AMENDMENT NO._________ Calendar No._____

Purpose: In the nature of a substitute.


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
7 (1) In General.—Subject to paragraph (2), if
8 the Secretary of State is unable under subsection (c)
9 or (d) to certify that the Government of Saudi Ara-
10 bia is undertaking the effort, measures, and actions
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-
cation to provide authorized in-flight refueling pursuant to section 2342 of title 10, United States Code, or other applicable statutory authority, of Saudi or Saudi-led coalition non-United States aircraft conducting missions in Yemen, other than missions related to—

(A) al Qaeda, al Qaeda in the Arabian Peninsula (AQAP), or the Islamic State in Iraq and Syria (ISIS);

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

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

(D) force protection of United States aircraft, 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 President or the President’s designee shall provide a briefing to the appropriate committees of Congress including, at a minimum—

(1) a description of Saudi Arabia and the United Arab Emirates’ military and political objectives in Yemen and whether United States assistance to the Saudi-led coalition has resulted in significant progress towards meeting those objectives;
(2) a description of efforts by the Government of Saudi Arabia to avoid disproportionate harm to civilians and civilian objects in Yemen, and an assessment of whether United States assistance to the Saudi-led coalition has led to a demonstrable decrease in civilians killed or injured by Saudi-led air-strikes and damage to civilian infrastructure;

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

(4) a description of the sources of external support for the Houthi forces, including financial assistance, weapons transfers, operational planning, training, and advisory assistance;

(5) an assessment of the applicability of United States and international sanctions to Houthi forces that have committed grave human rights abuses, obstructed international aid, and launched ballistic missiles into Saudi territory, and an assessment of the applicability of United States and international
sanctions to individuals or entities providing the
Houthi forces with material support; and

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

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

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

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

(3) appropriate actions to reduce any unneces-
sary delays to shipments associated with secondary
inspection and clearance processes other than the
United Nations Verification and Inspections Mechanism (UNVIM); and

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

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

(B) taking appropriate steps to avoid disproportionate harm to civilians and civilian infrastructure.

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

(e) Rule of Construction.—Nothing in this joint resolution may be construed as authorizing the use of military force.

(f) Form of Certifications.—The certifications required under subsections (e) and (d) shall be written, detailed, and submitted in unclassified form.
(g) Strategy Required.—Not later than 90 days after the date of the enactment of this Act, the Secretary of State, in coordination with the Secretary of Defense and the Administrator of the United States Agency for International Development, shall submit to the appropriate committees of Congress an unclassified report listing United States objectives in Yemen and detailing a strategy to accomplish those objectives. The report shall be unclassified but may include a classified annex.

(h) Appropriate Committees of Congress Defined.—In this section, the term “appropriate committees of Congress” means—

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

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