President Joseph R. Biden  
The White House  
West Wing  
1600 Pennsylvania Avenue, NW  
Washington, DC 20502

President Biden,

While we share your Administration’s concerns about Houthi threats in the Red Sea, we write with serious concern regarding unauthorized U.S. military strikes against the Houthis in Yemen. We urge your Administration to seek authorization from Congress before involving the U.S. in another conflict in the Middle East, potentially provoking Iran-backed militias that may threaten U.S. military servicemembers already in the region, and risking escalation of a wider regional war.

Article One of the Constitution is clear: Congress has the sole power to declare war and authorize U.S. military action. The War Powers Resolution (WPR) of 1973 upholds Congress’s constitutional war powers authority: Section 2(c) of this law makes clear that the President can only introduce U.S. forces into hostilities 1) after a declaration of war by Congress, 2) after a specific statutory authorization from Congress, or 3) in a national emergency when the U.S. is under imminent attack. We are not convinced that the circumstances of the U.S.’s strikes in Yemen meet the “national emergency” criteria outlined in Section 2(c), and we believe there was ample time to come to Congress for authorization before initiating these strikes.

Additionally, the reporting requirements in the WPR of 1973 do not supersede the prohibitions outlined in Section 2(c). The WPR of 1973 does not give blanket authority for a President to unilaterally involve U.S. military forces in a conflict if a President simply notifies Congress within 48 hours. The 48-hour reporting requirement only applies to a situation in which a President must act due to an attack or imminent attack against the United States. Unfortunately, Presidents of both parties have abused this law to conduct unauthorized military involvement in overseas conflicts.

For these reasons, we believe the U.S.’s unauthorized strikes in Yemen violate the Constitution and U.S. statute. We ask that your Administration outlines for us the legal authority used to conduct these strikes, and we urge your Administration to seek authorization from Congress before conducting any more unauthorized strikes in Yemen.

As representatives of the American people, Congress must engage in robust debate before American servicemembers are put in harm’s way and before more U.S. taxpayer dollars are spent
on yet another war in the Middle East. No President, regardless of political party, has the constitutional authority to bypass Congress on matters of war.

We look forward to your prompt responses to our questions and stand ready to debate any Administration request for an authorization to conduct offensive use of force, as required under the Constitution and U.S. law.

Sincerely,

Ro Khanna  
Member of Congress

Warren Davidson  
Member of Congress

Val Hoyle  
Member of Congress

Andy Biggs  
Member of Congress

Pramila Jayapal  
Member of Congress

Thomas Massie  
Member of Congress

Cori Bush  
Member of Congress

Nancy Mace  
Member of Congress
Anna Paulina Luna  
Member of Congress

Marjorie Taylor Greene  
Member of Congress

Jonathan L. Jackson  
Member of Congress

Ilhan Omar  
Member of Congress

Summer Lee  
Member of Congress

James P. McGovern  
Member of Congress

Rashida Tlaib  
Member of Congress

Jesús G. "Chuy" García  
Member of Congress

Greg Casar  
Member of Congress

Eleanor Holmes Norton  
Member of Congress
Ayanna Pressley
Member of Congress

Nydia M. Velázquez
Member of Congress

Alexandria Ocasio-Cortez
Member of Congress

Paul A. Gosar, D.D.S.
Member of Congress

Barbara Lee
Member of Congress

Delia C. Ramirez
Member of Congress

Jamaal Bowman, Ed.D.
Member of Congress

Harriet M. Hageman
Member of Congress

Raúl M. Grijalva
Member of Congress