



S.J. Res. 7 - To direct the removal of United States Armed Forces from hostilities in the Republic of Yemen that have not been authorized by Congress (Sen. Sanders, I-VT)

FLOOR SCHEDULE: Expected to be considered on April 4, 2019 under a closed [rule](#).

The rule provides one [motion to commit](#). It also provides suspension authority for April 4, 2019.

TOPLINE SUMMARY: [S. J. Res. 7](#) would direct the removal of United States Armed Forces from hostilities in the Republic of Yemen which have not been authorized by the Congress, with certain specified exceptions.

COST:

A Cost Estimate is not available for this specific resolution, however, the Congressional Budget Office (CBO) [estimated](#) that implementing the reporting requirements of the a similar House-passed resolution – H. J. Res. 37 – would cost less than \$500,000 over the 2019-2024 period; such spending would be subject to the availability of appropriated funds.

CBO also estimates that the number of DOD personnel and the amount of resources in the region would be unaffected by implementation of the resolution. Specifically, the CBO states:

In a letter to Senator McConnell in February 2018, the Department of Defense (DoD) stated that U.S. support for the Saudi-led coalition fighting in Yemen does not constitute hostilities. It further stated that U.S. armed forces are engaged in hostilities against terrorist organizations operating in Yemen, including al-Qaeda and the Islamic State of Iraq and Syria. To the extent U.S. armed forces are currently engaged in hostilities against terrorist organizations other than al-Qaeda or its associates, those operations would be precluded under the resolution. However, CBO expects that the number of DoD personnel and the amount of resources in the region would be unaffected.

CONSERVATIVE CONCERNS:

Conservatives may have national security concerns that withdrawal of troops from the Republic of Yemen would leave a vacuum for a strengthened Iranian influence in the region.

Conservatives may be concerned that Houthi rebels have employed Iranian-provided [ballistic missiles against Saudi Arabia](#) and have [fired anti-ship missiles](#) at U.S. ships in the Red Sea. Additionally, conservatives may feel that limiting U.S. support could exacerbate the growing humanitarian situation in Yemen by removing U.S. leverage and guidance over Saudi Arabia which has assisted the Saudi military in employing better and more humane targeting, compelling them to adhere to the rules of armed conflict.

Conservatives may feel that this Resolution would disrupt the President's work regarding US limited-assistance with the Saudi-led coalition's efforts to dismantle and displace the Iranian-backed Houthi militants located within the Republic of Yemen.

Some conservatives may be concerned with this Resolution because of the [letter](#) from the Department of Defense sent to Senator McConnell. The letter states the Department of Defense's opposition to a previous resolution which also directed the removal of U.S. forces in Yemen. Additionally, the letter states that the removal of US Armed Forces from the region would not achieve its apparent purpose because US assistance in Yemen is not a form of support against "hostilities." Meaning, US Armed Forces are not involved in direct conflict. Moreover, the Department of Defense definitively believes that the fundamental premise of this resolution is flawed.

Conversely, other conservatives may be concerned with the continued presence of United States Armed Forces participating in conflict within hostile regions without the explicit authorization from the Congress. These conservatives may feel that the role of the United States is not to be the "world police" and that the United States should not interfere in regional conflicts.

Conservatives may be concerned that this resolution does not contain language stating the United States policy on Anti-Semitism.

- **Expand the Size and Scope of the Federal Government?** No.
- **Encroach into State or Local Authority?** No.
- **Delegate Any Legislative Authority to the Executive Branch?** No.
- **Contain Earmarks/Limited Tax Benefits/Limited Tariff Benefits?** No.

DETAILED SUMMARY AND ANALYSIS:

[S.J. Res. 7](#) would direct the removal of United States Armed Forces from hostilities in the Republic of Yemen, with certain specified exceptions.

Section 5(c) of the [War Powers Resolution](#) requires the President to remove forces at any time if Congress so directs by concurrent resolution. Section 1013 of the Department of State Authorization Act for FY1984 and 1985 provides that any joint resolution or bill requiring the removal of United States Armed Forces engaged in hostilities without a declaration of war or specific statutory authorization shall receive expedited consideration in accordance with section 601(b) of the International Security and Arms Export Control Act of 1976.

Since 2015, the United States has provided certain support to the Saudi-led coalition military operations against Houthi forces in Yemen. The assistance provided includes defense articles and services, coalition aerial targeting assistance, intelligence sharing, mid-flight aerial refueling, and general military advice.

This joint resolution would direct the President of the United States to remove United States Armed Forces from hostilities in or affecting the Republic of Yemen. This joint resolution would provide for an exception for United States Armed Forces engaged in operations directed at al-Qaeda, or its associated forces. Such a withdrawal would need to be completed by 30 days after the date of this resolution's enactment – or unless the United States declares war or specific authorization for such uses of force in the Republic of Yemen.

This joint resolution would consider within the term “hostilities” from which the U.S. would have to remove armed forces flight refueling of non-United States aircraft conducting missions as part of the ongoing civil war in Yemen.

This joint resolution would clarify that nothing in this joint resolution may be construed to influence or disrupt any military operations and cooperation with Israel.

The joint resolution provides that nothing in it should be construed to disrupt intelligence activities by the U.S. related to Yemen.

This joint resolution would require reports to the Congress on: 1) the risks posed by ceasing Saudi Arabia support operations; and 2) on increased risk of terrorist attacks to the United States Armed Forces abroad, allies, and the continental United States if Saudi Arabia ceases Yemen-related intelligence sharing with the United States.

The joint resolution states that notion in it should be construed as authorizing the use of military force.

For further background, this resolution is nearly the same as H. J. Res 37, which passed the House on February 13, 2019 with a Motion to Recommit that added the following language condemning anti-Semitism to H.R. Res. 37:

(11) It is in the national security interest of the United States to combat anti-Semitism around the world because—

(A) anti-Semitism is a challenge to the basic principles of tolerance, pluralism, and democracy, and the shared values that bind Americans together;

(B) there has been a significant amount of anti-Semitic and anti-Israel hatred that must be most strongly condemned; and

(C) there is an urgent need to ensure the safety and security of Jewish communities, including synagogues, schools, cemeteries, and other institutions.

(12) It is in the foreign policy interest of the United States to continue to emphasize the importance of combating anti-Semitism in our bilateral and multilateral relations, including with the United Nations, European Union institutions, Arab League, and the Organization for Security and Cooperation in Europe.

(13) Because it is important to the national security interest of the United States to maintain strong bipartisan support for Israel, the only democracy in the Middle East, all attempts to delegitimize and deny Israel's right to exist must be denounced and rejected.

(14) It is in the national security interest of the United States to oppose restrictive trade practices or boycotts fostered or imposed by any foreign country against other countries friendly to the United States or against any United States person.

S. J. Res. 7 does not include this anti-Semitism language.

COMMITTEE ACTION:

This resolution was introduced on January 30, 2019, and was referred to the Senate Committee on Foreign Relations. The Resolution passed the Senate on March 13, 2019 by a vote of 54-46.

ADMINISTRATION POSITION:

A [Statement of Administration Policy](#) regarding S. J. Res 7 states that: “If S.J. Res. 7 were presented to the President, his senior advisors would recommend he veto the joint resolution.”

OUTSIDE GROUPS:

The Senate passed a related bill – [S.J. Res. 54](#) –, on December 13, 2018, by 56-41.
[FreedomWorks Key Vote Yes on S.J. Res 54](#)

Additional commentary:

Cato Institute: [It’s Time to End U.S. Support for the Saudi War on Yemen](#)

Defense Priorities: Statement: [The Trump Administration Should End U.S. Refueling and All Military Support for Saudi-Led War in Yemen](#)

Heritage Foundation: [Ending U.S. Military Support for Saudi Arabia in Yemen Would Trigger Dangerous Consequences](#)

Heritage Foundation: [Senate Vote on War in Yemen Risks Undermining U.S. and Yemeni Interests, While Boosting Iran’s](#)

CONSTITUTIONAL AUTHORITY:

Constitutional Authority Statements are not required for measures originating in the Senate Chamber.

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