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Calendar No. 682

115TH CONGRESS
2D SESSION

S. J. RES. 54

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

FEBRUARY 28, 2018

Mr. SANDERS (for himself, Mr. LEE, Mr. MURPHY, Mr. BOOKER, Mr. DURBIN, Ms. WARREN, Mr. MARKEY, Mr. LEAHY, Mrs. FEINSTEIN, Mr. WYDEN, Mr. BLUMENTHAL, Mrs. GILLIBRAND, Ms. BALDWIN, Mr. MERKLEY, Mr. SCHATZ, Mr. KAINE, Ms. HARRIS, Mr. BROWN, and Mr. PETERS) introduced the following joint resolution; which was read twice and referred to the Committee on Foreign Relations

NOVEMBER 28, 2018

Committee discharged, by motion, pursuant to 50 U.S.C. 1546a, and placed on the calendar

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.

Whereas Congress has the sole power to declare war under article I, section 8, clause 11 of the United States Constitution;

Whereas Congress has not declared war with respect to, or provided a specific statutory authorization for, the con-

flict 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;

Whereas, 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;

Whereas 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;

Whereas, in 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.”;

Whereas 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;

Whereas 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”;

Whereas section 8(c) of the War Powers Resolution (50 U.S.C. 1547(c)) defines the introduction of United States Armed Forces to include “the assignment 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;

Whereas 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 bill to require the removal of 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 of section 601(b) of the International Security and Arms Export Control Act of 1976 (Public Law 94–329; 90 Stat. 765); and

Whereas 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: Now, therefore, be it

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

3 **SECTION 1. REMOVAL OF UNITED STATES ARMED FORCES**
4 **FROM HOSTILITIES IN THE REPUBLIC OF**
5 **YEMEN THAT HAVE NOT BEEN AUTHORIZED**
6 **BY CONGRESS.**

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

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