

any President, Democrat or Republican—that the constitutional responsibility for making war rests with the U.S. Congress, not the White House.

Let us pass this resolution.

The PRESIDING OFFICER. The Senator from Tennessee.

Mr. CORKER. Mr. President, I yield back.

The PRESIDING OFFICER (Mr. CASIDY). The joint resolution having been read the third time, the question is, Shall it pass?

Mrs. STABENOW. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The clerk will call the roll.

The senior assistant legislative clerk called the roll.

Mr. CORNYN. The following Senators are necessarily absent: the Senator from South Carolina (Mr. GRAHAM), the Senator from Nevada (Mr. HELLER), and the Senator from North Carolina (Mr. TILLIS).

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 56, nays 41, as follows:

[Rollcall Vote No. 266 Leg.]

#### YEAS—56

Baldwin	Harris	Nelson
Bennet	Hassan	Paul
Blumenthal	Heinrich	Peters
Booker	Heitkamp	Reed
Brown	Hirono	Sanders
Cantwell	Jones	Schatz
Cardin	Kaine	Schumer
Carper	King	Shaheen
Casey	Klobuchar	Smith
Collins	Leahy	Stabenow
Coons	Lee	Tester
Cortez Masto	Manchin	Udall
Daines	Markey	Van Hollen
Donnelly	McCaskey	Warner
Duckworth	Menendez	Warren
Durbin	Merkley	Whitehouse
Feinstein	Moran	Wyden
Flake	Murphy	Young
Gillibrand	Murray	

#### NAYS—41

Alexander	Fischer	Perdue
Barrasso	Gardner	Portman
Blunt	Grassley	Risch
Boozman	Hatch	Roberts
Burr	Hoeven	Rounds
Capito	Hyde-Smith	Rubio
Cassidy	Inhofe	Sasse
Corker	Isakson	Scott
Cornyn	Johnson	Shelby
Cotton	Kennedy	Sullivan
Crapo	Kyl	Thune
Cruz	Lankford	Toomey
Enzi	McConnell	Wicker
Ernst	Murkowski	

#### NOT VOTING—3

Graham	Heller	Tillis
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The joint resolution (S.J. Res. 54), as amended, was passed, as follows:

#### S.J. RES. 54

Whereas Congress has the sole power to declare war under article I, section 8, clause 11 of the United States Constitution;

Whereas 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 (the Saudi-led coalition), against the Houthis, also known as Ansar Allah, in the Republic of Yemen;

Whereas, since March 2015, members of the United States Armed Forces have been introduced into hostilities between the Saudi-led coalition and the Houthis, including providing to the Saudi-led coalition aerial targeting assistance, intelligence sharing, and mid-flight aerial refueling;

Whereas the United States has established a Joint Combined Planning Cell with Saudi Arabia, in which members of the United States Armed Forces assist in aerial targeting and help to coordinate military and intelligence activities;

Whereas, in December 2017, Secretary of Defense James N. Mattis stated, “We have gone in to be very—to be helpful where we can in identifying how you do target analysis and how you make certain you hit the right thing.”;

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

Whereas section 5(c) of the War Powers Resolution (50 U.S.C. 1544(c)) 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”;

Whereas 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, including aerial refueling and targeting assistance, fall within this definition;

Whereas 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 Arms Export Control Act of 1976 (Public Law 94-329; 90 Stat. 765); and

Whereas no specific statutory authorization for the use of United States Armed Forces with respect to the conflict between the Saudi-led coalition and the Houthis in Yemen has been enacted, and no provision of law explicitly authorizes the provision of targeting assistance or of midair refueling services to warplanes of Saudi Arabia or the United Arab Emirates that are engaged in such conflict: Now, therefore, be it

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

#### SECTION 1. 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 in or affecting the Republic of Yemen, except United States Armed Forces engaged in operations directed at al Qaeda or associated forces, 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 Congress authorizes a later date), and unless and until a declaration of war or specific authorization for such use of United States Armed Forces has been enacted. For purposes of this resolution, in this section, the term “hostilities” includes in-flight refueling of non-United States aircraft conducting missions as part of the ongoing civil war in Yemen.

#### SEC. 2. RULE OF CONSTRUCTION REGARDING CONTINUED MILITARY OPERATIONS AND COOPERATION WITH ISRAEL.

Nothing in this joint resolution shall be construed to influence or disrupt any military operations and cooperation with Israel.

#### SEC. 3. REPORT ON RISKS POSED BY CEASING SAUDI ARABIA SUPPORT OPERATIONS.

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

#### SEC. 4. REPORT ON INCREASED RISK OF TERRORIST ATTACKS TO UNITED STATES FORCES ABROAD, ALLIES, AND THE CONTINENTAL UNITED STATES IF SAUDI ARABIA CEASES YEMEN-RELATED INTELLIGENCE SHARING WITH THE UNITED STATES.

Not later than 90 days after the date of the enactment of this joint resolution, the President shall submit to Congress a report assessing the increased risk of terrorist attacks on United States Armed Forces abroad, allies, and to the continental United States if the Government of Saudi Arabia were to cease Yemen-related intelligence sharing with the United States.

The PRESIDING OFFICER. The Senator from Tennessee.

#### SUPPORTING A DIPLOMATIC SOLUTION IN YEMEN AND CONDEMNING THE MURDER OF JAMAL KHASHOGGI

Mr. CORKER. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S.J. Res. 69.

The PRESIDING OFFICER. The clerk will report the joint resolution by title.

The legislative clerk read as follows:

A joint resolution (S.J. Res. 69) supporting a diplomatic solution in Yemen and condemning the murder of Jamal Khashoggi.

The PRESIDING OFFICER. Is there objection to proceeding to the measure?

The Senator from New Jersey.

Mr. MENENDEZ. Reserving the right to object, I do not intend to object. I just want to say that on this resolution, there is a central reason why I am not going to object.

I don't agree with some of the language that speaks about the economic interests we have with Saudi Arabia. I think their behavior is more than concerning, but what the distinguished

chairman on the Foreign Relations Committee is trying to do here at the core of it is the critical element.

I am going to be supportive because of this one singular statement under the resolved clause by the Senate and the House of Representatives that the Senate “believes Crown Prince Mohammed bin Salman is responsible for the murder of Jamal Khashoggi.”

Regardless of all of my other concerns about language, that is the central essence of what the chairman is going to do. I think it is incredibly important for the Senate to speak on that issue and, hopefully, speak with one voice.

With that, I withdraw my objection.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. Kaine. Reserving the right to object, I will not object, but I stand to support this.

Jamal Khashoggi was a Virginia resident. His children are American citizens and Virginia residents, and it is important for the Senate to speak on this matter.

I withdraw the objection.

There being no objection, the Senate proceeded to consider the joint resolution.

Mr. Corker. Mr. President, I ask unanimous consent that the joint resolution be considered read a third time.

The PRESIDING OFFICER. Without objection, it is so ordered.

The joint resolution was ordered to be engrossed for a third reading and was read the third time.

Mr. Corker. I know of no further debate on the resolution.

The PRESIDING OFFICER. Is there further debate?

Hearing none, the joint resolution having been read the third time, the question is, Shall the joint resolution pass?

The preamble was agreed to.

The joint resolution (S.J. Res. 69) was passed as follows:

S.J. RES. 69

Whereas the ongoing civil war in Yemen has exacerbated that country's humanitarian crisis, in which nearly 12,000,000 people are suffering from “severe hunger,” according to the United Nations' World Food Programme;

Whereas there is no military solution to the conflict;

Whereas the United States-Saudi Arabia relationship is important to United States national security and economic interests;

Whereas the Government of the Kingdom of Saudi Arabia has, in recent years, engaged in concerning behavior, including its conduct in the civil war in Yemen, apparent detention of the Prime Minister of Lebanon, undermining the unity of the Gulf Cooperation Council, expulsion of the Canadian ambassador, suppression of dissent within the Kingdom, and the murder of Jamal Khashoggi;

Whereas misleading statements by the Government of the Kingdom of Saudi Arabia regarding the murder of Jamal Khashoggi have undermined trust and confidence in the longstanding friendship between the United States and the Kingdom of Saudi Arabia; and

Whereas such erratic actions place unnecessary strain on the United States-Saudi

Arabia relationship, which is an essential element of regional stability: Now, therefore, be it

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

(1) believes Crown Prince Mohammed bin Salman is responsible for the murder of Jamal Khashoggi;

(2) acknowledges the United States Government has sanctioned 17 Saudi individuals under the Global Magnitsky Human Rights Accountability Act (subtitle F of title XII of Public Law 114-328; 22 U.S.C. 2656 note) for their roles in the murder;

(3) calls for the Government of the Kingdom of Saudi Arabia to ensure appropriate accountability for all those responsible for Jamal Khashoggi's murder;

(4) calls on the Government of Saudi Arabia to release Raif Badawi, Samar Badawi, and the Saudi women's rights activists who were arrested as political prisoners in 2018;

(5) encourages the Government of Saudi Arabia to redouble its efforts to enact economic and social reforms;

(6) calls on the Government of the Kingdom of Saudi Arabia to respect the rights of its citizens and moderate its increasingly erratic foreign policy;

(7) warns that the Government of the Kingdom of Saudi Arabia's increasing purchases of military equipment from, and cooperation with, the Russian Federation and the People's Republic of China, challenges the strength and integrity of the long-standing military-to-military relationship between the United States and the Kingdom of Saudi Arabia and may introduce significant national security and economic risks to both parties;

(8) demands that all parties seek an immediate cease-fire and negotiated political solution to the Yemen conflict and increased humanitarian assistance to the victims of the conflict;

(9) condemns the Government of Iran's provision of advanced lethal weapons to Houthi rebels, which have perpetuated the conflict and have been used indiscriminately against civilian targets in Saudi Arabia, the United Arab Emirates, and the Bab al Mandeb waterway;

(10) condemns Houthi rebels for egregious human rights abuses, including torture, use of human shields, and interference with, and diversion of, humanitarian aid shipments;

(11) demands that the Saudi-led coalition and all parties to the Yemen conflict seek to minimize civilian casualties at all times;

(12) supports the peace negotiations currently being managed by United Nations Special Envoy Martin Griffiths and encourages the United States Government to provide all possible support to these diplomatic efforts;

(13) declares that there is no statutory authorization for United States involvement in hostilities in the Yemen civil war; and

(14) supports the end of air-to-air refueling of Saudi-led coalition aircraft operating in Yemen.

Mr. Corker. Mr. President, I want to thank our ranking member and my friend, Senator Menendez, for his tremendous cooperation for many years but especially over this last week, and Senator Kaine for coming in and supporting it.

I want to reiterate what the ranking member just said. The Senate has now unanimously said that Crown Prince Muhammad bin Salman is responsible for the murder of Jamal Khashoggi. That is a strong statement. I think it

speaks to the values we hold dear, as the rest of this resolution does.

I am glad the Senate is speaking with one voice, unanimously, toward this end. I thank the leader for accommodating—making this happen.

I yield the floor.

The PRESIDING OFFICER. The majority leader.

Mr. McConnell. Mr. President, before the chairman on Foreign Relations Committee leaves, I want to thank him for his extraordinary leadership. This is a bit of a thicket here with different points of view, but as a result of what the chairman has just offered, it is a clear, unambiguous message about how we feel about what happened to this journalist.

I want to thank him.

Mr. Corker. I thank the Senator.

The PRESIDING OFFICER. The majority leader.

#### SAVE OUR SEAS ACT OF 2018

Mr. McConnell. Mr. President, I understand that the Senate has received a message from the House to accompany S. 756.

The PRESIDING OFFICER. The Senator is correct.

Mr. McConnell. I ask that the Chair lay before the Senate the message to accompany S. 756.

The Presiding Officer laid before the Senate the following message from the House of Representatives:

*Resolved, That the bill from the Senate (S. 756) entitled “An Act to reauthorize and amend the Marine Debris Act to promote international action to reduce marine debris, and for other purposes.”, do pass with an amendment.*

#### MOTION TO CONCUR

Mr. McConnell. Mr. President, I move to concur in the House amendment with a further amendment.

The PRESIDING OFFICER. The clerk will report the amendment.

The senior assistant legislative clerk read as follows:

The Senator from Kentucky [Mr. McConnell] moves to concur in the House amendment to S. 756 with a further amendment numbered 4108.

Mr. McConnell. I ask unanimous consent that the reading be dispensed with.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

(The amendment is printed in today's RECORD under “Text of Amendments.”)

Mr. McConnell. I ask for the yeas and nays on my amendment.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays were ordered.

AMENDMENT NO. 4109 TO AMENDMENT NO. 4108

Mr. McConnell. Mr. President, I have a second-degree amendment at the desk.

The PRESIDING OFFICER. The clerk will report.

The senior assistant legislative clerk read as follows: