

FEBRUARY 7, 2019

**RULES COMMITTEE PRINT 116-4**

**TEXT OF 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 CON-  
GRESS**

**[Showing the text of H. J. Res. 37 as ordered reported by the  
Committee on Foreign Affairs]**

1 **SECTION 1. FINDINGS.**

2 Congress finds the following:

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

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

14 (3) Since March 2015, members of the United  
15 States Armed Forces have been introduced into hos-

1           ilities between the Saudi-led coalition and the  
2           Houthis, including providing to the Saudi-led coali-  
3           tion aerial targeting assistance, intelligence sharing,  
4           and mid-flight aerial refueling.

5           (4) The United States has established a Joint  
6           Combined Planning Cell with Saudi Arabia, in which  
7           members of the United States Armed Forces assist  
8           in aerial targeting and help to coordinate military  
9           and intelligence activities.

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

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

22          (7) 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           (8) 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, includ-  
16      ing aerial refueling and targeting assistance, fall  
17      within this definition.

18           (9) Section 1013 of the Department of State  
19      Authorization Act, Fiscal Years 1984 and 1985 (50  
20      U.S.C. 1546a) provides that any joint resolution or  
21      bill to require the removal of United States Armed  
22      Forces engaged in hostilities without a declaration of  
23      war or specific statutory authorization shall be con-  
24      sidered in accordance with the expedited procedures  
25      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 (10) No specific statutory authorization for the  
4 use of United States Armed Forces with respect to  
5 the conflict between the Saudi-led coalition and the  
6 Houthis in Yemen has been enacted, and no provi-  
7 sion of law explicitly authorizes the provision of tar-  
8 geting assistance or of midair refueling services to  
9 warplanes of Saudi Arabia or the United Arab Emir-  
10 ates that are engaged in such conflict.

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

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

1 lution (unless the President requests and Congress author-  
2 izes a later date), and unless and until a declaration of  
3 war or specific authorization for such use of United States  
4 Armed Forces has been enacted. For purposes of this reso-  
5 lution, in this section, the term “hostilities” includes in-  
6 flight refueling, non-United States aircraft conducting  
7 missions as part of the ongoing civil war in Yemen.

8 **SEC. 3. RULE OF CONSTRUCTION REGARDING CONTINUED**  
9 **MILITARY OPERATIONS AND COOPERATION**  
10 **WITH ISRAEL.**

11 Nothing in this joint resolution may be construed to  
12 influence or disrupt any military operations and coopera-  
13 tion with Israel.

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

16 Not later than 90 days after the date of the enact-  
17 ment of this joint resolution, the President shall submit  
18 to Congress a report assessing the risks posed to United  
19 States citizens and the civilian population of Saudi Arabia  
20 and the risk of regional humanitarian crises if the United  
21 States were to cease support operations with respect to  
22 the conflict between the Saudi-led coalition and the  
23 Houthis in Yemen.

1 **SEC. 5. REPORT ON INCREASED RISK OF TERRORIST AT-**  
2 **TACKS TO UNITED STATES ARMED FORCES**  
3 **ABROAD, ALLIES, AND THE CONTINENTAL**  
4 **UNITED STATES IF SAUDI ARABIA CEASES**  
5 **YEMEN-RELATED INTELLIGENCE SHARING**  
6 **WITH THE UNITED STATES.**

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

