

117TH CONGRESS
2D SESSION

S. J. RES. _____

Directing 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

Mr. SANDERS introduced the following joint resolution; which was read twice and referred to the Committee on _____

JOINT RESOLUTION

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

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

3 **SECTION 1. FINDINGS.**

4 Congress finds the following:

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,
10 the conflict between military forces led by Saudi

1 Arabia, including forces from the United Arab Emir-
2 ates, Bahrain, Kuwait, Egypt, Jordan, Morocco,
3 Senegal, and Sudan (in this section referred to as
4 the “Saudi-led coalition”), against the Houthis, also
5 known as Ansar Allah, in the Republic of Yemen.

6 (3) Since March 2015, United States Armed
7 Forces have been introduced into hostilities between
8 the Saudi-led coalition and the Houthis in Yemen.

9 (4) The conflict between the Saudi-led coalition
10 and the Houthis constitutes, within the meaning of
11 section 4(a)(1) of the War Powers Resolution (50
12 U.S.C. 1543(a)(1)), either hostilities or a situation
13 where imminent involvement in hostilities is clearly
14 indicated by the circumstances into which United
15 States Armed Forces have been introduced.

16 (5) Pursuant to section 5(b) of the War Powers
17 Resolution (50 U.S.C. 1544(b)), the President shall
18 terminate any use of United States Armed Forces
19 unless the Congress has declared war or has enacted
20 a specific authorization for such use of United
21 States Armed Forces.

22 (6) Section 5(c) of the War Powers Resolution
23 (50 U.S.C. 1544(c)) states that “at any time that
24 United States Armed Forces are engaged in hos-
25 tilities outside the territory of the United States, its

1 possessions and territories without a declaration of
2 war or specific statutory authorization, such forces
3 shall be removed by the President if the Congress so
4 directs”.

5 (7) Section 8(c) of the War Powers Resolution
6 (50 U.S.C. 1547(c)) defines the introduction of
7 United States Armed Forces to include “the assign-
8 ment of members of such armed forces to command,
9 coordinate, participate in the movement of, or ac-
10 company the regular or irregular military forces of
11 any foreign country or government when such mili-
12 tary forces are engaged, or there exists an imminent
13 threat that such forces will become engaged, in hos-
14 tilities”, and activities that the United States is con-
15 ducting in support of the Saudi-led coalition fall
16 within this definition.

17 (8) Section 1013 of the Department of State
18 Authorization Act, Fiscal Years 1984 and 1985 (50
19 U.S.C. 1546a) provides that any joint resolution or
20 bill to require the removal of United States Armed
21 Forces engaged in hostilities without a declaration of
22 war or specific statutory authorization shall be con-
23 sidered in accordance with the expedited procedures
24 of section 601(b) of the International Security and

1 Arms Export Control Act of 1976 (Public Law 94–
2 329; 90 Stat. 765).

3 (9) No declaration of war, specific statutory au-
4 thorization, or national emergency created by attack
5 upon the United States, its territories or posses-
6 sions, or its Armed Forces exists for the use of
7 United States Armed Forces with respect to the con-
8 flict between the Saudi-led coalition and the Houthis
9 in Yemen pursuant to section 2(c) of the War Pow-
10 ers Resolution (50 U.S.C. 1541(c)), and no provision
11 of law explicitly authorizes the assignment of United
12 States Armed Forces to command, coordinate, par-
13 ticipate in the movement of, or accompany the reg-
14 ular or irregular military forces of the Saudi-led coa-
15 lition in hostilities against the Houthis in Yemen.

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

20 Pursuant to section 1013 of the Department of State
21 Authorization Act, Fiscal Years 1984 and 1985 (50
22 U.S.C. 1546a) and in accordance with the provisions of
23 section 601(b) of the International Security Assistance
24 and Arms Export Control Act of 1976 (Public Law 94–
25 329; 90 Stat. 765), Congress hereby directs the President

1 to remove United States Armed Forces from hostilities
2 against the Houthis in the Republic of Yemen by not later
3 than the date that is 30 days after the date of the adoption
4 of this joint resolution (unless the President requests and
5 the Congress authorizes by joint resolution a later date),
6 and unless and until a declaration of war or specific au-
7 thorization for such use of United States Armed Forces
8 has been enacted.

9 **SEC. 3. HOSTILITIES DEFINED.**

10 In this joint resolution, the term “hostilities” includes
11 the following:

12 (1) With respect to United States participation
13 in the military operations of the Saudi-led coalition
14 against the Houthis in Yemen—

15 (A) sharing intelligence for the purpose of
16 enabling offensive coalition strikes; and

17 (B) providing logistical support for offen-
18 sive coalition strikes, including by providing
19 maintenance or transferring spare parts to coa-
20 lition members flying warplanes engaged in
21 anti-Houthi bombings in Yemen.

22 (2) The assignment of United States Armed
23 Forces, including any civilian or military personnel
24 of the Department of Defense, to command, coordi-
25 nate, participate in the movement of, or accompany

1 the regular or irregular military forces of the Saudi-
2 led coalition forces in hostilities against the Houthis
3 in Yemen or in situations in which there exists an
4 imminent threat that such coalition forces become
5 engaged in such hostilities, unless and until the
6 President has obtained specific statutory authoriza-
7 tion, in accordance with section 8(a) of the War
8 Powers Resolution (50 U.S.C. 1547(a)).

9 **SEC. 4. RULE OF CONSTRUCTION REGARDING OPERATIONS**
10 **DIRECTED AT AL QAEDA.**

11 Nothing in this joint resolution may be construed to
12 prohibit United States Armed Forces from engaging in op-
13 erations directed at al Qaeda or forces associated with al
14 Qaeda.

15 **SEC. 5. RULES OF CONSTRUCTION REGARDING AUTHOR-**
16 **IZATIONS FOR USE OF MILITARY FORCE.**

17 (a) IN GENERAL.—Consistent with section 8(a)(1) of
18 the War Powers Resolution (50 U.S.C. 1547(a)(1)), noth-
19 ing in this joint resolution may be construed as author-
20 izing the use of military force.

21 (b) NO MODIFICATION TO AUTHORIZATION FOR USE
22 OF MILITARY FORCE.—Nothing in this joint resolution
23 may be construed to limit, expand, or otherwise modify
24 the scope of the Authorization for Use of Military Force
25 (Public Law 107–40; 50 U.S.C. 1541 note).