

AMENDMENT NO. _____ Calendar No. _____

Purpose: In the nature of a substitute.

IN THE SENATE OF THE UNITED STATES—115th Cong., 2d Sess.

S. J. Res. 58

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

Referred to the Committee on _____ and
ordered to be printed

Ordered to lie on the table and to be printed

AMENDMENT IN THE NATURE OF A SUBSTITUTE intended
to be proposed by Mr. CORKER

Viz:

1 Strike all after the resolving clause and insert the fol-
2 lowing:

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

5 (a) RESTRICTION.—

6 (1) IN GENERAL.—Subject to paragraph (2), if
7 the Secretary of State is unable under subsection (c)
8 or (d) to certify that the Government of Saudi Ara-
9 bia is undertaking the effort, measures, and actions
10 described in paragraphs (1), (2), (3), and (4) of sub-
11 section (c), no Federal funds may be obligated or ex-
12 pended after the deadline for the applicable certifi-

1 cation to provide authorized in-flight refueling pur-
2 suant to section 2342 of title 10, United States
3 Code, or other applicable statutory authority, of
4 Saudi or Saudi-led coalition non-United States air-
5 craft conducting missions in Yemen, other than mis-
6 sions related to—

7 (A) al Qaeda, al Qaeda in the Arabian Pe-
8 ninsula (AQAP), or the Islamic State in Iraq
9 and Syria (ISIS);

10 (B) countering the transport, assembly, or
11 employment of ballistic missiles or components
12 in Yemen;

13 (C) helping coalition aircraft return safely
14 to base in emergency situations; or

15 (D) force protection of United States air-
16 craft, ships, or personnel.

17 (2) WAIVER.—The Secretary may waive the re-
18 striction in paragraph (1) with respect to a par-
19 ticular certification if the Secretary—

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

23 (B) submits to the appropriate committees
24 of Congress a report, in written and unclassi-
25 fied form, setting forth—

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

6 (ii) a detailed explanation why the
7 Secretary is unable to make the certifi-
8 cation about such effort, measures, or ac-
9 tions;

10 (iii) a description of the actions the
11 Secretary is taking to encourage the Gov-
12 ernment of Saudi Arabia to undertake
13 such effort, measures, or actions; and

14 (iv) a detailed justification for the
15 waiver.

16 (b) REPORTING REQUIREMENT.—Not later than 30
17 days after the date of the enactment of this Act, the Presi-
18 dent or the President’s designee shall provide a briefing
19 to the appropriate committees of Congress including, at
20 a minimum—

21 (1) a description of Saudi Arabia and the
22 United Arab Emirates’ military and political objec-
23 tives in Yemen and whether United States assistance
24 to the Saudi-led coalition has resulted in significant
25 progress towards meeting those objectives;

1 (2) a description of efforts by the Government
2 of Saudi Arabia to avoid disproportionate harm to
3 civilians and civilian objects in Yemen, and an as-
4 sessment of whether United States assistance to the
5 Saudi-led coalition has led to a demonstrable de-
6 crease in civilians killed or injured by Saudi-led air-
7 strikes and damage to civilian infrastructure;

8 (3) an assessment of the United Nations
9 Verification and Inspection Mechanism (UNVIM) in
10 Yemen and an assessment of the need for existing
11 secondary inspection and clearance processes and
12 transshipment requirements on humanitarian and
13 commercial vessels that have been cleared by
14 UNVIM;

15 (4) a description of the sources of external sup-
16 port for the Houthi forces, including financial assist-
17 ance, weapons transfers, operational planning, train-
18 ing, and advisory assistance;

19 (5) an assessment of the applicability of United
20 States and international sanctions to Houthi forces
21 that have committed grave human rights abuses, ob-
22 structed international aid, and launched ballistic
23 missiles into Saudi territory, and an assessment of
24 the applicability of United States and international

1 sanctions to individuals or entities providing the
2 Houthi forces with material support; and

3 (6) an assessment of the effect of the Saudi-led
4 coalition's military operations in Yemen on the ef-
5 forts of the United States to defeat al Qaeda in the
6 Arabian Peninsula and the Islamic State of Iraq and
7 the Levant.

8 (c) INITIAL CERTIFICATION.—Not later than 30 days
9 after the date of the enactment of this Act, the Secretary
10 of State shall submit to the appropriate committees of
11 Congress a certification indicating whether the Govern-
12 ment of Saudi Arabia is undertaking—

13 (1) an urgent and good faith effort to conduct
14 diplomatic negotiations to end the civil war in
15 Yemen;

16 (2) appropriate measures to alleviate the hu-
17 manitarian crisis in Yemen by increasing access for
18 Yemenis to food, fuel, medicine, and medical evacu-
19 ation, including through the appropriate use of Yem-
20 en's Red Sea ports, including the port of Hudaydah,
21 the airport in Sana'a, and external border crossings
22 with Saudi Arabia;

23 (3) appropriate actions to reduce any unneces-
24 sary delays to shipments associated with secondary
25 inspection and clearance processes other than the

1 United Nations Verification and Inspections Mecha-
2 nism (UNVIM); and

3 (4) demonstrable actions to reduce the risk of
4 harm to civilians and civilian infrastructure resulting
5 from its military operations in Yemen, including
6 by—

7 (A) complying with applicable agreements
8 and laws regulating defense articles purchased
9 or transferred from the United States; and

10 (B) taking appropriate steps to avoid dis-
11 proportionate harm to civilians and civilian in-
12 frastructure.

13 (d) SUBSEQUENT CERTIFICATIONS.—Not later than
14 180 and 360 days after the date of the enactment of this
15 Act, the Secretary of State shall submit to the appropriate
16 committees of Congress a certification indicating whether
17 the Government of Saudi Arabia is undertaking the effort,
18 measures, and actions described in paragraphs (1), (2),
19 (3), and (4) of subsection (c).

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

23 (f) FORM OF CERTIFICATIONS.—The certifications
24 required under subsections (c) and (d) shall be written,
25 detailed, and submitted in unclassified form.

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

10 (h) APPROPRIATE COMMITTEES OF CONGRESS DE-
11 FINED.—In this section, the term “appropriate commit-
12 tees of Congress” means—

13 (1) the Committee on Foreign Relations, the
14 Committee on Armed Services, and the Committee
15 on Appropriations of the Senate; and

16 (2) the Committee on Foreign Affairs, the
17 Committee on Armed Services, and the Committee
18 on Appropriations of the House of Representatives.