

115TH CONGRESS
2D SESSION

H. CON. RES. 138

Directing the President pursuant to section 5(c) of the War Powers Resolution to remove United States Armed Forces from hostilities in the Republic of Yemen that have not been authorized by Congress.

IN THE HOUSE OF REPRESENTATIVES

SEPTEMBER 26, 2018

Mr. KHANNA (for himself, Mr. SMITH of Washington, Mr. POCAN, Mr. MCGOVERN, Mr. HOYER, Mr. ENGEL, Mr. MASSIE, Mr. TED LIEU of California, Ms. LEE, Mr. O'ROURKE, Mr. JONES, Mr. COURTNEY, Mr. KENNEDY, Ms. SCHAKOWSKY, Ms. GABBARD, Mr. CAPUANO, Ms. CLARKE of New York, Mr. ESPAILLAT, Mr. GRIJALVA, Ms. JAYAPAL, Ms. MOORE, Mrs. DINGELL, Mr. DEFazio, Mr. BLUMENAUER, Mr. DEUTCH, Mr. WELCH, and Mrs. LOWEY) submitted the following concurrent resolution; which was referred to the Committee on Foreign Affairs

CONCURRENT RESOLUTION

Directing the President pursuant to section 5(c) of the War Powers Resolution to remove United States Armed Forces from hostilities in the Republic of Yemen that have not been authorized by Congress.

1 *Resolved by the House of Representatives (the Senate*
2 *concurring),*

1 **SECTION 1. 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) FINDINGS.—Congress finds the following:

6 (1) Congress has the sole power to declare war
7 under article I, section 8 of the Constitution.

8 (2) Congress has not declared war with respect
9 to, or provided any specific statutory authorization
10 for, United States military participation in the con-
11 flict between military forces led by Saudi Arabia and
12 the United Arab Emirates (the “Saudi-led coali-
13 tion”) against the Houthis in the Republic of
14 Yemen, and the United States has not designated
15 Yemen’s Houthis under any authorization for use of
16 military force, despite members of the United States
17 Armed Forces having provided intelligence sharing
18 and mid-flight aerial refueling for Saudi-led coalition
19 warplanes conducting airstrikes against the Houthis
20 since March 2015.

21 (3) President Obama reported to Congress on
22 October 14, 2016, consistent with the reporting re-
23 quirements of the War Powers Resolution (Public
24 Law 93–148; 50 U.S.C. 1541 et seq.), that the
25 Houthis attacked United States ships operating in
26 international waters on October 9 and October 12,

1 2016, and the United States responded to threats
2 against United States vessels, personnel, and free-
3 dom of navigation with strikes against three radar
4 facilities in Houthi-controlled territory.

5 (4) 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”.

15 (b) REMOVAL OF ARMED FORCES.—Pursuant to sec-
16 tion 5(c) of the War Powers Resolution (50 U.S.C.
17 1544(c)), Congress hereby directs the President to remove
18 United States Armed Forces from hostilities in the Repub-
19 lic of Yemen, except United States Armed Forces engaged
20 in operations authorized under the 2001 Authorization for
21 Use of Military Force (Public Law 107–40; 50 U.S.C.
22 1541 note), not later than 30 days after the date of the
23 adoption of this concurrent resolution unless and until a

1 declaration of war or specific authorization for such use
2 of United States Armed Forces has been enacted into law.

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