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.

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

SECTION 1. FINDINGS.

Congress finds the following:

(1) Congress has the sole power to declare war under article I, 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 (in this section referred to as the “Saudi-led coalition”), against the Houthis, also known as Ansar Allah, in the Republic of Yemen.

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

(4) The conflict between the Saudi-led coalition and the Houthis constitutes, within the meaning of section 4(a)(1) of the War Powers Resolution (50 U.S.C. 1543(a)(1)), 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.

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

(6) Section 5(e) of the War Powers Resolution (50 U.S.C. 1544(e)) 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”.

(7) 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 fall within this definition.

(8) 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

(9) No declaration of war, specific statutory authorization, or national emergency created by attack upon the United States, its territories or possessions, or its Armed Forces exists for the use of United States Armed Forces with respect to the conflict between the Saudi-led coalition and the Houthis in Yemen pursuant to section 2(c) of the War Powers Resolution (50 U.S.C. 1541(c)), and no provision of law explicitly authorizes the assignment of United States Armed Forces to command, coordinate, participate in the movement of, or accompany the regular or irregular military forces of the Saudi-led coalition in hostilities against the Houthis in Yemen.

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 Assistance 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
against the Houthis in the Republic of Yemen by not later
than the date that is 30 days after the date of the adoption
of this joint resolution (unless the President requests and
the Congress authorizes by joint resolution a later date),
and unless and until a declaration of war or specific au-
thorization for such use of United States Armed Forces
has been enacted.

SEC. 3. HOSTILITIES DEFINED.

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

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

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

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

(2) The assignment of United States Armed
Forces, including any civilian or military personnel
of the Department of Defense, to command, coordi-
nate, participate in the movement of, or accompany
the regular or irregular military forces of the Saudi-led coalition forces in hostilities against the Houthis in Yemen or in situations in which there exists an imminent threat that such coalition forces become engaged in such hostilities, unless and until the President has obtained specific statutory authorization, in accordance with section 8(a) of the War Powers Resolution (50 U.S.C. 1547(a)).

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

Nothing in this joint resolution may be construed to prohibit United States Armed Forces from engaging in operations directed at al Qaeda or forces associated with al Qaeda.

SEC. 5. RULES OF CONSTRUCTION REGARDING AUTHORIZATIONS FOR USE OF MILITARY FORCE.

(a) In General.—Consistent with section 8(a)(1) of the War Powers Resolution (50 U.S.C. 1547(a)(1)), nothing in this joint resolution may be construed as authorizing the use of military force.

(b) No Modification to Authorization for Use of Military Force.—Nothing in this joint resolution may be construed to limit, expand, or otherwise modify the scope of the Authorization for Use of Military Force (Public Law 107–40; 50 U.S.C. 1541 note).