

Congress of the United States

Washington, DC 20515

January 26, 2024

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



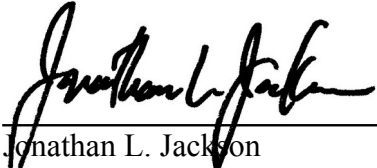
Nancy Mace
Member of Congress



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



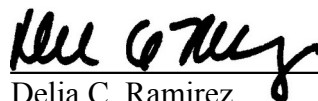
Greg Casar
Member of Congress



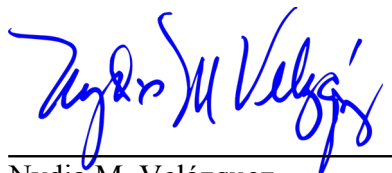
Eleanor Holmes Norton
Member of Congress



Ayanna Pressley
Member of Congress



Delia C. Ramirez
Member of Congress



Nydia M. Velázquez
Member of Congress



Jamaal Bowman, Ed.D.
Member of Congress



Alexandria Ocasio-Cortez
Member of Congress



Harriet M. Hageman
Member of Congress



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



Raúl M. Grijalva
Member of Congress



Barbara Lee
Member of Congress