

116TH CONGRESS
2D SESSION

H. CON. RES. 123

Directing the President pursuant to section 5(c) of the War Powers Resolution to remove United States Armed Forces from unauthorized hostilities in the Republic of Yemen.

IN THE HOUSE OF REPRESENTATIVES

NOVEMBER 19, 2020

Mr. DEFAZIO (for himself, Mrs. DINGELL, Mr. CASTRO of Texas, Mr. BIGGS, Mr. KHANNA, Mr. POCAN, Mr. ROONEY of Florida, and Mr. GAETZ) 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 unauthorized hostilities in the Republic of Yemen.

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) Unauthorized United States military par-
2 ticipation in the Saudi-led war in Yemen has con-
3 tributed to producing the world's largest humani-
4 tarian crisis, with an estimated 20 million people de-
5 pendent on food aid and two million children under
6 five years of age requiring treatment for malnutri-
7 tion. Over five years of military conflict, 50 percent
8 of Yemen's healthcare infrastructure has closed, and
9 Saudi-led bombings have destroyed over 70 hos-
10 pitals. COVID-19 is now spreading largely unde-
11 tected across Yemen's immuno-compromised popu-
12 lation.

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

16 (3) Congress has not declared war with respect
17 to, or provided a specific statutory authorization for,
18 the conflict between military forces led by Saudi
19 Arabia, including forces from the United Arab Emir-
20 ates, Bahrain, Kuwait, Egypt, Jordan, Morocco,
21 Senegal, and Sudan (the Saudi-led coalition),
22 against the Houthis, also known as Ansar Allah, in
23 the Republic of Yemen.

24 (4) Since March 2015, members of the United
25 States Armed Forces have been introduced into hos-

1 tilities between the Saudi-led coalition and the
2 Houthis.

3 (5) The conflict between the Saudi-led coalition
4 and the Houthis constitutes, within the meaning of
5 section 4(a) of the War Powers Resolution (50
6 U.S.C. 1543(a)), either hostilities or a situation
7 where imminent involvement in hostilities is clearly
8 indicated by the circumstances into which United
9 States Armed Forces have been introduced.

10 (6) Section 5(c) of the War Powers Resolution
11 (50 U.S.C. 1544(c)) states that, “at any time that
12 United States Armed Forces are engaged in hos-
13 tilities outside the territory of the United States, its
14 possessions and territories without a declaration of
15 war or specific statutory authorization, such forces
16 shall be removed by the President if the Congress so
17 directs by concurrent resolution”.

18 (7) Section 8(c) of the War Powers Resolution
19 (50 U.S.C. 1547(c)) defines the introduction of
20 United States Armed Forces to include “the assign-
21 ment of members of such armed forces to command,
22 coordinate, participate in the movement of, or ac-
23 company the regular or irregular military forces of
24 any foreign country or government when such mili-
25 tary forces are engaged, or there exists an imminent

1 threat that such forces will become engaged, in hos-
2 tilities”, and activities that the United States has
3 conducted in support of the Saudi-led coalition fall
4 within this definition.

5 (8) No specific statutory authorization for the
6 use of United States Armed Forces with respect to
7 the conflict between the Saudi-led coalition and the
8 Houthis in Yemen has been enacted, and no provi-
9 sion of law explicitly authorizes the assignment of
10 United States Armed Forces to command, coordi-
11 nate, participate in the movement of, or accompany
12 the regular or irregular military forces of the Saudi
13 or United Arab Emirates in hostilities against Yem-
14 en’s Houthis.

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 against the
19 Houthis in the Republic of Yemen, except United States
20 Armed Forces engaged in operations directed at Al Qaeda
21 in the Arabian Peninsula or associated forces, by not later
22 than the date that is 30 days after the date of the adoption
23 of this concurrent resolution (unless the President re-
24 quests and the Congress authorizes a later date), and un-
25 less and until a declaration of war or specific authorization

1 for such use of United States Armed Forces has been en-
2 acted. For purposes of this resolution, in this section, the
3 term “hostilities” includes the assignment of United
4 States Armed Forces to command, coordinate, participate
5 in the movement of, or accompany the regular or irregular
6 military forces of the Saudi or United Arab Emirates in
7 hostilities against Yemen’s Houthis.

8 **SEC. 2. RULE OF CONSTRUCTION REGARDING NO AUTHOR-**
9 **IZATION FOR USE OF MILITARY FORCE.**

10 Consistent with section 8(a)(1) of the War Powers
11 Resolution (50 U.S.C. 1547(a)(1)), nothing in this concur-
12 rent resolution may be construed as authorizing the use
13 of military force.

○