

117TH CONGRESS
2D SESSION

H. J. RES. 87

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

IN THE HOUSE OF REPRESENTATIVES

MAY 31, 2022

Mr. DEFazio (for himself, Ms. JAYAPAL, Ms. MACE, Mr. SCHIFF, Mr. KHANNA, Mr. MCGOVERN, Mr. BIGGS, Mr. GAETZ, Ms. LEE of California, Mr. HIMES, Mr. LIEU, Mr. CONNOLLY, Mr. GARAMENDI, Mr. MASSIE, Mr. BUCK, Mr. PALLONE, Ms. PORTER, Ms. SCHAKOWSKY, Ms. MOORE of Wisconsin, Mr. JONES, Ms. TLAIB, Mr. POCAN, Mrs. DINGELL, Mr. JOHNSON of Georgia, Mr. WELCH, Mr. DOGGETT, Mr. LOWENTHAL, Mr. GARCÍA of Illinois, Ms. OMAR, Ms. JACOBS of California, Mr. EVANS, Ms. ESHOO, Mr. LEVIN of Michigan, Mr. LARSEN of Washington, Mr. ESPAILLAT, Ms. WILD, Mr. BOWMAN, Mr. CARSON, Ms. NORTON, Ms. PRESSLEY, Ms. SCANLON, and Mr. SAN NICOLAS) submitted the following joint resolution; which was referred to the Committee on Foreign Affairs

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:

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

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

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

15 (4) The conflict between the Saudi-led coalition
16 and the Houthis constitutes, within the meaning of
17 section 4(a)(1) of the War Powers Resolution (50
18 U.S.C. 1543(a)(1)), 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 (5) Pursuant to section 5(b) of the War Powers
23 Resolution (50 U.S.C. 1544(b)), the President shall
24 terminate any use of United States Armed Forces
25 unless the Congress has declared war or has enacted

1 a specific authorization for such use of United
2 States Armed Forces.

3 (6) Section 5(c) of the War Powers Resolution
4 (50 U.S.C. 1544(c)) states that “at any time that
5 United States Armed Forces are engaged in hos-
6 tilities outside the territory of the United States, its
7 possessions and territories without a declaration of
8 war or specific statutory authorization, such forces
9 shall be removed by the President if the Congress so
10 directs”.

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

23 (8) Section 1013 of the Department of State
24 Authorization Act, Fiscal Years 1984 and 1985 (50
25 U.S.C. 1546a) provides that any joint resolution or

1 bill to require the removal of United States Armed
2 Forces engaged in hostilities without a declaration of
3 war or specific statutory authorization shall be con-
4 sidered in accordance with the expedited procedures
5 of section 601(b) of the International Security and
6 Arms Export Control Act of 1976 (Public Law 94–
7 329; 90 Stat. 765).

8 (9) No declaration of war, specific statutory au-
9 thorization, or national emergency created by attack
10 upon the United States, its territories or posses-
11 sions, or its Armed Forces exists for the use of
12 United States Armed Forces with respect to the con-
13 flict between the Saudi-led coalition and the Houthis
14 in Yemen pursuant to section 2(c) of the War Pow-
15 ers Resolution (50 U.S.C. 1541(c)). Further, no pro-
16 vision of law explicitly authorizes the assignment of
17 United States Armed Forces to command, coordi-
18 nate, participate in the movement of, or accompany
19 the regular or irregular military forces of the Saudi-
20 led coalition in hostilities against the Houthis in
21 Yemen.

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

5 (a) IN GENERAL.—Pursuant to section 1013 of the
6 Department of State Authorization Act, Fiscal Years
7 1984 and 1985 (50 U.S.C. 1546a) and in accordance with
8 the provisions of section 601(b) of the International Secu-
9 rity Assistance and Arms Export Control Act of 1976
10 (Public Law 94–329; 90 Stat. 765), Congress hereby di-
11 rects the President to remove United States Armed Forces
12 from hostilities against the Houthis in the Republic of
13 Yemen by not later than the date that is 30 days after
14 the date of the adoption of this joint resolution (unless
15 the President requests and the Congress authorizes by
16 joint resolution a later date), and unless and until a dec-
17 laration of war or specific authorization for such use of
18 United States Armed Forces has been enacted.

19 (b) HOSTILITIES DEFINED.—For purposes of this
20 joint resolution, the term “hostilities” includes the fol-
21 lowing:

22 (1) With respect to United States participation
23 in the Saudi-led coalition’s military operations
24 against the Houthis in Yemen—

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

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

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

18 (c) RULES OF CONSTRUCTION.—(1) The prohibitions
19 under this section may not be construed to apply with re-
20 spect to United States Armed Forces engaged in oper-
21 ations directed at al Qaeda or associated forces.

22 (2) Consistent with section 8(a)(1) of the War Pow-
23 ers Resolution (50 U.S.C. 1547(a)(1)), nothing in this
24 joint resolution may be construed as authorizing the use
25 of military force.

1 (3) Nothing in this joint resolution may be construed
2 to limit, expand, or otherwise modify the scope of the Au-
3 thorization for Use of Military Force (Public Law 107–
4 40; 50 U.S.C. 1541 note).

