



**Statement of Lead Republican Michael McCaul (R-TX)  
Full Committee Markup**

*“H.J. Res. 37, Directing the removal of U.S. Armed Forces from hostilities in the Republic of Yemen that have not been authorized by Congress”*

February 6, 2019

Remarks as Prepared

Mr. Chairman, I am disappointed that our first markup is such a severe departure from the strongly bipartisan cooperation of the previous six years.

I believe that this Committee has a solemn responsibility to appropriately exercise Congressional War Powers under Article I of the Constitution. But the mechanism to force withdrawal of U.S. forces under the War Powers Act applies only when we are engaged in live-fire hostilities. This is not what our military is doing currently in Yemen.

This resolution would set a very dangerous precedent. Are we now going to allow any Member to use this privileged War Powers tool to second-guess all U.S. security cooperation agreements throughout the world?

This interpretation could impact our assistance to Israel. It could impact our cooperation with African nations in the Sahel. We could recklessly undo critical security relationships we have spent decades building.

This is not what the War Powers Resolution has ever meant, and it should not be used this way now. A vote in favor is a victory for bad politics.



As we heard at this morning's hearing, the situation in Yemen poses critical strategic and humanitarian issues that deserve careful attention. If we want to discuss conditioning assistance to Saudi Arabia in this conflict, that is an area we can explore and debate.

But this resolution is trying to hammer a square peg into a round hole. It misuses an extraordinary War Powers tool to try to get at the issue of security assistance to a third country.

Even our aerial refueling of Saudi jets— which does not constitute hostilities as traditionally understood — ended last November.

I spoke with Defense Department representatives yesterday who reaffirmed that U.S. forces are not engaged in hostilities against Houthi forces in Yemen. They confirmed the continuing accuracy of the detailed letter sent to Congress last year by the Department's Acting General Counsel.

No one is saying that U.S. security assistance — to Saudi Arabia or anyone else — is beyond Congressional scrutiny. We have many tools to use, including this Committee's arms sales notifications, targeted legislation, and the annual appropriations process, among others.

But this resolution stretches the definition of "hostilities" to cover non-U.S. military operations by other countries. It reinterprets U.S. support to those countries as "engage[ment] in hostilities." This has implications far beyond Saudi Arabia.

Under this model, if any Member of Congress doesn't like something that any of our security partners does overseas, that Member can force quick consideration of a resolution directing the removal of U.S. forces from hostilities "in or affecting" that situation. It no longer matters that U.S. forces are not actually conducting those hostilities.



This bill is a vague and irresponsible political stunt. It will create doubts for our partners and allies around the world.

It will trouble the many Americans who believe that burden-sharing with capable allies is vital for U.S. national security.

For these reasons, I strongly oppose this measure.

Mr. Chairman, I ask unanimous consent to place into the record three documents:

- (1) The January 2019 Department of Defense Report to Congress concerning our similar Acquisition and Cross-Servicing Activities with over 117 nations around the world, including NATO allies, counterterrorism partners in the Sahel, Israel, and others;
- (2) The November 28, 2018 Statement of Administration Policy opposing S.J.Res. 54 because “United States forces are not engaged in hostilities between the Saudi-led coalition and Houthi forces in Yemen”; and
- (3) The February 27, 2018 letter from the Defense Department Office of General Counsel explaining the legal and security concerns posed by the approach used by today’s resolution.

I reserve the balance of my time.

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