

115TH CONGRESS  
2D SESSION

# H. CON. RES. 142

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.

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## IN THE HOUSE OF REPRESENTATIVES

NOVEMBER 29, 2018

Mr. KHANNA (for himself, Mr. POCAN, Mr. MASSIE, Mr. JONES of North Carolina, Mr. MCGOVERN, Ms. GABBARD, and Ms. LEE) submitted the following concurrent resolution; which was referred to the Committee on Foreign Affairs

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## 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),*

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

7        (a) FINDINGS.—Congress finds the following:

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

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

16           (3) President Obama reported to Congress on  
17 October 14, 2016, consistent with the reporting re-  
18 quirements of the War Powers Resolution (Public  
19 Law 93–148; 50 U.S.C. 1541 et seq.), that the  
20 Houthis attacked United States ships operating in  
21 international waters on October 9 and October 12,  
22 2016, and the United States responded to threats  
23 against United States vessels, personnel, and free-  
24 dom of navigation with strikes against three radar  
25 facilities in Houthi-controlled territory.

1           (4) Section 8(c) of the War Powers Resolution  
2           (50 U.S.C. 1547(c)) defines the introduction of  
3           United States Armed Forces to include “the assign-  
4           ment of members of such armed forces to command,  
5           coordinate, participate in the movement of, or ac-  
6           company the regular or irregular military forces of  
7           any foreign country or government when such mili-  
8           tary forces are engaged, or there exists an imminent  
9           threat that such forces will become engaged, in hos-  
10          tilities”.

11          (b) REMOVAL OF ARMED FORCES.—Pursuant to sec-  
12          tion 5(c) of the War Powers Resolution (50 U.S.C.  
13          1544(c)), Congress hereby directs the President to remove  
14          United States Armed Forces from hostilities in the Repub-  
15          lic of Yemen, except United States Armed Forces engaged  
16          in operations authorized under the 2001 Authorization for  
17          Use of Military Force (Public Law 107–40; 50 U.S.C.  
18          1541 note), not later than 30 days after the date of the  
19          adoption of this concurrent resolution unless and until a  
20          declaration of war or specific authorization for such use  
21          of United States Armed Forces has been enacted into law.

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