipment of air-to-ground munitions to Saudi Arabia.

In 2017, I worked with Representative TED YOHO, and we helped insert language into the NDAA requesting the administration to certify what the heck it was doing in Yemen.

And then last August, I wrote a letter to the Pentagon inspector general asking for an investigation of whether U.S. personnel were aiding and abetting civilian war crimes in Yemen.

I am very pleased that a few months later, in November of last year, the Trump administration announced it was going to stop the U.S. refueling of Saudi jets.

Now we need to pass this resolution as another step in increasing the pressure on the administration to get us out of the war in Yemen.

It is not a partisan issue. This started under Obama’s watch, continues under Trump’s, and at the end of the day, war crimes and humanitarian catastrophes are not partisan issues. Every Member of Congress should vote for this.

Mr. McCaul. Mr. Chair, I yield 2 minutes to the gentleman from New York (Mr. ZELDIN), the ranking member of the Oversight and Investigations Subcommittee of the Committee on Foreign Affairs.

Mr. ZELDIN. Mr. Chair, I thank Chairman McCaul for yielding. I have great respect for him, as well as our committee chair, ELIOOT ENGEL.

Mr. Chair, I rise today in opposition to H.J. Res. 37, directing the removal of U.S. forces from unauthorized hostilities in Yemen. One of the reasons why is because we aren’t even engaged in hostilities in Yemen. The United States is not involved in any direct live fire exchanges. Last November, the U.S. stopped aerial refueling of Saudi jets.

According to the Department of Defense, U.S. support to the coalition is for defensive purposes only. It focuses on helping reduce civilian casualties, which means that this resolution, if passed and implemented, will actually result in less food and medicine getting into Yemen and more civilians dying, and the war will not end.

If anyone debate a bill and pass one cutting off or conditioning specified U.S. security assistance to Saudi Arabia, they have the ability to do so. That is not this bill.

What is also important is that there are a lot of freshman Members here in this Chamber, and the fact that we are rushing this to the floor so quickly without having a classified briefing for all of those Members is also deeply unfortunate. That should take place before passing this resolution.

Congress has many other ways to engage in oversight efforts for U.S. security assistance with Saudi Arabia, including approving arms sales and through appropriations.

Our assistance for Saudi Arabia started in 2015, when the Houthis overthrew a legitimate government, backed by Iran. The Houthis fired missiles against Saudi Arabia with support from Iran, and the U.S. provided intelligence and logistical support in compliance with the law of armed conflict.

Iran poses a massive geostrategic threat to Yemen and to the United States and many of our allies. Iran is providing training and support to the Houthi rebels, including supplying ballistic missiles that have been fired into Saudi Arabia. In 2016, missiles were fired by Iranian-backed Houthi rebels at a U.S. Navy warship near the Bab el-Mandeb. If Iran has the ability to cut off the global oil flow to the Strait of Hormuz and el-Mandeb, it would have disastrous consequences.

If this resolution passes, we are emboldening Iran to continue their nefarious ambitions in the region without restraint.

Mr. Chairman, I oppose H.J. Res. 37. I think Iran would endorse it.

Mr. ENGEL. Mr. Chairman, I yield 2 minutes to the distinguished gentleman from Kansas (Mr. WATKINS), a member of the House Foreign Affairs Committee.

Mr. WATKINS. Mr. Chairman, I thank my Republican leader, Mr. McCaul, for his leadership on this issue.

Mr. Chair, I rise today in opposition to H.J. Res. 37, and I encourage my colleagues to do the same.

As a combat veteran, with many years of experience in conflict and postconflict environments, I am particularly concerned about this resolution. Passing it would pose a threat to many other important bilateral agreements that help keep us and our allies safe and make the world a better place.

Our Armed Forces are not engaged in hostilities in the Yemen conflict. Outside of Yemen, the U.S. Armed Forces support an ally, through intelligence sharing, threat analysis, and logistical support.

The strength of our international relations lies on the numerous global relationships that we hold. We help each other understand, forecast, and eliminate threats. This is especially true in the Arabian Peninsula, where ISIS and al-Qaida have been notoriously active.

Furthermore, pertinent facts relating to Yemen are classified, leaving Congress and the American people in the dark.

Mr. Chair, we have a long history of free-thinking bipartisanship when it comes to foreign policy. I ask my colleagues to think for themselves, not merely vote along party lines.

Mr. ENGEL. Mr. Chair, I yield 1 minute to the gentleman from Maryland (Mr. TRONE), another new member of the Foreign Affairs Committee.
Mr. TRONE. Mr. Chairman, I rise today to voice my support for the joint resolution. It is important for us in this institution, in this critical moment, to undertake serious debate regarding the use of U.S. military in the conflict in Yemen. My colleagues have pointed out, Article I of our Constitution clearly states that the power to declare war belongs to the Congress. Congress must put down a marker stating it is unacceptable for our military to support hostilities without authority.

Our support for the Saudi-led coalition’s efforts in Yemen has proven problematic in so many ways. The impact on civilian lives is real and painful. Overall, 80,000 lives have been lost. Ultimately, the question should be really simple: Did Congress authorize our military to engage in hostilities in Yemen? The answer is no.

Today, Yemen is the worst humanitarian crisis on the planet. Eighty-five thousand children under the age of 5 have died of starvation since 2015, and 150 children die every single day. The U.S., alongside Saudi Arabia, which has used such a weapon of war, has supported targeting for deadly airstrikes, provided logistical support and refueling, and sent Special Operations Forces to the Yemeni border.

It is time for these activities to end, absent congressional consent. The American people deserve a transparent debate and a vote by Congress, per Article I, Section 8 of the Constitution, before the U.S. engages in war-making. While the President is tweeting about wars and nuclear bombs, we must reassert our authority and end the unconstitutional U.S. participation in Yemen’s civil war.

Mr. Chairman, I urge all my colleagues to vote in favor of this resolution.

Mr. MCCAUL. Mr. Chairman, I yield 1 minute to the distinguished gentleman from Ohio (Mr. DAVIDSON).

Mr. DAVIDSON. Of Ohio, Mr. Chairman, I thank the gentleman for allowing me this time to do support H.J. Res. 37. Fundamentally, it is about Article I and the authority of Congress as addressed in Federalist Paper No. 69.

As the President said, great powers don’t fight endless wars. I would add nor do they fight or participate in undeclared wars.

The United States is not participating in the Yemen war in the sense that many of my colleagues on the other side of the aisle have characterized. In fact, I personally asked Secretary Mattis on two occasions to help draft authorization against Iranian proxies.

This is, at best, a half measure in that it stops any active participation in undeclared conflicts. But it also fails to advance the policy of our country, which is to treat Iran as the threat it is, just not to the United States of America, but to its neighbors and our allies in the region.

Mr. ENGEL. Mr. Chairman, I yield 1 minute to the gentlewoman from California (Ms. LEE).

Ms. LEE of California. Mr. Chairman, I thank the gentleman for yielding. Also, I thank Representative KHANNA, Representative POCAN, and Chairman MCGOVERN for their work in bringing this very critical measure to the floor. Of course, I rise in strong support of H.J. Res. 37. Today, I am remembering our dear friend and colleague, Congressman Walter Jones, who was an original sponsor. I miss him tremendously. I know he would be down here speaking on behalf of this resolution.

Since 2015, the United States has participated in the Saudi-led military campaign in Yemen with authorization on from Congress. We have helped create and worsen the world’s largest humanitarian crisis. 22.2 million Yemenis, 75 percent of the population, need humanitarian assistance. At least 85,000 children under the age of 5 have died from war-related hunger and disease.

Our involvement in this war, quite frankly, is shameful. That is why this bipartisan measure to end the United States’ unconstitutional role in this war is so important. I have long pushed efforts to repeal the overly broad 2001 Authorization for Use of Military Force.

Mr. Chairman, I urge my colleagues to vote “yes” on H.J. Res. 37 and to support this bipartisan bill to end the United States’ role in the war on Yemen.

Mr. MCCAUL. Mr. Chairman, I re-serve the balance of my time.
would direct such a removal of U.S. Armed Forces from hostilities associated with the Saudi-led coalition war in Yemen.

Importantly, this legislation defines hostilities to include in-flight fueling of a non-U.S. aircraft conducting counter-Houthi missions.

Mr. Chairman, I urge support of this resolution.

Mr. MCCAUL. Mr. Chair, I continue to reserve the balance of my time.

Mr. ENGEL. Mr. Chair, I yield 2 minutes to the gentleman from Texas (Mr. DOGGETT).

Mr. DOGGETT. Mr. Chair, finally, this House is doing what the Constitution demands: to debate war and peace.

The problem here is that President Trump has essentially subcontracted out American foreign policy in the Middle East to a murderous Saudi regime, and the result has been that 85,000 children under the age of five have been starved to death or have died of disease as a result of Saudi blockades and aggression.

Indifference to their suffering is dooming a generation—unlawful, murderous airstrikes with bombs made in America on schools, on hospitals, on weddings, on markets.

All these people who speak out about the security of Israel and of America, they seem to have forgotten that these same Saudis have been giving away American-made weapons to al-Qaeda—al-Qaeda—on the sworn enemy of the Houthis about whom they complain.

The Saudi leadership, which approved the killing and dismemberment of an American resident journalist, is unsurprisingly not moved by the suffering of these children. They are intent on annihilation of the Yemenis.

We cannot let the slaughter continue in the name of American taxpayers. The Saudis do not represent our values, but they are using our tax dollars and our weapons.

Instead of shutting down our government, President Trump needs to shut down cooperation with the regime that tortures women who speak out, that kills its enemies who dare to speak the truth, and that is waging an immoral conflict, the world’s largest humanitarian catastrophe.

Mr. Chairman, the days of symbolic action have far passed. Months, years, hundreds of small graves ago this Congress—on the sworn enemy of the Houthis, backed by Iran.

This is about the geopolitics of Iran, Houthis in Yemen, Iran and the Shia crescent in Iraq and Syria, and a direct threat to Israel by the largest state-sponsored terror, Iran, that is a mortal sworn enemy to Israel, as they chant “death to Israel,” “death to America.”

Let’s put this all in proper context of what we are really talking about here. Are we defending Iran and the Houthis here today?

So I would like to close by putting two documents in the RECORD. The first is a letter sent by the Department of Defense Office of General Counsel stating that “DoD opposes the resolution on a fundamental premise is flawed” because the United States support to the Saudi-led coalition “does not involve any introduction of U.S. forces into hostilities.”

Are we going to go around and second-guess every security cooperation agreement we have with 117 countries, including Israel and NATO and other partners?

Mr. Chair, I include in the RECORD this letter from the General Counsel of the Department of Defense.

Mr. DOGGETT. Mr. Chair, finally, this House is doing what the Constitution demands: to debate war and peace.

So let’s put this all in proper context of what we are really talking about here. Are we defending Iran and the Houthis here today?

Mr. DOGGETT. Mr. Chair, I have no further speakers, so I am prepared to close, and I yield myself the balance of my time.

Mr. Chair, let me state a few points.

We all condemn the murder of Khashoggi. I have condemned it publicly, very strongly, what happened with the Saudis killing Khashoggi, execution him. We are talking about the situation in Yemen.

Who started this humanitarian crisis in the first place? The Houthis tried to take over by force of a defensive strike in October 2016, U.S. forces are not taking direct military action in this Saudi-led effort in Yemen. Instead, the United States provides the KSA-led coalition defense articles and services, including air-to-air refueling; certain intelligence support; and military advice, including advice regarding compliance with the laws of armed conflict and best practices for reducing the risk of civilian casualties.

The draft resolution incorrectly describes United States support to the KSA-led coalition as an operation that introduces U.S. forces into hostilities or imminent involve-ment in hostilities for purposes of the War Powers Resolution. It has been the long-standing view of the Executive Branch that “hostilities” refers to “a situation in which units of U.S. armed forces are actively engaged in armed conflict with units of hostile forces.” U.S. personnel providing support to the KSA-led coalition are not engaged in any such exchanges of fire. Specifically, the limited U.S. support to the KSA-led coalition does not incorporate the activities identified in section 8(c) of the War Powers Resolution. Section 8(c) defines the term “introduction of armed forces” but does not address the term “hostilities.”

When applying section 8(c), the
relevant question remains whether U.S. forces—nor the foreign forces they are accompanying—are introduced into hostilities or situations involving the imminent threat thereof, as U.S. support to the KSA-led coalition, U.S. forces do not currently command, coordinate, accompany, or participate in the movement of the foreign forces in counter-Houthi operations. Thus, no U.S. forces are accompanying the KSA-led coalition when its military forces are engaged. Hence, threat exists that they will become engaged, in hostilities. Accordingly, U.S. forces supporting the KSA-led coalition have not been introduced into hostilities or situations where hostilities are imminent.

Although the resolution’s requirement to remove U.S. forces from hostilities would not implicate U.S. support to the KSA-led coalition, this requirement could call into question the statutory authority for ongoing U.S. counterterrorism operations in Yemen. Pursuant to the 2001 Authorization to Use Military Force (AUMF) (Public Law 107–40), U.S. armed forces are currently engaged in hostilities in Iraq, Syria, and Libya, as defined in the AECA. In Yemen, hostilities and associated forces are explicitly exempted from the resolution’s termination requirement, but hostilities against ISIS are not similarly exempted. The Administration argues incorrectly that there is no authorization for U.S. participation in a Joint Combined Planning Cell with the KSA and mid-air refueling of KSA-led coalition aircraft. President Trump has directed such military and intelligence support pursuant to his authority under Article II of the Constitution as Commander in Chief and Chief Executive and his authority to conduct U.S. foreign relations. See Fleming v. Page, 50 U.S. (10 How.) 650, 655 (1850) (explaining that “[t]he President is authorized to direct the movements of the naval and military forces placed by law at his command”); Training of British Flying Students in the United States, 40 Op. Att’y Gen. 58, 62 (1941) (“[T]he President’s authority has long been recognized as extending to the dispatch of armed forces outside the United States, either on missions of good will or rescue, or [the] purpose of protecting American lives or property or American interests.”). Because, as discussed further below, the KSA does not involve the introduction of U.S. forces into hostilities or into situations where imminent involvement in hostilities is clearly indicated, this requirement does not implicate consideration of the War Powers Resolution. See 50 U.S.C. § 1543(a)(1). The Obama Administration published its summary of that limited support to the KSA-led coalition as part of the December 2016 “Report of the Legal and Policy Framework Guiding the United States Use of Military Force and Related National Security Operations.” As discussed further below, DoD and the Department of State have implemented the President’s directive through statutory authorities available to DoD and the Department of State.

Article II of the Constitution likewise supplied the legal authority for the October 2016 strikes against radar facilities in Houthi-controlled territory in defense of U.S. Navy ships in international waters. The President has authority pursuant to Article II to take military action that furthers sufficiently important interests of the United States. The limited number of strikes in October 2016 were taken to protect U.S. vessels and personnel. Consistent with the War Powers Resolution, President Obama notified Congress of these strikes on October 14, 2016. The Obama Administration also published a summary of its legal analysis for the strikes in the 2016 report.

In late July 2017, President Trump completed a review of the Obama Administration’s policy of limited support to the Saudi-led coalition. President Trump decided to continue that support, adjusting the priorities in light of the recommendations of Secretary of Defense James Mattis and interagency developments in Yemen. President Trump’s policy guidance for support to the KSA-led coalition’s operations in Yemen is to focus on helping the KSA and Houthi forces continue to conduct anti-terrorism operations, including intelligence, logistics, and advisory support to the KSA-led coalition.

DoD and the Department of State have implemented the President’s policy guidance to provide limited support to the Saudi-led coalition pursuant to legal authorities available to the respective Secretaries. The most prominent forms of support to the KSA and the United Arab Emirates (UAE), as well as the corresponding legal authorities, are detailed below.

Arms and Other Defense Articles: The Arms Export Control Act (AECA) is the underlying authority through which the United States provides or licenses defense articles (or services) for sale or lease to foreign countries. DoD provides direct military assistance to support the KSA and mid-air refueling of KSA and UAE aircraft. The AECA and associated delegations of authority provide the Secretary of State with the authority to approve the transfers of defense articles and defense services, primarily through the Foreign Military Sales program (which is overseen by the State Department and implemented through DoD) and through the State Department’s licensing of Direct Commercial Sales to foreign partners. The authority to approve such transfers or licenses is not dependent on the foreign recipient being engaged in an ongoing armed conflict, although the existence of such a conflict clearly increases demand and can be a policy factor in approval decisions. Transfers and licenses made pursuant to the AECA are subject to various requirements (such as notifications to Congress when transfers are above certain monetary thresholds) as well as restrictions on end-use (including no further transfer by the end-user without U.S. consent and that proposed uses must be consistent with the stated purpose). The AECA also contains several other important forms of support to the KSA and UAE: authorizing logistics; licenses issued by the State Department under the AECA, U.S. contractors provide defense services in the form of personnel and sustainment for KSA and UAE combat aircraft engaged in hostilities in Yemen. The in-flight refueling of KSA and UAE aircraft, including combat aircraft, and certain other support, may also be provided pursuant to 10 U.S.C. §§ 2341 et seq., which authorizes DoD to provide logistic support, supplies, and services to the armed forces of a country with which DoD has an Acquisition and Cross-Servicing Agreement (ACSA) in force. DoD must first obtain State Department approval of the ACSA. The AECA also contains the Arms Export Control Act (AECA) as applied provisionally pending its formal entry into force) and with the Armed Forces General Headquarters of the UAE.

I trust that this response will be helpful to your understanding of U.S. support to the KSA’s operations in Yemen, and the reason for the DoD’s decision to hit the proposed Joint Resolution. Thank you for your continued support of the Department of Defense.

Sincerely,

WILLIAM S. CASTLE, Acting.

Mr. MCCAUL. Mr. Chair, I include in the RECORD this second document, which is a Statement of Administration Policy on this point.

STATEMENT OF ADMINISTRATION POLICY S.J. RES. 54—TO DIRECT THE REMOVAL OF UNITED STATES ARMED FORCES FROM HOSTILITIES IN THE REPUBLIC OF YEMEN THAT HAVE BEEN ENGAGED IN HOSTILITIES AGAINST THE REPUBLIC OF YEMEN SINCE SEPTEMBER 2014.

The Administration strongly opposes passage of S.J. Res. 54, a joint resolution that purports to direct the United States Armed Forces that have not been authorized by the Congress from hostilities in the Republic of Yemen. The fundamental purpose of S.J. Res. 54 is that United States forces are not engaged in hostilities between the Saudi-led coalition and Houthi forces in Yemen. Since 2015, the United States has provided limited support to member countries of the Emirati and Saudi-led coalition, including intelligence sharing, logistics, and until recently, aerial refueling. This support is provided in accordance with licenses and approvals under the Arms Export Control Act (AECA), statutory authorities to provide logistics support, and the President’s authority under Article II of the Constitution as Commander in Chief and Head of State under the AECA, U.S. contractors provide defense services in the form of personnel and sustainment for KSA and UAE combat aircraft in support to the KSA and mid-air refueling of KSA and UAE aircraft engaged in hostilities in Yemen. The in-flight refueling of KSA and UAE aircraft, including combat aircraft, and certain other support, may also be provided pursuant to 10 U.S.C. §§ 2341 et seq., which authorizes DoD to provide logistic support, supplies, and services to the armed forces of a country with which DoD has an Acquisition and Cross-Servicing Agreement (ACSA) in force. DoD must first obtain State Department approval of the ACSA. The AECA also contains the Arms Export Control Act (AECA) as applied provisionally pending its formal entry into force) and with the Armed Forces General Headquarters of the UAE.

I trust that this response will be helpful to your understanding of U.S. support to the KSA’s operations in Yemen, and the reason for the DoD’s decision to hit the proposed Joint Resolution. Thank you for your continued support of the Department of Defense.

Sincerely,

WILLIAM S. CASTLE, Acting.
coalition. But this resolution might cut the U.N. efforts off at its knees. The Democrats can’t tell specifically what assistance this resolution cuts off, but what I can say for sure is that what this resolution says to the Houthis in Yemen is: You have got a green light. Keep going on. You can gain more ground and cause more destruction and humanitarian crisis and cause more problems for Israel and our Saudi ally. And sending this pro-Houthi, anti-Israel resolution does not help to end this war. In Yemen, it only emboldens the rebels in Iran who violently overthrew Yemen’s Government and the radical regime that backs them, Iran.

So I would say, Mr. Chairman, in closing, this resolution is not only a dangerous precedent legally—it violates the construction of the War Powers Act—but it is damaging and very bad policy, and I urge my colleagues to vote against this resolution.

Mr. Chair, I yield back the balance of my time.

Mr. ENGEL. Mr. Chair, I yield myself the balance of my time.

Today is the day that Congress begins to take back its jurisdiction over war and peace. For time after time and year after year, administration after administration, Congress after Congress, the Congress has relinquished its responsibility given to us by the Constitution.

The Constitution clearly says that Congress has the power to wage war, and yet, since President Roosevelt declared war against Japan on December 7, 1941, we have had war after war and conflict after conflict, and Congress has not had anything to do with it. Congress has been silent.

This is not a matter of whether a war is a good war or a bad war. This is a matter of the fact that this Congress needs to make that determination. Article I makes us a coequal branch of government. And, again, for too long, we have had administration after administration, Republican and Democratic, usurp the power that should be the Congress’. So this is the day my colleagues would begin to take it back.

Mr. Chair, I know that my friends on the other side of the aisle have been saying that this is not the best way to do it, but, you know, I have learned through that, if you don’t take the bull by the horns, it is never the best way to do it.

There is always a reason not to do it. There is always a reason to point out certain things and say, well, this is not a perfect situation. This isn’t the perfect situation. I will be the first to say that. But it is perfect in terms of saying we will take back our jurisdiction and do what the American people elected us to do.

Again, I want to thank Mr. KHANNA for this tireless work on this issue. As I mentioned, this measure is an important step in Congress reclaiming its role in foreign policy by debating where and when the United States military is engaged abroad. I don’t think that is too much to ask. I think that is what we should be doing.

With the humanitarian crisis in Yemen, it is critical that we act now. We can go after Iran another time—and hopefully, I have been the sponsor of many resolutions and bills sanctioning Iran—but this is not to mix apples with oranges.

There is a civil war going on now in Yemen, and innocent children are dying. We have not put an end to that, and that is what we should do. With this humanitarian crisis, it is critical that we don’t delay.

So I urge my colleagues to join me in supporting it, and I yield back the balance of my time.

Mrs. DINGELL. Mr. Chair, I rise today in support of H.J. Res. 37, which would end U.S. involvement in the Yemen conflict that has claimed tens of thousands of lives and will soon enter its 4th year.

The humanitarian situation in Yemen is grave and deteriorating. Since the conflict began in 2015 between the Saudi-led military coalition and the Houthis, Yemen has faced what is widely recognized as the worst humanitarian crisis in the world.

The conflict has displaced millions of Yemenis, shattered the country, and triggered a famine that has 13 million men, women and children facing starvation. Additionally, the country is facing an outbreak of cholera of unprecedented scale, with over a million cases of this disease because of the destruction of Yemen’s water and sanitation infrastructure.

The United States has provided weapons, targeting assistance and refueling support to the Saudi-led coalition since the conflict began. However, this support was never authorized by Congress and is not covered by any existing Authorization for the Use of Military Force.

In addition, the coalition’s bombing campaign has caused significant numbers of civilian casualties, and the conflict continues with no end in sight.

My district is home to a large Yemeni-American community, and I constantly hear stories of the suffering caused by the Yemen conflict and the dire humanitarian situation on the ground.

The breadth and magnitude of the humanitarian crisis is almost unimaginable, and we must take action to address this without delay.

This begins with ending our nation’s involvement in the Yemen war. U.S. involvement in that war has undermined our nation’s moral authority and has never been authorized by Congress.

I strongly urge my colleagues to support this important resolution, which will send a strong signal that this Congress will not stand idly by in the face of such actions.

Mr. Speaker, H.J. Res. 37 will help bring an end to the suffering of the Yemeni people and reassert Congress’s authority as a coequal branch of government. It is my hope that passage of this resolution will be the first step toward healing Yemen and ending this brutal and senseless conflict.

Ms. JACKSON LEE. Mr. Chair, I rise today in strong support of H.J. Res. 37, which directs the removal of United States Armed Forces from hostilities in the Republic of Yemen that have not been authorized by Congress.

The passage of H.J. Res. 37 would mark the first time in the 45 years since the enactment of the War Powers Act that the House of Representatives successfully invoked the statutory mechanism to compel the Executive Branch to remove American troops from harm’s way.

I support this resolution because, Congress has the sole power to declare war under Article I, Section 8, Clause 11 of the United States Constitution.

Mr. Chair, Congress has not declared war with respect to, or provided a specific statutory authorization for, the conflict between military forces led by Saudi Arabia, including forces from the United Arab Emirates, Bahrain, Kuwait, Egypt, Jordan, Morocco, Senegal, and Sudan (the Saudi-led coalition), against the Houthis, also known as Ansar Allah, in the Republic of Yemen.

Since March 2015, members of the United States Armed Forces have been introduced into hostilities between the Saudi-led coalition and the Houthis, including providing to the Saudi-led coalition aerial targeting assistance, intelligence sharing, and mid-flight aerial refueling.

The United States has established a Joint Counterterrorism Planning Cell with Saudi Arabia, in which members of the United States Armed Forces assist in aerial targeting and help to coordinate military and intelligence activities.

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

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

Most importantly, no specific statutory authorization for the use of United States Armed Forces with respect to the conflict between the Saudi-led coalition and the Houthis in Yemen has been enacted.

Also, no provision of law explicitly authorizes the provision of targeting assistance or of midair refueling services to warplanes of Saudi Arabia or the United Arab Emirates that are engaged in such conflict.

This, then, is why the resolution directs that the President remove United States Armed Forces from hostilities in or affecting the Republic of Yemen, except United States Armed Forces engaged in operations directed at al-Qaeda or associated forces, by not later than the date that is 30 days after the date of the enactment.

The resolution makes clear that the term “hostilities” includes in-flight refueling, non-United States aircraft conducting missions as part of the ongoing civil war in Yemen.

Mr. Chair, Yemen is the largest humanitarian crisis in the world right now.

The Yemen crisis began in the Arab Spring of 2011, when an uprising forced the country’s long-time authoritarian president, Ali Abdullah...
Saleh, to hand over power to his deputy, Abd Rabbo Mansour Hadi. Since 2015, Saudi Arabia has launched an estimated 18,000 air strikes on Yemen, attacking hospitals, schools, water treatment plants, funerals, markets and even farms. The Saudi-led coalition has engaged in aerial bombing and the Houthis, including providing to the Saudi-led coalition, including aerial refueling and targeting assistance, fall within this definition.

(3) The United States has established a Joint Intelligence Sharing, and mid-flight aerial refueling.

(10) No specific statutory authorization for the use of United States Armed Forces with respect to the conflict between the Saudi-led coalition and the Houthis in Yemen has been enacted, and no provision of law explicitly authorizes the provision of targeting assistance or of midair refueling services to warplanes of Saudi Arabia or the United Arab Emirates that are engaged in such conflict.

(5) Section 1013 of the Department of State Authorization Act, Fiscal Years 1984 and 1985 (50 U.S.C. 1546a) provides that any joint resolution or other provision of law that specifically authorizes United States Armed Forces engaged in hostilities without a declaration of war or specific statutory authorization shall be considered in accordance with the expedited procedures set forth in section 601(b) of the International Security and Arms Export Control Act of 1976 (Public Law 94-329; 90 Stat. 765).

SEC. 3. RULE OF CONSTRUCTION REGARDING CONSTRUCTION OR BILL TO REQUIRE THE REMOVAL OF UNITED STATES ARMED FORCES FROM HOSTILITIES IN OR AFFECTING THE REPUBLIC OF YEMEN, EXCEPT UNITED STATES ARMED FORCES ENGAGED IN OPERATIONS DIRECTED AT AL-QAEDA OR ASSOCIATED FORCES, BY NOT LATER THAN 30 DAYS AFTER THE DATE OF THE ENACTMENT OF THIS JOINT RESOLUTION.

Mr. Chair, too many lives hang in the balance to allow American involvement in Yemen war to go on. I ask all members to join me in supporting H. J. Res. 37.

I am offering an amendment in the nature of a substitute consisting of the text of the amendment or bill to require the removal of United States Armed Forces to include "the ascription of members of such armed forces to command, coordinate, participate in the movement of, or accompany the regular or irregular military forces of any foreign country or government when such military forces are engaged, or there exists an imminent threat that such forces will become engaged, in hostilities", and activities that the United States is conducting in support of the Saudi-led coalition, including aerial refueling and targeting assistance, fall within this definition.

Mr. Chair, this resolution better. This amendment constitutes a substitute is as follows:

The Acting CHAIR. All time for general debate has expired. Pursuant to the rule, the joint resolution shall be considered for amendment under the 5-minute rule.

It shall be in order to consider as an original joint resolution for the purpose of amendment under the 5-minute rule the amendment in the nature of a substitute consisting of the text of Rules Committee Print 116-4. The amendment in the nature of a substitute shall be considered as read.

The text of the amendment in the nature of a substitute is as follows:

H. J. Res. 37

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

SEC. 1. FINDINGS.

Congress finds the following:

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

(2) Congress has not declared war with respect to, or provided a specific statutory authorization for, the conflict between military forces led by Saudi Arabia, including forces from the United Arab Emirates, Bahrain, Kuwait, Egypt, Jordan, Morocco, Senegal, and Sudan (the "Saudi-led coalition"), against the Houthis, also known as Ansar Allah, in the Republic of Yemen. Since March 2015, members of the United States Armed Forces have been introduced into hostilities between the Saudi-led coalition and the Houthis, including providing to the Saudi-led coalition aerial targeting assistance, intelligence sharing, and mid-flight aerial refueling. The United States has established a Joint Combined Planning Cell with Saudi Arabia, in which members of the United States Armed Forces assist in aerial targeting and help to coordinate military and intelligence activities.

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

(6) The conflict between the Saudi-led coalition and the Houthis constitutes, within the meaning of section 4(a) of the War Powers Resolution (50 U.S.C. 1544(a)), either hostilities or a situation where imminent involvement in hostilities is clearly indicated by the circumstances into which United States Armed Forces have been introduced.

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

(8) Section 8(c) of the War Powers Resolution (50 U.S.C. 1547(c)) defines the introduction of United States Armed Forces engaged in hostilities without a declaration of war or specific statutory authorization as being considered in accordance with the expedited procedures set forth in section 601(b) of the International Security and Arms Export Control Act of 1976 (Public Law 94-329; 90 Stat. 765).

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

Pursuant to section 1013 of the Department of State Authorization Act, Fiscal Years 1984 and 1985 (50 U.S.C. 1546a) and in accordance with the provisions of section 601(b) of the International Security and Arms Export Control Act of 1976 (Public Law 94-329; 90 Stat. 765), Congress hereby directs the President to remove United States Armed Forces from hostilities in or affecting the Republic of Yemen, except United States Armed Forces engaged in operations directed at al-Qaeda or associated forces, by not later than the date that is 30 days after the date of the enactment of this joint resolution (unless the President requests and Congress authorizes a later date), and unless and until a declaration of war or specific authorization for such use of United States Armed Forces in or affecting the Republic of Yemen has been enacted. If this joint resolution has been enacted, the President shall submit to Congress a report assessing the risks posed to United States citizens and the civilian population of Saudi Arabia and the risk of regional humanitarian crises if the United States were to cease support operations with respect to the conflict between the Saudi-led coalition and the Houthis constitutes, within the meaning of section 4(a) of the War Powers Resolution (50 U.S.C. 1544(a)), either hostilities or a situation where imminent involvement in hostilities is clearly indicated by the circumstances into which United States Armed Forces have been introduced.

SEC. 3. RULE OF CONSTRUCTION REGARDING CONTINUED MILITARY OPERATIONS WILL THE EXECUTIVE ORDER OF COOPERATION WITH ISRAEL.

Nothing in this joint resolution may be construed to influence or disrupt any military operations and cooperation with Israel.

SEC. 4. REPORTS REQUIRING BY CEASING SAUDI ARABIA SUPPORT OPERATIONS.

Not later than 90 days after the date of the enactment of this joint resolution, the President shall submit to Congress a report assessing the risks posed to United States citizens and the activities conducted by, or in conjunction with, the United States Government involving—

(1) the collection of intelligence; (2) the analysis of intelligence; or (3) the sharing of intelligence between the United States and any foreign country if the President determines such sharing is appropriate and in the national security interests of the United States.

The Acting CHAIR. Pursuant to House Resolution 122, the gentleman from Colorado (Mr. BUCK) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Colorado.

Mr. BUCK. Mr. Chairman, I am an original cosponsor of this resolution, and it was my understanding at the time that I cosponsored this that we would have the opportunity to make this resolution better. This amendment that I have offered does just that.

I actually thought of this amendment after the chairman of the committee held a hearing on this issue, and I listened carefully to the witnesses.
The witnesses talked about the fact that our intelligence sharing with Saudi Arabia helped target sites in Yemen to bomb and reduced civilian casualties. I want to make sure that we continue to help Saudi Arabia reduce civilian casualties. I want to make sure that we are doing everything we can to avoid the humanitarian crisis there. At the same time, we recognize the geopolitical significance of our relationship with Saudi Arabia.

I support the resolution with the understanding that we have an opportunity to improve this legislation. I am concerned about how broadly the legislation is drafted, and it may inadvertently call into question our ability to maintain intelligence-sharing agreements around the globe; not just in this situation.

My amendment addresses these potential unintended consequences by guaranteeing that this resolution does not curtail our Nation’s intelligence-sharing capabilities. It ensures our country will not face another major terrorist attack or be caught flat-footed in battle because the necessary intelligence information didn’t reach our military.

Madam Chair, I urge my colleagues to support this commonsense amendment, and I yield back the balance of my time.

Mr. BUCK. Madam Chair, I demand a recorded vote.

The vote was taken by electronic device, and there were—ayes 252, noes 177, not voting 8, as follows:

RECORDED VOTE

Mr. BUCK. Madam Chair, I urge my colleagues to support this commonsense amendment, and I yield back the balance of my time.

Mr. ENGEL. Madam Chair, I claim the time in opposition to the amendment.

The CHAIR. The gentleman from New York is recognized for 5 minutes.

Mr. ENGEL. Madam Chair, I yield myself 1 minute. I actually support intelligence sharing. We need to work to civilianize casualties and ensure that the United States has a clear picture into the security threats in the region.

However, this amendment is unnecessary. The underlying resolution does not implicate intelligence sharing. I have been very clear about what this resolution would do. We have made necessary changes to this resolution, but I do not support adding unnecessary rules of construction to a resolution which has already passed the Senate.

For that reason, I am opposed to this amendment, and I yield back the balance of my time.

Mr. BUCK. Madam Chair, I appreciate the gentleman’s remarks, but it doesn’t. This resolution isn’t clear, and that is the problem. This amendment clarifies something that is unclear.

My friends on the other side of the aisle feel that we must cut our intelligence-sharing operations in order to fully withdraw our forces from the region. I don’t believe that this is the right course.

The Middle East is a dangerous, war-torn part of the world where we need intelligence sharing more than ever. As such, we must ensure that we are not putting our intelligence agreements in jeopardy by passing this resolution.

My amendment keeps the intent of this legislation, allowing Congress to exercise its Article I powers, while ensuring that we are not cutting off our nose to spite our face.

Madam Chair, I urge my colleagues to support this commonsense amendment, and I yield back the balance of my time.

The CHAIR. The question is on the amendment offered by the gentleman from Colorado (Mr. BUCK).

The question was taken; and the Chair announced that the ayes appeared to have it.
BUTTERFIELD (having assumed the chair) having assumed the chair, rises.

Yes, when I should have voted no.

An amendment, I mistakenly recorded my vote as no.

Vote number 81 on H.J. Res. 37, the Buck Amendment, as above recorded.

Messrs. CORREA, CUELLAR, BROOKS of Alabama, and Ms. WATERS changed their vote from "no" to "aye."

So the amendment was agreed to.

The result of the vote was announced as above recorded.

Stated against:

Mr. RUSH. Madam Chair, during Roll Call Vote number 81 on H.J. Res. 37, the Buck Amendment, I mistakenly recorded my vote as yes when I should have voted no.

The CHAIR. The question is on the amendment in the nature of a substitute, as amended.

The amendment was agreed to.

The CHAIR. Under the rule, the Committee rises.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. BUTTERFIELD) having assumed the chair, Ms. PLASKETT, Chair of the Committee of the Whole House on the state of the Union, reported that said Committee, having had under consideration the joint resolution (H.J. Res. 37) directing the removal of United States Armed Forces from hostilities in the Republic of Yemen that have not been authorized by Congress, and, pursuant to House Resolution 122, she reported the joint resolution back to the House with an amendment adopted in the Committee of the Whole.

The SPEAKER pro tempore. The gentleman is recognized for 5 minutes.

Mr. KUSTOFF of Tennessee. Mr. Speaker, this is the final amendment to the bill. It would not kill the bill nor send it back to committee. If adopted, the resolution will immediately proceed to final passage, as amended.

Mr. Speaker, the attack in October last year against the Tree of Life Synagogue in Pittsburgh was a devastating assault on the Jewish community. By inflicting violence on a neighborhood congregation’s Shabbat morning service, the gunman sent a bone-chilling message even in 2018, hate-filled individuals will attack Jews simply for being Jewish.

The Anti-Defamation League believes that this is the deadliest attack on the Jewish community in the history of the United States of America. This tragedy is merely one part of an upsetting development that has emerged in recent years, a resurgence of anti-Semitism around the globe.

The Anti-Defamation League reported in 2018, 60 percent rise in anti-Semitic incidents in the United States from 2016 to 2017. In December, the European Union released a survey of over 16,000 European Jews, which reported that “anti-Semitism pervades everyday life,” undermining European Jews’ feelings of safety and security.

Mr. Speaker, we should all be alarmed by this international trend. No one should be forced to live in fear of violence, or be deterred from participating in their faith community.

The United States must remain a global leader, not only in speaking out against anti-Semitism, but in holding those who enable these vile beliefs accountable.

Our motion to recommit adds language to H.J. Res. 37 that affirms that it is in the national security interest of the United States to combat anti-Semitism around the world. It states that we must make combating anti-Semitism a priority in all of our diplomatic relationships; and we need to ensure that Jews around the world feel safe in their communities.

Mr. Speaker, I remain deeply concerned by the measure the Democrats have called up today on Yemen, but if this resolution is going to move forward, it should do so while making a strong statement that the United States has no tolerance for anti-Semitism.

I urge all Members to stand in solidarity with Jews around the world and support the motion to recommit.

Mr. Speaker, I yield back the balance of my time.

Mr. ENGEL. Mr. Speaker, I claim the time in opposition, although I do not oppose the motion.

The SPEAKER pro tempore. Without objection, the gentleman from New York is recognized for 5 minutes.

There was no objection.

Mr. ENGEL. Mr. Speaker, first of all, I accept this resolution, and I agree with everything that Mr. KUSTOFF just said. Anti-Semitism is a scourge. It is a scourge on humanity; it is a scourge on this country; and it has to be fought just the way prejudice of any kind has to be fought.

I think that this entire House should support this and say, once and for all, with a united voice, we will not tolerate anti-Semitism in any shape or form.

Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. Without objection, the previous question is ordered on the motion to recommit.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to recommit.

The question was taken; and the motion to suspend the rules and pass H.R. 995, if ordered, was rejected.

The vote was taken by electronic device, and there were—ayes 424, noes 0, answered “present” 2, not voting 5, as follows:

[Roll No. 82]

AYES—424

Abraham, Allen, Amodei, Amstad, Arrington
Adams, Aderholt, Armstrong, Bacon, Baird
Alexander, Amodei, Amstad, Arrington
Adams, Aderholt, Armstrong, Bacon, Baird

Mr. KUSTOFF of Tennessee. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered. The Speaker pro tempore. Pursuant to clause 9 of rule XX, this 5-minute vote on the motion to recommit will be followed by 5-minute votes on:

Passage of the joint resolution, if ordered.

The motion to suspend the rules and pass H.R. 995, if ordered.

The vote was taken by electronic device, and there were—ayes 424, noes 0, answered “present” 2, not voting 5, as follows:

[Roll No. 82]
Mr. VISCOSKY changed his vote from "nay" to "aye."

So the motion to recommit was agreed to.

The result of the vote was announced as above recorded.

Mr. ENGEL. Mr. Speaker, pursuant to the instructions in the House in the motion to recommit, I request the joint resolution, H.J. Res. 37, back to the House with an amendment.

The SPEAKER pro tempore. The motion to engage in a 5-minute vote was agreed to.

Mr. McCAUL. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered. The SPEAKER pro tempore. This is a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 248, nays 177, answered "present" 1, not voting 5, as follows: [Roll No. 83]
The joint resolution was passed. The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. SHERRILL, Mr. Speaker, I was unavoidable detained this afternoon immediately following the vote on final passage of H.J. Res. 37. Had I been present, I would have voted "yea" on rollcall No. 83.

PERSONAL EXPLANATION

Mr. ALLRED. Mr. Speaker, as I am back home in Dallas, Texas, on paternity leave with my family, I submit the following vote explanation.

Had I been present, I would have voted "yea" on rollcall No. 78, "yea" on rollcall No. 79, "yea" on rollcall No. 80, "yea" on rollcall No. 81, "yea" on rollcall No. 82, and "yea" on rollcall No. 83.

MEMORIAL SPEECH

Mr. PRICE of North Carolina. Mr. Speaker, I rise today, along with my colleagues in the North Carolina delegation, to remember and honor the life and career of Representative Walter B. Jones, Jr., a treasured colleague, a conscientious public servant, and a personal friend to many across this Chamber.

Walter died on February 10, his 76th birthday. He lived a life full of service: 4 years in the North Carolina General Assembly, 10 years in the North Carolina General Assembly, and nearly a quarter century in the U.S. House of Representatives.

Walter and I met long before either of us served in the House. We worked together on the North Carolina Presidential campaign of Jimmy Carter in 1976. I have a photo on my desk of a very youthful-looking campaign team to prove it.

Walter went on to chart a different course politically, a course that was uniquely his own. In fact, he found himself frequently at odds with if not one party, then the other. But by the same token, he sometimes found possibilities for alliances and cooperation in unexpected places and did not hesitate to take those opportunities.

This approach was rooted in Walter’s strong conscience and his personal sincerity. He stood out in an age when sincerity is sometimes in short supply in our Nation’s politics, earning him the admiration of both sides of the aisle. The outpouring of tributes and remembrances we have seen in recent days is a testament to that fact.