

FAQ on H.Con.Res.138, to End Unauthorized U.S. Military Involvement in Yemen

Representatives Ro Khanna (D-CA), Adam Smith (D-WA), and Mark Pocan (D-WI) have introduced [H.Con.Res. 138](#), a privileged resolution to withdraw U.S. armed forces from Yemen's civil war. The Yemen Peace Project, Win Without War, and the Friends Committee on National Legislation call on representatives to cosponsor this resolution and to press for a clean vote.

1. *What does the legislation do?*

If enacted, the H.Con.Res. 138 would end [unauthorized](#) U.S. military involvement in the Saudi and UAE-led coalition's intervention in Yemen, including [the provision of mid-air refueling to coalition warplanes conducting anti-Houthi missions](#), intelligence sharing (including, reportedly, [surveillance feeds](#) from U.S. drones) to assist with target selection, and [targeting advice](#) to Saudi military personnel in the coalition's Riyadh-based joint command center. The coalition's aerial bombardments are [the leading cause of civilian casualties](#) in the war according to the United Nations, and a [driver](#) of the world's worst humanitarian crisis. It would not end or limit U.S. arm sales.

2. *How would passage of the legislation impact the fight against AQAP and ISIS in Yemen?*

The resolution does not impede the U.S. military campaign against Al Qaeda in the Arabian Peninsula (AQAP) or other military activities authorized under the 2001 AUMF. This resolution would only end unauthorized U.S. support for Saudi-led coalition forces fighting against the Houthis. Ending the Saudi-UAE coalition's intervention is essential to undermining extremist groups' appeal in Yemen. In fact, the 2017 Worldwide Threat Assessment published by the U.S. intelligence community [concluded](#) that "AQAP and ISIS's branch in Yemen have exploited the conflict and the collapse of government authority to gain new recruits and allies and expand their influence." Furthermore, a recent [Associated Press investigation](#) revealed that UAE-backed militias have recruited hundreds of AQAP fighters to their ranks to fight against the Houthis. [U.S. officials](#) have confirmed the accuracy of this report, further underscoring the concern that the war is strengthening the hand extremists in Yemen.

3. *Why does the War Powers Resolution (WPR) apply to U.S. involvement in Yemen's war?*

The War Powers Resolution ([50 U.S.C. Chapter 33](#)) ensures congressional oversight over "the introduction of the United States Armed Forces into hostilities, or into situations where imminent involvement in hostilities is clearly indicated by the circumstances." Section 8(c) of the WPR defines the "introduction of the United States Armed Forces in hostilities" to include "the assignment of member 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." [The WPR applies because U.S. military support for the coalition meets the Section 8\(c\) threshold](#): U.S. military personnel are involved in the coordination and accompaniment of Saudi-led coalition forces actively engaged in hostilities, by providing mid-air refueling for Saudi-led coalition bombers and providing intelligence for targeting assistance. Congress intended for the WPR to apply such situations. The Senate report accompanying the WPR at the time of adoption (1973) [noted](#) the

legislation sought “to prevent secret, unauthorized military support activities” in the wake of the Vietnam war that began with the introduction of “U.S. advisors.

4. *Is the resolution privileged?*

Because the parliamentarian has ruled that H.Con.Res.138 meets criteria for a privileged resolution laid out under the War Powers Resolution, it must be discharged to the House floor from the House Foreign Affairs Committee within 15 calendar days of its introduction. Unfortunately, there are ways for the Majority party to strip these resolutions of their privileged status to prevent a floor vote, despite the parliamentarian’s input. One way to strip privilege is for the Rules Committee to include language in a Rule — even if unrelated to the resolution at hand (in a must-pass appropriations bill, for example). In that case, H.Con.Res.138 will only remain privileged and require a floor vote if Congress rejects the rule.

5. *How would passage of the bill impact the situation on the ground in Yemen?*

Ending U.S. military support for the Saudi and UAE-led campaign in Yemen would end the notion that the coalition can continue this campaign indefinitely and seek a military victory, which experts note is impossible and would only cause further civilian bloodshed and starvation. Only ending the intervention and blockade can end U.S.-supported airstrikes on [markets](#), [schools](#), [hospitals](#), and [weddings](#), and alleviate the humanitarian crisis that threatens 18 million people with famine. U.S. support for the war is routinely cited by the coalition to claim international legitimacy for its highly-criticized campaign. As former CIA analyst Bruce Riedel [said](#), if the U.S. and U.K. “tonight told King Salman that this war has to end, it would end tomorrow.” Ending U.S. military support for the intervention would send an unmistakable signal to the coalition that U.S. support is not a blank check and that the coalition needs to agree to a ceasefire and negotiate in good faith.

6. *What is Iran’s involvement in Yemen and what would this resolution do to reduce it?*

Withdrawing U.S. military support will help reduce Iran’s influence in Yemen. Since the war’s start, Iranian involvement has been limited and opportunistic, and has increased as the Saudi and UAE-led coalition’s campaign has escalated. As Katie Zimmerman from the American Enterprise Institute has [pointed out](#), “giving more bullets and bombs to the Saudis will make things worse, rather than better.... It is likely to drive Yemeni rebel factions even further under Iranian control and enable the Saudis to continue to ignore a growing threat in Yemen from ISIS and al Qaeda in the Arabian Peninsula (AQAP).”

7. *Why now?*

On September 12, Secretary of State Pompeo [made a bad-faith certification to Congress](#) that the Saudi-led coalition has met the conditions laid out in Section 1290 of the FY2019 National Defense Authorization Act in order for the United States to continue providing mid-air refueling support. Secretary Pompeo claimed that the coalition has taken necessary precautions to reduce civilian harm, [despite all evidence to the contrary](#), and [reportedly](#) made the certification against the consensus of relevant State Department bureaus, with the exception of Legislative Affairs.

By unconditionally supporting the coalition, the Trump administration is helping push Yemen past the point of no return. Immediately following the certification, the coalition launched a new assault on Yemen’s vital port city of Hodeidah that the UN has warned could [plunge the country into famine](#) and [threaten the lives of 250,000 civilians](#). Without Congress’ intervention the coalition will continue using U.S. military support—without congressional authorization—to create an unsalvageable humanitarian disaster.
