

Calendar No. 428

115TH CONGRESS
2D SESSION**S. J. RES. 58**

To require certifications regarding actions by Saudi Arabia in Yemen, and
for other purposes.

IN THE SENATE OF THE UNITED STATES

APRIL 11, 2018

Mr. YOUNG (for himself, Mrs. SHAHEEN, Ms. COLLINS, and Mr. COONS) introduced the following joint resolution; which was read twice and referred to the Committee on Foreign Relations

MAY 22, 2018

Reported by Mr. CORKER, with an amendment

[Strike out all after the resolving clause and insert the part printed in *italic*]

JOINT RESOLUTION

To require certifications regarding actions by Saudi Arabia
in Yemen, and for other purposes.

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

3 **SECTION 1. CERTIFICATIONS REGARDING ACTIONS BY**
4 **SAUDI ARABIA IN YEMEN.**

5 (a) **INITIAL CERTIFICATION.**—Not later than 30 days
6 after the date of the enactment of this Act, the Secretary

1 of State shall submit to the appropriate committees of
2 Congress a certification whether the Government of Saudi
3 Arabia is undertaking—

4 (1) an urgent and good faith effort to conduct
5 diplomatic negotiations to end the civil war in
6 Yemen;

7 (2) appropriate measures to alleviate the hu-
8 manitarian crisis in Yemen by increasing access for
9 Yemenis to food, fuel, and medicine, including
10 through Yemen's Red Sea ports, the airport in
11 Sana'a, and external border crossings with Saudi
12 Arabia; and

13 (3) demonstrable action to reduce the risk of
14 harm to civilians and civilian infrastructure resulting
15 from its military operations in Yemen, including by
16 complying with applicable agreements and laws regu-
17 lating defense articles purchased or transferred from
18 the United States.

19 (b) SUBSEQUENT CERTIFICATIONS.—Not later than
20 180 and 360 days after the date of the enactment of this
21 Act, the Secretary of State shall submit to the appropriate
22 committees of Congress a certification whether the Gov-
23 ernment of Saudi Arabia is undertaking the efforts de-
24 scribed in paragraphs (1), (2), and (3) of subsection (a).

1 (c) **RESTRICTION.**—If the Secretary of State is un-
 2 able under subsections (a) and (b) to certify that the Gov-
 3 ernment of Saudi Arabia is taking demonstrable action as
 4 described in subsection (a), no Federal funds may be obli-
 5 gated or expended to provide in-flight refueling, pursuant
 6 to any agreement authorized by section 2342 of title 10,
 7 United States Code, or other applicable statutory author-
 8 ity, of Saudi and Saudi-led coalition non-United States
 9 aircraft conducting missions in Yemen other than missions
 10 related to—

11 (1) al Qaeda, al Qaeda in the Arabian Penin-
 12 sula (AQAP), and the Islamic State in Iraq and
 13 Syria (ISIS);

14 (2) countering the transport, assembly, or em-
 15 ployment of ballistic missiles or components in
 16 Yemen;

17 (3) helping coalition aircraft return safely to
 18 base in emergency situations; or

19 (4) force protection of United States aircraft,
 20 ships, or personnel.

21 (d) **RULE OF CONSTRUCTION.**—Nothing in this joint
 22 resolution may be construed as authorizing the use of mili-
 23 tary force.

1 (e) ~~FORM OF CERTIFICATIONS.~~—The certifications
 2 required under subsections (a) and (b) shall be written,
 3 detailed, and submitted in unclassified form.

4 (f) ~~STRATEGY REQUIRED.~~—Not later than 90 days
 5 after the date of the enactment of this Act, the Secretary
 6 of State, in coordination with the Secretary of Defense
 7 and the Administrator of the United States Agency for
 8 International Development, shall submit to the appro-
 9 priate committees of Congress an unclassified report list-
 10 ing United States objectives in Yemen and detailing a
 11 strategy to accomplish those objectives. The report shall
 12 be unclassified but may include a classified annex.

13 (g) ~~APPROPRIATE COMMITTEES OF CONGRESS DE-~~
 14 ~~FINED.~~—In this section, the term “appropriate commit-
 15 tees of Congress” means—

16 (1) the Committee on Foreign Relations, the
 17 Committee on Armed Services, and the Committee
 18 on Appropriations of the Senate; and

19 (2) the Committee on Foreign Affairs, the
 20 Committee on Armed Services, and the Committee
 21 on Appropriations of the House of Representatives.

22 ***SECTION 1. CERTIFICATIONS REGARDING ACTIONS BY***
 23 ***SAUDI ARABIA IN YEMEN.***

24 (a) *RESTRICTION.*—

1 (1) *IN GENERAL.*—Subject to paragraph (2), if
2 the Secretary of State is unable under subsection (c)
3 or (d) to certify that the Government of Saudi Arabia
4 is undertaking the effort, measures, and actions de-
5 scribed in paragraphs (1), (2), (3), and (4) of sub-
6 section (c), no Federal funds may be obligated or ex-
7 pended after the deadline for the applicable certifi-
8 cation to provide authorized in-flight refueling pursu-
9 ant to section 2342 of title 10, United States Code,
10 or other applicable statutory authority, of Saudi or
11 Saudi-led coalition non-United States aircraft con-
12 ducting missions in Yemen, other than missions re-
13 lated to—

14 (A) *al Qaeda, al Qaeda in the Arabian Pe-*
15 *ninsula (AQAP), or the Islamic State in Iraq*
16 *and Syria (ISIS);*

17 (B) *countering the transport, assembly, or*
18 *employment of ballistic missiles or components*
19 *in Yemen;*

20 (C) *helping coalition aircraft return safely*
21 *to base in emergency situations; or*

22 (D) *force protection of United States air-*
23 *craft, ships, or personnel.*

(2) *WAIVER.*—*The Secretary may waive the restriction in paragraph (1) with respect to a particular certification if the Secretary—*

(A) certifies to the appropriate committees of Congress that the waiver is in the national security interests of the United States; and

(B) submits to the appropriate committees of Congress a report, in written and unclassified form, setting forth—

(i) the effort in subsection (c)(1), measures in subsection (c)(2), or actions in subsections (c)(3) or (c)(4), or combination thereof, about which the Secretary is unable to make the certification;

(ii) a detailed explanation why the Secretary is unable to make the certification about such effort, measures, or actions;

(iii) a description of the actions the Secretary is taking to encourage the Government of Saudi Arabia to undertake such effort, measures, or actions; and

(iv) a detailed justification for the waiver.

(b) REPORTING REQUIREMENT.—*Not later than 30 days after the date of the enactment of this Act, the Presi-*

1 *dent or the President's designee shall provide a briefing to*
2 *the appropriate committees of Congress including, at a*
3 *minimum—*

4 (1) *a description of Saudi Arabia and the*
5 *United Arab Emirates' military and political objec-*
6 *tives in Yemen and whether United States assistance*
7 *to the Saudi-led coalition has resulted in significant*
8 *progress towards meeting those objectives;*

9 (2) *a description of efforts by the Government of*
10 *Saudi Arabia to avoid disproportionate harm to ci-*
11 *vilians and civilian objects in Yemen, and an assess-*
12 *ment of whether United States assistance to the*
13 *Saudi-led coalition has led to a demonstrable decrease*
14 *in civilians killed or injured by Saudi-led airstrikes*
15 *and damage to civilian infrastructure;*

16 (3) *an assessment of the United Nations*
17 *Verification and Inspection Mechanism (UNVIM) in*
18 *Yemen and an assessment of the need for existing sec-*
19 *ondary inspection and clearance processes and trans-*
20 *shipment requirements on humanitarian and com-*
21 *mercial vessels that have been cleared by UNVIM;*

22 (4) *a description of the sources of external sup-*
23 *port for the Houthi forces, including financial assist-*
24 *ance, weapons transfers, operational planning, train-*
25 *ing, and advisory assistance;*

1 (5) *an assessment of the applicability of United*
 2 *States and international sanctions to Houthi forces*
 3 *that have committed grave human rights abuses, ob-*
 4 *structed international aid, and launched ballistic*
 5 *missiles into Saudi territory, and an assessment of*
 6 *the applicability of United States and international*
 7 *sanctions to individuals or entities providing the*
 8 *Houthi forces with material support; and*

9 (6) *an assessment of the effect of the Saudi-led*
 10 *coalition's military operations in Yemen on the efforts*
 11 *of the United States to defeat al Qaeda in the Ara-*
 12 *bian Peninsula and the Islamic State of Iraq and the*
 13 *Levant.*

14 (c) *INITIAL CERTIFICATION.*—*Not later than 30 days*
 15 *after the date of the enactment of this Act, the Secretary*
 16 *of State shall submit to the appropriate committees of Con-*
 17 *gress a certification indicating whether the Government of*
 18 *Saudi Arabia is undertaking—*

19 (1) *an urgent and good faith effort to conduct*
 20 *diplomatic negotiations to end the civil war in*
 21 *Yemen;*

22 (2) *appropriate measures to alleviate the human-*
 23 *itarian crisis in Yemen by increasing access for Yem-*
 24 *enis to food, fuel, medicine, and medical evacuation,*
 25 *including through the appropriate use of Yemen's Red*

1 *Sea ports, including the port of Hudaydah, the air-*
 2 *port in Sana'a, and external border crossings with*
 3 *Saudi Arabia;*

4 *(3) appropriate actions to reduce any unneces-*
 5 *sary delays to shipments associated with secondary*
 6 *inspection and clearance processes other than the*
 7 *United Nations Verification and Inspections Mecha-*
 8 *nism (UNVIM); and*

9 *(4) demonstrable actions to reduce the risk of*
 10 *harm to civilians and civilian infrastructure result-*
 11 *ing from its military operations in Yemen, including*
 12 *by—*

13 *(A) complying with applicable agreements*
 14 *and laws regulating defense articles purchased or*
 15 *transferred from the United States; and*

16 *(B) taking appropriate steps to avoid dis-*
 17 *proportionate harm to civilians and civilian in-*
 18 *frastructure.*

19 *(d) SUBSEQUENT CERTIFICATIONS.—Not later than*
 20 *180 and 360 days after the date of the enactment of this*
 21 *Act, the Secretary of State shall submit to the appropriate*
 22 *committees of Congress a certification indicating whether*
 23 *the Government of Saudi Arabia is undertaking the effort,*
 24 *measures, and actions described in paragraphs (1), (2), (3),*
 25 *and (4) of subsection (c).*

1 (e) *RULE OF CONSTRUCTION.*—*Nothing in this joint*
 2 *resolution may be construed as authorizing the use of mili-*
 3 *tary force.*

4 (f) *FORM OF CERTIFICATIONS.*—*The certifications re-*
 5 *quired under subsections (c) and (d) shall be written, de-*
 6 *tailed, and submitted in unclassified form.*

7 (g) *STRATEGY REQUIRED.*—*Not later than 90 days*
 8 *after the date of the enactment of this Act, the Secretary*
 9 *of State, in coordination with the Secretary of Defense and*
 10 *the Administrator of the United States Agency for Inter-*
 11 *national Development, shall submit to the appropriate com-*
 12 *mittees of Congress an unclassified report listing United*
 13 *States objectives in Yemen and detailing a strategy to ac-*
 14 *complish those objectives. The report shall be unclassified*
 15 *but may include a classified annex.*

16 (h) *APPROPRIATE COMMITTEES OF CONGRESS DE-*
 17 *FINED.*—*In this section, the term “appropriate committees*
 18 *of Congress” means—*

19 (1) *the Committee on Foreign Relations, the*
 20 *Committee on Armed Services, and the Committee on*
 21 *Appropriations of the Senate; and*

22 (2) *the Committee on Foreign Affairs, the Com-*
 23 *mittee on Armed Services, and the Committee on Ap-*
 24 *propriations of the House of Representatives.*

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