

CRS Report for Congress

Congressional Restrictions on U.S. Military Operations in Vietnam, Cambodia, Laos, Somalia, and Kosovo: Funding and Non-Funding Approaches

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Congressional Restrictions on U.S. Military Operations in Vietnam, Cambodia, Laos, Somalia, and Kosovo: Funding and Non-Funding Approaches

Summary

The main body of this report is a series of tables and an appendix that summarize and cite bill language that was intended to end or restrict U.S. military operations in Indochina between 1970 and 1973, in Somalia in 1993, and in Kosovo in 1999. The report covers enacted provisions or those where there were roll call votes but the provision was not ultimately enacted. The first table outlines proposals that restrict funding and the second table describes other types of restrictions.

Of 21 proposals to restrict funding for military operations that were considered by Congress, 5 were enacted. In the case of Indochina, a major demarcation was the signing of the Vietnam peace accords and a cease-fire agreement between the United States and North Vietnam in January 1973 that required the total withdrawal of U.S. troops by March 1973. Congress continued to provide funds for U.S. troops as levels fell from a peak of 539,000 in June 1969 to 21,500 in January 1973.

In response to the invasion of Cambodia from April to June 1970, Congress considered and ultimately enacted the Cooper-Church amendment in January 1971 which prohibited using any appropriated funds to introduce ground troops into Cambodia. Legislation enacted in 1973 — after the cease-fire agreement — that cut off funds for combat “in or over or from off the shores of North Vietnam, South Vietnam, Laos or Cambodia” was designed to prevent President Nixon from reintroducing troops or bombing if the North Vietnamese violated the cease-fire.

The legislation described either cut off funding or called on the president to take certain military actions — such as troop withdrawals. The cutoffs generally prohibited the obligation or expenditure of funds that Congress had appropriated, and applied to military activities ranging from combat operations to initial deployments in specified countries. Funds are obligated when the government signs a contract for goods or services or pays military or civilian employees. Those funds are expended (or outlayed) when contractors or personnel are paid.

Some legislative language cut off funding for certain military operations but permitted exceptions, such as the orderly withdrawal of U.S. troops, or was contingent upon meeting certain conditions, such as the release of prisoners or war. Restrictions applied to either funding within the bill, to previous appropriation bills, or to any bill, and went into effect on or after a particular date or set no date. Other language prohibited continued funding unless military operations were authorized.

Congress also considered non-funding approaches that urged the President to withdraw forces, negotiate or terminate military operations, seek congressional authorization for military operations, or set a date for U.S. troop withdrawals. Another approach was congressional repeal of the August 1964 Tonkin Gulf Resolution, which authorized the President to use military force in Vietnam.

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Congressional Restrictions on U.S. Military Operations in Vietnam, Cambodia, Laos, Somalia, and Kosovo: Funding and Non-Funding Approaches

This report discusses the political context and congressional consideration of various funding and other restrictive legislative language applying to military operations in Indochina between 1970 and 1973. The report also briefly mentions similar congressional actions applying to U.S. military operations in Somalia in 1993 and Kosovo in 1999. This discussion is followed by two tables that summarize provisions that were enacted or considered by Congress and an appendix that cites the specific language for each provision in the tables.

Table 1 includes funding restrictions on military operations and **Table 2** includes other non-funding approaches. Those provisions that were enacted are listed first followed by provisions that were not enacted but where there was a roll call vote in either house. From the legislative history, it appears that funding cutoffs may have been more effective than non-funding approaches in altering executive branch plans for military operations.¹

Vietnam War Policy Context for Congressional Legislation

During the 1970-1973 period, Congress considered a variety of proposals to restrict U.S. military operations in Indochina and require a withdrawal of troops from Vietnam in response to the growing controversy in the United States over U.S. military involvement in Vietnam during the 1965-1969 period. The specific proposals for legislation often were in response to key elements of the Nixon Administration's policies and were intended to influence or force changes in the Administration's policies on U.S. military involvement, particularly in Vietnam and Cambodia.

A main element of the Nixon Administration's policies was the staged withdrawal of U.S. troops from Vietnam from mid-1969 until the end of 1972 as part of the Administration's Vietnamization strategy of turning over the responsibility for ground combat operations in Vietnam to the South Vietnamese government and

¹ For a comparison of funding cutoffs and use of the War Powers Act, see CRS Report RS20775, *Congressional Use of Funding Cutoffs since 1970 Involving U.S. Military Forces and Overseas Deployments*, by Richard F. Grimmett.

army. According to Department of Defense statistics, U.S. troop levels fell from 539,000 in June 1969 to 415,000 in June 1970, 239,000 in June 1971, 47,000 in June 1972, and 21,500 in January 1973.

The Nixon Administration, however, set no goal of a total withdrawal of U.S. forces or a total end of U.S. combat operations in Vietnam. In particular, the Air Force continued bombing operations at a high level. Thus, many of the proposed amendments and bills in Congress in the 1970-1972 period were aimed at requiring the President to withdraw *all* U.S. troops from Vietnam and prohibit U.S. combat operations in Vietnam and Indochina. Several of these came to votes in the full House of Representatives and the Senate, but none was enacted into law.

A second policy element was the incursion of U.S. ground forces into eastern Cambodia that President Nixon ordered on April 30, 1970. U.S. ground troops withdrew by June 30, 1970, but U.S. bombing of North Vietnamese and Khmer Rouge forces in Cambodia continued. Proposed and enacted amendments in Congress were designed to prohibit both the reintroduction of U.S. ground forces into Cambodia after June 30, 1970 and continued U.S. aerial bombing of Cambodia. The “Cooper-Church” amendment, enacted into law in January 1971, prohibited the reintroduction of U.S. ground forces into Cambodia. The restrictive bills passed in June and July 1973 mandated an end to the bombing in Cambodia by August 15, 1973, and bombing stopped on that date.

The incursion into Cambodia had an important impact on congressional attempts to legislate restrictions on U.S. military operations. It triggered congressional amendments aimed at restrictions on U.S. military operations not only in Cambodia but in Vietnam as well.

The third policy element was the negotiation and signing of an “Agreement on Ending the War and Restoring Peace in Vietnam” between the United States and North Vietnam on January 27, 1973. The agreement, in effect a cease-fire agreement with additional political provisions, provided for the withdrawal of all U.S. troops from South Vietnam within 60 days of the signing of the accord. U.S. troops were withdrawn fully by March 1973.

A major problem for President Nixon and Secretary of State Henry Kissinger in negotiating the agreement was securing the support of South Vietnamese President Nguyen Van Thieu. In a November 14, 1972, letter, President Nixon assured President Thieu that “But far more important than what we say in the agreement on this issue is what we do in the event the enemy renews its aggression. You have my absolute assurance that if Hanoi fails to abide by the terms of this agreement it is my intention to take swift and severe retaliatory action.”²

President Nixon and other Administration officials hinted publicly in March 1973 that the United States would intervene militarily if North Vietnam violated the cease-fire agreement. On May 3, 1973, President Nixon submitted a report to

² Nixon, Richard. *No More Vietnams*. New York, Arbor House, 1985. P. 155-156. Kissinger, Henry. *Ending the Vietnam War*. New York, Simon & Schuster, 2003. P. 385.

Congress entitled *U.S. Foreign Policy for the 1970s: Shaping a Durable Peace*. In it, he asserted that the United States would not tolerate communist violations of the agreement and that North Vietnam would risk renewed confrontation with the United States if it broke the agreement.³

President Nixon undoubtedly had in mind the renewal of U.S. bombing of North Vietnam and North Vietnamese forces in South Vietnam if Hanoi renewed the war. As the Nixon Administration withdrew U.S. ground forces from Vietnam in 1971 and 1972, it ordered heavy bombing of communist forces and installations, including massive bombing by B-52 bombers. These indications of Nixon's policy intention no doubt influenced the legislation proposed and passed by Congress in mid-1973 to cut off funding for combat operations "in or over or from off the shore of North Vietnam, South Vietnam...."

For a CRS Report that compares Congressional funding cutoffs of U.S. military forces to use of the War Powers Act, see CRS Report RS20775, *Congressional Use of Funding Cutoffs Since 1970 Involving U.S. Military Forces and Overseas Deployments*, by Richard F. Grimmett.

Types of Restrictions on Military Activities

The proposals included in **Table 1** adopted funding cutoffs that follow certain patterns. The section that follows describes the types of restrictions and identifies proposals that fall under that category using the number included in both the tables and the appendix that follow.

Prohibiting the Obligation or Expenditure of Funds

The proposals to cut off funds generally prohibit obligating or expending funds in a particular bill or bills after Congress has appropriated the funds. Obligations occur when the government signs a contract to buy goods or services or pays its military or civilian personnel.⁴ Expenditures, or outlays, take place when the contractor or employee is paid.

Generally, funding prohibitions apply as of a certain date, to specific countries, and particular types of military activities (entries 2, 3, 4, 5). In one case, the Department of Defense was prohibited from transferring funds from its regular programs to finance wartime operations (entry 18).

³ Karnow, Stanley. *Vietnam: A History*. New York, The Viking Press, 1983. P. 656. U.S. Congressional Research Service. *U.S. Foreign Policy for the 1970's: An Analysis of the President's 1973 Foreign Policy Report and Congressional Action*. Prepared for the Senate Committee on Foreign Relations. Washington, DC, U.S. Govt. Print. Office, 1973. P. 19.

⁴ Obligations also occur when one of the military services orders goods or services from other DOD organizations that supply parts, repair weapons systems, or provide other services such as providing fuel.

Where and How Funding Prohibitions Applied. In some cases, funding prohibitions applied to certain military operations — such as combat operations — and were absolute (entries 2, 3, 4, 17). In other cases, funding was to be cut off for some military activities (e.g., combat) but permitted for other activities (e.g., the withdrawal of troops or the protection of U.S. civilians) (entries 6, 9, 10, 14).

In other cases, the funding cutoff was contingent upon certain conditions or events taking place, such as the negotiation by the President of a cease-fire, the release of U.S. prisoners of war (POWs), or a presidential determination that personnel can be withdrawn safely (entries 11,12,13,15). In some cases, the President could recommend extending the deadline if certain conditions, such as the safe withdrawal of troops, have not occurred (entries 12,13). The prohibition on obligating or spending funds could also be reversed if Congress authorized the activity (entries 5,7,19,20).

Prohibitions on funding were set to take effect as of or after a particular date or some specified length of time after enactment and applied to the funds included in the bill under consideration, all previous bills of that type, or any bill (entry 2, 3, 7, 16, 19, 24 and 26).⁵ Funding restrictions were placed in various types of bills, often appropriations bills but sometimes authorization or other bills (e.g., amendments to the Selective Service Act).

Types of Military Activities Covered. The range of prohibited military activities included also varied from the specific — “Bomb, rocket, napalm, or otherwise attack by air, any target whatsoever ...”(entry 13) or the “deployment of ground elements” in Yugoslavia (entry 20) to general designations such as combat activities, conducting U.S. military operations (entries 2 and 12) or “to support directly or indirectly combat activities,” (entry 17), or the “involvement United States military forces in hostilities” (entry 19).

The well-known McGovern-Hatfield amendment that was considered in 1970 combined several of the elements above — prohibiting funds for some but not other specified military activities, setting two specific deadlines, one for a ceiling on the number of troops and another for the withdrawal of remaining forces while at the same time giving the President some leeway to propose an alternative.

The amendment prohibited the obligation or expenditure of funds “authorized by this or any other act” to “maintain a troop level of more than 280,000 armed forces” in Vietnam after April 30, 1971, unless the President finds that a 60-day extension is necessary and recommends that to Congress. For a set period — between April 30 and December 31, 1971, the amendment limited the “expenditure of funds” in or over Indochina to the “safe and systematic withdrawal of remaining forces,” or providing asylum to endangered Vietnamese (entry 8). It was rejected in June 1971.

⁵ Prohibitions that apply to any bill including future bills could be challenged on constitutional grounds since one Congress cannot obligate another Congress.

Non-Funding Restrictions on Military Activities

Table 2 describes eight proposals — including four that were enacted — which adopt a variety of non-funding restrictions considered by Congress during the Indochina conflict. Several well-known amendments were introduced by Senator Mansfield including two that required the termination of U.S. military operations in Indochina at “the earliest practicable date” as well as a withdrawal of all troops within either six or nine months. These versions ultimately did not pass (entries 24 and 26).

Two other Mansfield amendments provided for a “prompt and orderly withdrawal” at “the earliest practicable date,” but did not set a time limit (entries 23 and 25). One amendment was a sense of the Congress and the other stated that it was U.S. policy to terminate military operations and withdraw forces. Although both of these amendments were enacted in the fall of 1971, their practical effect is not clear since no deadline was set. All U.S. troops were withdrawn by March 1973 as required by the Paris Peace accords, almost a year and a half after passage of the first Mansfield amendment.

In other cases, such as Somalia in 1993, Congress considered provisions requiring that the President remove forces by January 31, 1994, unless there is a declaration of war or specific Congressional authorization (entry 29).

Congress also considered and passed a repeal of the August 10, 1964, Gulf of Tonkin Resolution that gave congressional approval to “take all necessary measures” to repel an armed attack against the United States in January 1971, but military operations continued in Vietnam for another two years (entry 21).

Table 1. Funding Restrictions on Military Operations

Year	Bill #	Legislative Vehicle	Common Name of Amdt.	Brief Description	Committee Reports			Votes on amdt./rpt.		Date Enacted	Public Law #, Section	Appendix #
					House	Senate	Conference	House	Senate			
FUNDING RESTRICTIONS ON MILITARY OPERATIONS												
ENACTED												
1970	H.R. 19911	Special Foreign Assistance Act of 1971	Cooper-Church	Prohibited using any funds authorized or appropriated in this or any other act to finance the introduction of ground troops or U.S. advisors in Cambodia. Specified that any military or economic assistance given to Cambodia should not be construed as a commitment to defend Cambodia.		S.Rept. 91-1437	H.Rept. 91-1791 H. Adopted voice vote S. Adopted 41-20		Adopted 72-22 [S. Rpt]	5-Jan-71	P.L. 91-652 Sec. 7	1
1973	H.J.Res. 636	Making Continuing Approp. for the Fiscal Year 1974, and for Other Purposes		Prohibited obligation or expenditure of any funds in this or any previous law on or after August 15, 1973 to directly or indirectly finance “combat in or over or from off the shores of North Vietnam, South Vietnam, Laos or Cambodia.”		S.Rept. 93-277	H.Rept. 93-364 H. Adopted 266-75 S. Adopted by voice vote		Adopted 73-16 [S. Rpt.]	1-Jul-73	P.L. 93-52 Sec. 108	2

Year	Bill #	Legislative Vehicle	Common Name of Amdt.	Brief Description	Committee Reports			Votes on amdt./rpt.		Date Enacted	Public Law #, Section	Appendix #
					House	Senate	Conference	House	Senate			
FUNDING RESTRICTIONS ON MILITARY OPERATIONS												
ENACTED												
1973	H.J.Res. 727	Continuing Appropri., 1974		Extended the ban on obligating or expending funds appropriated in this or previous laws for combat activities in or over Cambodia, Laos and North and South Vietnam that was included in the CR for FY74 CR (P.L.93-52) from August 15, 1973 until the adjournment of the 93rd Congress.	H.Rept. 93-519 Adopted 368-7			Adopted 309-99	Adopted 73-2	16-Oct-73	P.L. 93-124 Sec. 1 [See Sec. 108 of P.L. 93-52]	3
1973	H.R. 9055	Second Supp. Appropriations Act, 1973		Prohibited expenditure of funds in this act for reconstruction in North Vietnam; prohibited expenditure of funds in this or any previous act or for combat activities “in or over . . . or off the shores of” Cambodia, Laos, North Vietnam and South Vietnam after August 15, 1973.	H.Rept. 93-350	No amdt. or debate		Adopted 278-124	Adopted 72-14	1-Jul-73	P.L. 93-50, Sec. 304 and Sec. 307	4

Year	Bill #	Legislative Vehicle	Common Name of Amdt.	Brief Description	Committee Reports			Votes on amdt./rpt.		Date Enacted	Public Law #, Section	Appendix #
					House	Senate	Conference	House	Senate			
FUNDING RESTRICTIONS ON MILITARY OPERATIONS												
ENACTED												
1973	H.R. 7645	Department of State Approp. Auth. Act of 1973		Prohibited obligation or expenditure of appropriations in previous or any future act on or after August 15, 1973 to “finance the involvement of U.S. military forces in hostilities in or over or from off the shores of” North Vietnam, South Vietnam, Laos or Cambodia or to provide assistance of any kind to North Vietnam unless funds are specifically authorized by Congress.		S.Rept. 93-176	H.Rept. 93-367; 2nd Conf. Rpt: H.Rept. 93-563; [Added August 15, 1973 date to Case-Church amdt.] 2nd Conf. Rpt. adopted in H. and S. by voice vote.	Adopted 1st Conf. Rpt. by voice vote, with revisions Adopted 2nd Conf. Rpt. by voice vote	Adopted Senate Rept. 67-15 Adopted 2nd Conf. Rpt. by voice vote	18-Oct-73	P.L. 93-126, Sec. 13	5
1993	H.R. 3116	Department of Defense Approp. Act, 1994	Byrd	Prohibited the obligations of funds after March 31, 1994 for military operations in Somalia unless 1) requested by the president and authorized by Congress; 2) necessary to protect U.S. civilians; 3) for U.S. combat forces under the command and control of U.S. commanders; and 4) if the President intensifies efforts, to have UN members deploy additional troops to Somalia to take over U.S. efforts.			H.Rept. 103-339	Adopted conf. rpt., voice vote	Byrd floor amdt., calling for March 31 deadline, Adopted 76-23 Adopted conf. rpt., 88-9	11-Nov-93	P.L. 103-139 Sec.8151	6

Year	Bill #	Legislative Vehicle	Common Name of Amdt.	Brief Description	Committee Reports			Votes on amdt./rpt.		Date Enacted	Public Law #, Section	Appendix #
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FUNDING RESTRICTIONS ON MILITARY OPERATIONS												
NON-ENACTED AMENDMENTS WITH ROLL-CALL VOTES												
1970	H.R. 15628	To Amend the Foreign Military Sales Act, and for Other Purposes	Cooper-Church	Prohibits expenditure of funds in this Act or any other law after July 1, 1970 to retain U.S. forces in Cambodia, support U.S. personnel or contract for military instruction or conduct combat activities in Cambodia “unless specifically authorized by law hereafter enacted.” [As introduced in the Senate and adopted, and later tabled in the House]				Tabled in a motion by Riegle, 237-153	Adopted 58-37			7

Year	Bill #	Legislative Vehicle	Common Name of Amdt.	Brief Description	Committee Reports			Votes on amdt./rpt.		Date Enacted	Public Law #, Section	Appendix #
					House	Senate	Conference	House	Senate			
FUNDING RESTRICTIONS ON MILITARY OPERATIONS												
NON-ENACTED AMENDMENTS WITH ROLL-CALL VOTES												
1970	H.R. 17123	Military Procurement Authorization Act of FY1971	McGovern-Hatfield	Prohibits the obligation or expenditures of funds “authorized by this or any other act” to “maintain a troop level of more than 280,000 armed forces” in Vietnam after April 30, 1971 unless the president finds that up to a 60-day extension is needed in case of a clear and present danger to U.S. troops, or the president submits a new date for Congressional approval and informs Congress within 10 days of the extension; between April 30 and December 31,1971, limits expenditure of funds for U.S. armed forces “in and over Indochina” to “safe and systematic withdrawal of remaining armed forces” and provision of safe asylum for endangered Vietnamese. [As introduced in the Senate and rejected.]					Rejected 39-55			8

Year	Bill #	Legislative Vehicle	Common Name of Amdt.	Brief Description	Committee Reports			Votes on amdt./rpt.		Date Enacted	Public Law #, Section	Appendix #
					House	Senate	Conference	House	Senate			
FUNDING RESTRICTIONS ON MILITARY OPERATIONS												
NON-ENACTED AMENDMENTS WITH ROLL-CALL VOTES												
1971	H.R. 6531	Military Selective Service Act of 1967, Amendments	McGovern-Hatfield	Prohibits expenditure of any funds after Dec. 31, 1972 that have been authorized or appropriated under this or any other act for deploying U.S. armed forces or conducting military operations “in or over Indochina” except for protecting U.S.forces during a withdrawal, arranging protection for endangered S. Vietnamese, Cambodians, or Laotians, or assisting Indochinese nations as approved by Congress. [As introduced in the Senate and rejected.]					Rejected 42-55			9

Year	Bill #	Legislative Vehicle	Common Name of Amdt.	Brief Description	Committee Reports			Votes on amdt./rpt.		Date Enacted	Public Law #, Section	Appendix #
					House	Senate	Conference	House	Senate			
FUNDING RESTRICTIONS ON MILITARY OPERATIONS												
NON-ENACTED AMENDMENTS WITH ROLL-CALL VOTES												
1971	H.R. 6531	Military Selective Service Act of 1967, Amendments	Chiles	Prohibits expenditure of any funds authorized or appropriated under this or any other act after June 1, 1972 to deploy or maintain U.S. armed forces or conduct military operations “in or over Indochina” except to protect U.S. forces during withdrawal, provide protection for endangered S. Vietnamese, Cambodians, or Laotians, or assist nations of Indochina in amounts approved by Congress. [As introduced in the Senate and rejected.]					Rejected 44-52			10

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					House	Senate	Conference	House	Senate			
FUNDING RESTRICTIONS ON MILITARY OPERATIONS												
NON-ENACTED AMENDMENTS WITH ROLL-CALL VOTES												
1971	H.R. 6531	Military Selective Service Act of 1967, Amendments	Cook	Prohibits expenditure of funds authorized or appropriated in this or any other law nine months after enactment to support U.S. troops or conduct U.S. military operations “in or over” South Vietnam, Laos, Cambodia, or North Vietnam, subject to a commitment from the N. Vietnamese gov’t to release U.S. personnel within 60 days of enactment; requires reporting to Congress and sets up expedited procedures to consider continuation of provisions. [As introduced in the Senate and adopted (later amended by Mansfield amdt. in the nature of a substitute (see #24)).]					Adopted 61-38 Later amended by Mansfield amdt. in the nature of a substitute (see # 24).			11

Year	Bill #	Legislative Vehicle	Common Name of Amdt.	Brief Description	Committee Reports			Votes on amdt./rpt.		Date Enacted	Public Law #, Section	Appendix #
					House	Senate	Conference	House	Senate			
FUNDING RESTRICTIONS ON MILITARY OPERATIONS												
NON-ENACTED AMENDMENTS WITH ROLL-CALL VOTES												
1971	H.R. 8687	Armed Forces, Approp. Authorization 1972	Nedzi-Whalen	Prohibits expenditure of any funds authorized or appropriated in this Act after December 31, 1971 to deploy U.S. military personnel or conduct military operations in or over South Vietnam, North Vietnam, Cambodia, or Laos; if the President determines that U.S. military personnel cannot be withdrawn safely or prisoners of war cannot be returned, the President shall recommend to Congress another date within the fiscal year. [As introduced in the House and rejected]				Rejected 158-255				12

Year	Bill #	Legislative Vehicle	Common Name of Amdt.	Brief Description	Committee Reports			Votes on amdt./rpt.		Date Enacted	Public Law #, Section	Appendix #
					House	Senate	Conference	House	Senate			
FUNDING RESTRICTIONS ON MILITARY OPERATIONS												
NON-ENACTED AMENDMENTS WITH ROLL-CALL VOTES												
1971	H.R. 8687	Armed Forces, Appropriation Authorization1972	Gravel	Prohibits expenditure of any funds authorized or appropriated under this or any other law to “bomb, rocket, napalm, or otherwise attack by air any target whatsoever” within Cambodia, Thailand, Vietnam or Laos unless the President determines it necessary to ensure the safety of U.S. forces withdrawing from Indochina. [As introduced in the Senate and rejected.]					Rejected 19-64			13

Year	Bill #	Legislative Vehicle	Common Name of Amdt.	Brief Description	Committee Reports			Votes on amdt./rpt.		Date Enacted	Public Law #, Section	Appendix #
					House	Senate	Conference	House	Senate			
FUNDING RESTRICTIONS ON MILITARY OPERATIONS												
NON-ENACTED AMENDMENTS WITH ROLL-CALL VOTES												
1971	H.R. 9910	Foreign Assistance Act of 1971	Cooper-Church	States that the repeal of the Tonkin Gulf Resolution has left the U.S. government without congressional authority for continued participation in the Indochina war. Requires that on or after enactment of this act, funds authorized in this or any other Act can be used only to withdraw U.S. forces from Indochina and may not be used to engage in hostilities in North or South Vietnam, Cambodia or Laos except to protect withdrawing forces. [As reported by the Senate Foreign Relations Committee (later stricken out by the Scott amdt. on the floor)]					[Stricken out of H.R. 9910 by the Scott amdt., which was adopted by a 47-44 vote]			14

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FUNDING RESTRICTIONS ON MILITARY OPERATIONS												
NON-ENACTED AMENDMENTS WITH ROLL-CALL VOTES												
1972	H.R. 15495	Armed Forces, Approp. Authorization 1973	Cranston	Requires withdrawal of all troops and states that “No funds shall be authorized, appropriated, or used” to maintain any U.S. military forces in South Vietnam after October 1, 1972. States that U.S. involvement “shall terminate” after a verified ceasefire agreement, the release of U.S. Prisoners of War (POW), and an accounting for all missing POWs. [As introduced in the Senate, adopted, and later amended by the Brooke amdt. (see # 16).]					Adopted 50-47			15

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FUNDING RESTRICTIONS ON MILITARY OPERATIONS												
NON-ENACTED AMENDMENTS WITH ROLL-CALL VOTES												
1972	H.R. 15495	Armed Forces, Approp. Authorization1973	Brooke	Limits use of funds authorized or appropriated by this or any other act to withdrawal of or protection of withdrawing forces from Vietnam, Cambodia and Laos to be carried out within four months after the enactment provided that all American prisoners of war are released. [As introduced in the Senate, adopted to amend the Cranston amdt. (see # 15) (later stripped out).]			H.Rept. 92-1388		Amended the Cranston amdt. in the nature of a substitute (see # 15). Adopted 49-47. Brooke amdt. then stripped out of H.R. 15495 in conference. House Conferees ruled the provision non-germane			16

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FUNDING RESTRICTIONS ON MILITARY OPERATIONS												
NON-ENACTED AMENDMENTS WITH ROLL-CALL VOTES												
1973	H.R. 7447	Supp. Approps., 1973		Prohibits expenditure of funds appropriated in Act for reconstruction of North Vietnam and prohibits use of funds appropriated in this or past acts to support “directly or indirectly combat activities in, over, or from off the shores of Cambodia or Laos” by U.S. forces. [As reported in S. Rpt 93-160 and included in both Senate and Conference passed versions of H.R. 7447, which was later vetoed by the President.]		S.Rept. 93-160	H.Rept. 93-295 H. Adopted 235-172 S. Adopted 81-11		Adopted as part of H.R. 7447 73-5	Vetoed June 27, 1973 [See # 4, the Second Supp. Approp. Act, 1973 for a similar version that was enacted]		17

Year	Bill #	Legislative Vehicle	Common Name of Amdt.	Brief Description	Committee Reports			Votes on amdt./rpt.		Date Enacted	Public Law #, Section	Appendix #
					House	Senate	Conference	House	Senate			
FUNDING RESTRICTIONS ON MILITARY OPERATIONS												
NON-ENACTED AMENDMENTS WITH ROLL-CALL VOTES												
1973	H.R. 7447	Supp. Approps., 1973	Addabbo	Prohibits the Defense Department from transferring \$430 million in H.R. 7447 from other defense programs for U.S. military activity in Southeast Asia, including the cost of bombing raids over Cambodia incurred from January through March 1973 and paying for increased costs due to devaluation of the dollar. [As reported in H.Rept. 93-164 and adopted in House, Senate, and Conference passed versions of H.R. 7447, which was later vetoed by the President.]	H.Rept. 93-164	S.Rept. 93-160	H.Rept. 93-295 H. Adopted 235-172 S. Adopted 81-11	Adopted 219-188 Adopted as part of H.R. 7447 284-96	Adopted as part of H.R. 7447 73-5	Vetoed June 27, 1973 [See # 4, the Second Supp. Approp. Act, 1973]		18

Year	Bill #	Legislative Vehicle	Common Name of Amdt.	Brief Description	Committee Reports			Votes on amdt./rpt.		Date Enacted	Public Law #, Section	Appendix #
					House	Senate	Conference	House	Senate			
FUNDING RESTRICTIONS ON MILITARY OPERATIONS												
NON-ENACTED AMENDMENTS WITH ROLL-CALL VOTES												
1973	H.R. 7645	State Department Approp. Authorization	Case-Church	Prohibits obligation or expenditure of funds “heretofore or hereafter appropriated” to finance the involvement of U.S. military forces in North Vietnam, South Vietnam, Laos or Cambodia or to provide direct or indirect assistance to North Vietnam “unless specifically authorized hereafter by the Congress.” [As reported by the Senate Foreign Relations committee and adopted in the Senate (modified in conference., see #5 for an enacted version of the language).]		S.Rept. 93-176			Adopted as part of H.R. 7645 67-15			19
1999	H.R. 1569	Military Operations in the Federal Republic of Yugoslavia Limitation Act of 1999		Prohibits obligating or expending funds appropriated to the Defense Department for the deployment of “ground elements” of the U.S. Armed Forces in the Federal Republic of Yugoslavia unless that deployment is specifically authorized by law except to rescue U.S. or NATO military personnel or U.S. civilians. [As introduced and passed by the House.]				Adopted 249-180				20

Year	Bill #	Legislative Vehicle	Common Name of Amdt.	Brief Description	Committee Reports			Votes on amdt./rpt.		Date Enacted	Public Law #, Section	Appendix #
					House	Senate	Conference	House	Senate			
FUNDING RESTRICTIONS ON MILITARY OPERATIONS												
NON-ENACTED AMENDMENTS WITH ROLL-CALL VOTES												
1999	H.R. 1664	Emergency Steel Loan Guarantee and Emergency Oil and Gas Guaranteed Loan Act of 1999	Istook	States that none of the funds appropriated by this act are available to implement “any plan to invade the Federal Republic of Yugoslavia with ground forces” of the U.S. “except in time of war.” [As introduced and rejected.]				Rejected 117-301				21

Source: *Congressional Record*, Congressional reports and public law, as cited above.

Note: Table prepared by Lynn J. Cunningham and Hannah Fischer.

Table 2: Non-Funding Restrictions on Military Operations

Year	Bill #	Legislative Vehicle	Common Name of Amdt.	Brief Description	Committee Reports			Votes on amdt./rpt.		Date Enacted	Public Law #, Section	Appendix #
					House	Senate	Conference	House	Senate			
NON-FUNDING RESTRICTIONS ON MILITARY OPERATIONS												
ENACTED												
1970	H.R. 15628	To Amend the Foreign Military Sales Act, and for Other Purposes	Repeal of the Gulf of Tonkin Resolution [Introduced by Dole]	Repealed the August 10, 1964 Gulf of Tonkin Resolution which had given congressional approval to the Johnson Administration “to take all necessary measures to repel an armed attack against the forces of the United States and to prevent any further aggression” as of the adjournment of the 91st Congress, January 2, 1971.			H.Rept. 91-1805	Adopted, voice vote	Adopted, voice vote	12-Jan-71	P.L. 91-672 Sec. 12	22
1971	H.R. 6531	Military Selective Service Act of 1967, Amendments	Mansfield	Called for the termination of military operations in Indochina at “the earliest practicable date,” and for a withdrawal of all forces, subject to the return of all American prisoners of war. Also urged the President to negotiate with North Vietnam a date for the withdrawal of all forces, an immediate cease-fire agreement, and a series of phased and rapid withdrawals of U.S. forces in return for the release of prisoners of war.			H.Rept. 92-433	Adopted 298-108 [Conf. Rpt]	Adopted 55-30 [Conf. Rpt.]	28-Sep-71	P.L. 92-129 Sec. 401	23

Year	Bill #	Legislative Vehicle	Common Name of Amdt.	Brief Description	Committee Reports			Votes on amdt./rpt.		Date Enacted	Public Law #, Section	Appendix #
					House	Senate	Conference	House	Senate			
NON-FUNDING RESTRICTIONS ON MILITARY OPERATIONS												
ENACTED												
1971	H.R. 8687	Armed Forces, Approp. Authorization 1972	Mansfield	Called for the termination of military operations in Indochina at “the earliest practicable date,” and for a withdrawal of all forces, subject to the return of all American prisoners of war. Also urged the President to set a final date for the withdrawal of all forces, to negotiate a cease-fire agreement with North Vietnam, and to negotiate with North Vietnam a series of phased and rapid withdrawals of U.S. forces in return for the release of prisoners of war.			H.Rept. 92-618	Adopted by voice vote [Conf. Rpt.]	Adopted 65-19 [Conf. Rpt.]	17-Nov-71	P.L. 92-156 Sec. 601	25
1993	H.R. 2401	National Defense Authorization Act for Fiscal Year 1994	Gephardt	Sense of the Congress resolution that the President “should consult closely with the Congress” about U.S. policy in Somalia, particularly the deployment of troops, required the President to report to Congress on the goals, objectives, and “anticipated duration in Somalia” of U.S. forces; Stated that Congress “believes” the President should “seek and receive congressional authorization” for the continued deployment of U.S. forces in Somalia by November 15, 1993.			H.Rept. 103-357	Adopted Gephardt amdt. with this language 405-23 Adopted conf. rpt. 273-135	Adopted Conf. Rpt. 77-22	30-Nov-93	P.L. 103-160 Sec. 1512	27

Year	Bill #	Legislative Vehicle	Common Name of Amdt.	Brief Description	Committee Reports			Votes on amdt./rpt.		Date Enacted	Public Law #, Section	Appendix #
					House	Senate	Conference	House	Senate			
NON-FUNDING RESTRICTIONS ON MILITARY OPERATIONS												
NON-ENACTED AMENDMENTS WITH ROLL CALL VOTES												
1971	H.R. 6531	Military Selective Service Act of 1967, Amendments	Mansfield	Declared it to be U.S. policy to “terminate at the earliest practicable date all military operations of the United states in Indochina,” and “provide for a prompt and orderly withdrawal of all” U.S. military forces within nine months of enactment subject to the release of all American prisoners of war. “Urges and directs the President” to set a withdrawal date and negotiate with North Vietnam a cease-fire agreement with “a series of rapid and phased withdrawals” of U.S. forces in return for release of U.S. prisoners of war. [As introduced to amend the Cook amdt. (see #11) (later revised in conference).]					Amended the Cook amdt., in the nature of a substitute (see #11 for the Cook amdt.). Adopted, 57-42 Language revised in conference. See # 23 for revised version that became a public law.			24

Year	Bill #	Legislative Vehicle	Common Name of Amdt.	Brief Description	Committee Reports			Votes on amdt./rpt.		Date Enacted	Public Law #, Section	Appendix #
					House	Senate	Conference	House	Senate			
NON-FUNDING RESTRICTIONS ON MILITARY OPERATIONS												
NON-ENACTED AMENDMENTS WITH ROLL CALL VOTES												
1971	H.R. 8687	Armed Forces, Approp. Authorization1972	Mansfield	Declared it to be U.S. policy to “terminate at the earliest practicable date all military operations of the United states in Indochina,” and “provide for a prompt and orderly withdrawal of all” U.S. military forces within six months of enactment subject to the release of all American prisoners of war. “Urges and directs the president” to set a withdrawal date and negotiate with North Vietnam a cease-fire agreement with “a series of rapid and phased withdrawals” of U.S. forces in return for release of U.S. prisoners of war. [As introduced (later revised in conference).]					Adopted 57-38 Language revised in conference. See # 25 for revised version that became a public law.			26

Year	Bill #	Legislative Vehicle	Common Name of Amdt.	Brief Description	Committee Reports			Votes on amdt./rpt.		Date Enacted	Public Law #, Section	Appendix #
					House	Senate	Conference	House	Senate			
NON-FUNDING RESTRICTIONS ON MILITARY OPERATIONS												
NON-ENACTED AMENDMENTS WITH ROLL CALL VOTES												
1972	H.R. 16029	Foreign Assistance Act of 1972	Hamilton	Terminates the “involvement of” U.S. forces in hostilities on or over Indochina and requires withdrawal of those forces by October 1, 1972 if there is a verified cease-fire between the United States and North Vietnam and its allies allowing for a safe withdrawal of U.S. forces, and subject to release of all American prisoners of war and accounting for all Americans missing in action. [As reported in H.Rept. 92-1273 (later stripped out).]	H.Rept. 92-1273			Provision included in H.Rept. 92-1273 and then was stripped out of H.R. 16029 by the Bolling amdt, adopted 229-177.				28
1993	H.Con. Res. 170	Department of Defense Approp. Act, 1994	Gilman	Directs the President to remove U.S. armed forces from Somalia by January 31, 1994 citing requirement in the War Powers Act to remove U.S. forces unless there is a declaration of war or specific Congressional authorization if Congress passes a concurrent resolution. [As introduced (later amended to set a March 31, 1994, rather than January 31, 1994, deadline).]				Adopted 224-203 Adopted an amdt., setting March 31 deadline, 226-201				29

Source: *Congressional Record*, Congressional reports and public law, as cited above.

Notes: Numbers in the Appendix column are not sequential in order to segregate enacted and non-enacted provisions in the Mansfield Amendment, whereas the appendix itself follows the chronological progression of the Mansfield amendment. Table prepared by Lynn J. Cunningham and Hannah Fischer.

Appendix: Text of Proposed or Enacted Provisions

Funding Restrictions on Military Operations

1. Cooper-Church Amendment, P.L. 91-652, H.R. 19911

Sec. 7. (a) In line with the expressed intention of the President of the United States, none of the funds authorized or appropriated pursuant to this or any other act may be used to finance the introduction of United States ground troops into Cambodia, or to provide United States advisers to or for Cambodian military forces in Cambodia; (b) military and economic assistance provided by the United States to Cambodia and authorized or appropriated pursuant to this or any other act shall not be construed as a commitment by the United States to Cambodia for its defense.

2. Continuing Appropriations, P.L. 93-52, H.J.Res. 636

Sec. 108. Notwithstanding any other provision of law, on or after August 15, 1973, no funds herein or heretofore appropriated may be obligated or expended to finance directly or indirectly combat activities by United States military forces in or over or from off the shores of North Vietnam, South Vietnam, Laos or Cambodia.

3. Continuing Appropriations, 1974, P.L. 93-124, H.J.Res. 727

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That clause (c) of section 102 of the joint resolution of July 1, 1973 (Public Law 93-52), is hereby amended by striking out "September 30, 1973" and inserting in lieu thereof "the sine die adjournment of the first session of the Ninety-third Congress".

4. Second Supplemental Appropriations Act, P.L. 93-50, H.R. 9055

Sec. 304. No funds appropriated in this Act shall be expended to aid or assist in the reconstruction of the Democratic Republic of Vietnam (North Vietnam).

Sec. 307. None of the funds herein appropriated under this Act may be expended to support directly or indirectly combat activities in or over Cambodia, Laos, North Vietnam and South Vietnam or off the shores of Cambodia, Laos, North Vietnam and South Vietnam by United States forces, and after August 15, 1973, no other funds heretofore appropriated under any other Act may be expended for such purpose.

5. Department of State Authorization, P.L. 93-126, H.R. 7645

Sec. 13. Notwithstanding any other provision of law, on or after August 15, 1973, no funds heretofore or hereafter appropriated may be obligated or expended to finance the involvement of United States military forces in hostilities in or over or from off the shores of North Vietnam, South Vietnam, Laos, or Cambodia, unless specifically authorized hereafter by the Congress. Notwithstanding any other provision of law, upon enactment of this Act, no funds heretofore or hereafter appropriated may be obligated or expended for the purpose of providing assistance of any kind, directly or indirectly, to or on behalf of North Vietnam, unless specifically authorized hereafter by the Congress.

6. Byrd Amendment, P.L. 103-139, H.R. 3116

Sec. 8151. (B) United States combat forces in a security role and as an interim force protection supplement to United Nations units: *Provided*, That funds appropriated, or otherwise made available, in this or any other Act to the Department of Defense may be obligated for expenses incurred only through March 31, 1994, for the operations of United States Armed Forces in Somalia: *Provided further*, That such date may be extended if so requested by the President and authorized by the Congress: *Provided further*, That funds may be obligated beyond March 31, 1994 to support a limited number of United States military personnel sufficient only to protect American diplomatic facilities and American citizens, and noncombat personnel to advise the United Nations commander in Somalia: *Provided further*, That United States combat forces in Somalia shall be under the command and control of United States commanders under the ultimate direction of the President of the United States: *Provided further*, That the President should intensify efforts to have United Nations member countries immediately deploy additional troops to Somalia to fulfill previous force commitments made to the United Nations and to deploy additional forces to assume the security missions of United States Armed Forces....

7. Cooper-Church Amendment, H.R. 15628, Senate Foreign Relations Committee Amdt. No. 3, H.R. 15628

In concert with the declared objectives of the President of the United States to avoid the involvement of the United States in Cambodia after July 1, 1970, and to expedite the withdrawal of American forces from Cambodia, it is hereby provided that unless specifically authorized by law hereafter enacted, no funds authorized or appropriated pursuant to this act or any other law may be expended after July 1, 1970 for the purpose of:

- (1) retaining United States forces in Cambodia;
- (2) paying the compensation or allowances of, or otherwise supporting, directly or indirectly, any United States personnel in Cambodia who furnish military instruction to Cambodian forces or engage in any combat activity in support of Cambodian forces;
- (3) entering into or carrying out any contract or agreement to provide military instruction in Cambodia or to provide persons to engage in any combat activity in support of Cambodian forces; or
- (4) conducting any combat activity in direct support of Cambodian forces; nothing contained in this section shall be deemed to impugn the constitutional power of the President as Commander in Chief, including the exercise of that constitutional power which may be necessary to protect the lives of U.S. armed forces wherever deployed; nothing contained in this section shall be deemed to impugn the constitutional powers of the Congress including the power to declare war and to make rules for the government and regulation of the armed forces of the United States.

8. McGovern-Hatfield Amendment, H.R. 17123

(a) In accordance with public statements of policy by the President, no funds authorized by this or any other act may be obligated or expended to maintain a troop level of more than 280,000 armed forces of the United States in Vietnam after April 30, 1971.

(b) After April 30, 1971, funds herein authorized or hereafter appropriated may be expended in connection with activities of American Armed Forces in and over Indochina only to accomplish the following objectives:

(1) the orderly termination of military operations there and the safe and systematic withdrawal of remaining armed forces by December 31, 1971;

(2) to secure the release of prisoners of war;

(3) the provision of asylum for Vietnamese who might be physically endangered by withdrawal of American forces; and

(4) to provide assistance to the Republic of Vietnam consistent with the foregoing objectives; provided however, that if the President while giving effect to the foregoing paragraphs of this section, finds in meeting the termination date that members of the American armed forces are exposed to unanticipated clear and present danger, he may suspend the application of paragraph 2(a) for a period not to exceed 60 days and shall inform the Congress forthwith of his findings; and within 10 days following application of the suspension the President may submit recommendations, including (if necessary) a new date applicable to subsection b(1) for Congressional approval.

9. McGovern-Hatfield Amendment, H.R. 6531

Sec.302. (a) Subject to the provisions of subsection (c) of this section, no funds authorized or appropriated under this or any other law may be expended after December 31, 1971, to support the deployment of United States Armed Forces in or the conduct of United States military operations in or over Indochina.

(b) Nothing in this section shall be construed to affect the authority of the President to:

(1) provide for the safety of American armed forces during the withdrawal from Indochina,

(2) arrange asylum or other means of protection for South Vietnamese, Cambodians, and Laotians who might be physically endangered by the withdrawal of American armed forces, or

(3) to provide assistance to the nations of Indochina, in amounts approved by the Congress, consistent with the objectives of this section.

(c) If, after sixty days after the date of enactment of this Act, North Vietnam and other adversary forces in Indochina holding American prisoners of war have not made arrangements for the release and repatriation, by December 31, 1971, of all such prisoners:

(1) the date in subsection (a) shall be extended for sixty days, and

(2) the Congress may by joint resolution authorize such further action as is recommended by the President to secure the release and repatriation of American prisoners of war.

10. Chiles Amendment, H.R. 6531

Sec. 302. (a) Subject to the provisions of subsection (c) of this section, no funds authorized or appropriated under this or any other law may be expended after June 1, 1972, to support the deployment or maintenance of United States Armed Forces in or the conduct of United States military operations in or over Indochina.

(b) Nothing in this section shall be construed to affect the authority of the President to:

(1) provide for the safety of American Armed Forces during their withdrawal from Indochina,

(2) arrange asylum or other means of protection for South Vietnamese, Cambodians, and Laotians who might be physically endangered by the withdrawal of American Armed Forces, or

(3) to provide assistance to the nations of Indochina, in amounts approved by the Congress, consistent with the objectives of this section.

(c) This section shall have no force or effect if North Vietnam and other adversary forces in Indochina holding American prisoners of war or Americans designated as missing in action but held as prisoners of war have not completed the release and repatriation of all such prisoners and missing in action by a date 60 days prior to the date in subsection (a).

11. Cook Amendment, H.R. 6531

Sec.302. (a) (1) It is hereby declared to be the policy of the United States to terminate all involvement of the United States Armed Forces in Indochina as soon as practicable, and to withdraw, within a period not to exceed nine months, all United States military forces and equipment from South Vietnam, Laos and Cambodia.

(2) Subject to the provisions of subsection (b) of this section, no funds authorized or appropriated under this or any other law may be expended after nine months from the date of enactment of this section to support the deployment of United States Armed Forces in, or the conduct of United States military operations in or over, South Vietnam, Laos, Cambodia, or North Vietnam.

(b) If, after the expiration of sixty days following the date of enactment of this section, the President has been unable to obtain a firm commitment from the North Vietnamese Government for the release of all United States personnel held captive by that Government and by forces allied with that Government, he shall promptly report such fact to the Congress in writing, and on and after the fifteenth day following the date on which such report is received by the Congress the provisions of subsection (a) of this section shall have no further force and effect unless the Congress provides for an extension of such provisions as hereinafter provided. Within fifteen days after receiving a report from the President under this subsection, the Congress may determine under the following procedures whether the provisions of subsection (a) of this section shall be continued in effect notwithstanding the President's report:

(1) any bill or resolution providing that subsection (a) of this section shall continue in effect notwithstanding the report of the President, shall, if sponsored or cosponsored by one-third of the Members of the House of Congress in which it originates, be considered reported to the floor of such House no later than one day following its introduction, unless the members of such House otherwise determine by yeas and nays; and any such bill or resolution referred to a committee after having passed one House of Congress shall be considered reported from such committee within three days after it is referred to such committee, unless the Members of the House referring it to committee shall otherwise determine by yeas and nays; and

(2) any bill or resolution reported pursuant to paragraph (1) of this subsection shall immediately become the pending business of the House to which it is reported, and shall be voted upon within three days after such report, unless such House shall otherwise determine by yeas and nays.

(c) Nothing of this section shall be construed to affect the authority of the President to:

(1) provide for the safety of the Armed Forces of the United States during their withdrawal from South Vietnam, Laos, and Cambodia,

(2) arrange asylum or other means of protection for South Vietnamese, Cambodians, and Laotians who might be physically endangered by the withdrawal of Armed Forces of the United States, or

(3) provide assistance as specified by the Congress to the nations of Indochina, in amounts approved by the Congress, consistent with the objectives of this section.

12. Nedzi-Whalen Amendment, H.R. 8687

Sec. 502 (a) No funds authorized to be appropriated pursuant to this Act may be expended after December 31, 1971, to support the deployment of U.S. military personnel or the conduct of any U.S. military operations in or over South Vietnam, North Vietnam, Cambodia, or Laos.

(b) If the President determines that the above limitations will not permit the safe and orderly withdrawal of all U.S. military personnel from Vietnam, or ensure the return of prisoners of war, he shall recommend to the Congress legislation setting another date within the fiscal year which will permit the accomplishment of these objectives.

(c) This section shall not be construed to affect the constitutional power of the President as Commander-in-Chief.

(d) This section shall not be construed to affect the power of the President to provide for (1) asylum or other means to provide for the safety of citizens of the Republic of Vietnam who may be endangered by withdrawal of U.S. forces, and (2) military and economic assistance to Cambodia, Laos, or the Republic of Vietnam consistent with the objectives of this section.

(e) This section shall not be construed to limit the use of funds for purposes which may be necessary to ensure the return of prisoners of war.

(f) This section shall not be construed to prohibit the assignment of customary military personnel to diplomatic missions.

13. Gravel Amendment, H.R. 8687

Title VI — Cessation of Bombing in Indochina

Sec. 601. (a) No funds authorized or appropriated under this or any other law may be expended after the date of enactment of this Act to bomb, rocket, napalm, or otherwise attack by air, any target whatsoever within the Kingdom of Cambodia, the Kingdom of Thailand, the Democratic Republic of Vietnam, and the Kingdom of Laos.

(b). No funds authorized or appropriated under this or any other law may be expended after the date of enactment of this Act to bomb, rocket, napalm, or otherwise attack by air, any target whatsoever within the Republic of Vietnam unless the President determines any such air operation to be necessary to provide for the safety of the United States Armed Forces during the withdrawal from Indochina.

14. Cooper-Church Amendment, H.R. 9910

Withdrawal of United States Forces From Indochina

Sec. 406. (a) The Congress hereby finds that the repeal of the joint resolution entitled “Joint Resolution to promote the maintenance of international peace and security in Southeast Asia”, approved August 10, 1964 (Public Law 88-408), known as the Gulf of Tonkin Resolution, has left the Government of the United States without congressional authority for continued participation in the war in Indochina. Therefore, in order to bring an end to the involvement of the armed forces of the United States in the hostilities in Indochina, to secure the safe return of the United States’ prisoners of war held by North Vietnam and its allies, and to help bring about a political settlement of the war in Indochina, it is the sense of the Congress that it should be the policy of the United States to provide for the expeditious withdrawal from Indochina of all United States armed forces.

(b) On and after the date of enactment of this Act, in order to carry out the policy of withdrawal of all United States armed forces from Indochina, funds authorized for use by such forces by this or any other Act may be used only for the purpose of withdrawal of all such forces from Indochina and may not be used for the purpose of engaging such forces in hostilities in North or South Vietnam, Cambodia, or Laos, except for actions necessary to protect those forces against imminent danger as they are withdrawn.

15. Cranston Amendment, H.R. 15495

(a) Notwithstanding any provision of this or any other Act, all United States military forces, including combat and support forces, stationed in South Vietnam, shall be withdrawn in a safe and orderly manner from South Vietnam no later than October 1, 1972. No funds shall be authorized, appropriated, or used for the purpose of maintaining any United States military forces, including combat and support forces in South Vietnam after October 1, 1972.

(b) The involvement of United States military forces, land, sea, or air for the purpose of maintaining, supporting, or engaging in hostilities in or over Indochina shall terminate after an agreement for (1) a verified cease-fire between United States Forces and the National Liberation Front and those allied with the National Liberation Front, and

(2) the release of all United States prisoners of war held by the Government of North Vietnam and forces allied with such Government, and

(3) an accounting for all Americans missing in action who have been held by or known to such Government of such forces. An accounting for such American personnel referred to above shall be subject to verification by the International Red Cross or any other international body mutually agreed to by the President of the United States and the Government of North Vietnam.

16. Brooke Amendment, H.R. 15495

Sec. 13. (a) Funds authorized or appropriated by this or any other Act for United States forces with respect to military actions in Indochina may be used only for the purposes of withdrawing all United States ground, naval, and air forces from Vietnam, Laos, and Cambodia and protecting such forces as they are withdrawn. The withdrawal of all United States forces from Vietnam, Laos, and Cambodia shall be carried out within four months after the date of enactment of this act: *Provided*, That there is a release within the four month period of all American prisoners of war held by the Government of North Vietnam and all forces allied with such Government.

17. Supplemental Appropriations, H.R. 7447

Title III, Sec. 304. No funds appropriated in this Act shall be expended to aid or assist in the reconstruction of the Democratic Republic of Vietnam (North Vietnam).

Sec. 305. None of the funds herein appropriated under this Act or heretofore appropriated under any other Act may be expended to support directly or indirectly combat activities in, over or from off the shores of Cambodia or in or over Laos by United States forces.

18. Addabbo Amendment, H.R. 7447

On Page 6, strike out lines 9 through 12.

[Affected language, from H.Rept. 93-449: ‘General Provisions: Section 735 of the Department of Defense Appropriation Act, 1973, is amended by deleting “750,000,000” and inserting “1,180,000,000” in lieu thereof.’”]

19. Case-Church Amendment, H.R. 7645

Notwithstanding any other provision of law upon enactment of this act, no funds heretofore or hereafter appropriated may be obligated or expended to finance the involvement of United States military forces in hostilities in or over or from off the shores of North Vietnam, South Vietnam, Laos or Cambodia unless specifically authorized hereafter by the Congress. Notwithstanding any other provision of law, upon enactment of this act, no funds heretofore or hereafter appropriated may be obligated or expended for the purpose of providing assistance of any kind, directly or indirectly, to or on behalf of North Vietnam unless specifically authorized hereafter by the Congress.

20. Military Operations in the Federal Republic of Yugoslavia Limitation Act of 1999, H.R. 1569

Sec.2. Prohibition on use of Department of Defense Funds for deployment of United States Ground Forces to the Federal Republic of Yugoslavia without specific authorization by law.

(a) In General. — None of the funds appropriated or otherwise available to the Department of Defense may be obligated or expended for the deployment of ground elements of the United States Armed Forces in the Federal Republic of Yugoslavia unless such deployment is specifically authorized by a law enacted after the enactment of this Act.

(b) Rule of Construction. — The prohibition in subsection (a) shall not apply with respect to the initiation of missions specifically limited to rescuing United States military personnel or United States citizens in the Federal Republic of Yugoslavia or rescuing military personnel of another member nation of the North Atlantic Treaty Organization in the Federal Republic of Yugoslavia as a result of operations as a member of an air crew.

21. Istook Amendment, H.R. 1664

Sec. 503. None of the funds appropriated by this Act shall be available for the implementation of any plan to invade the Federal Republic of Yugoslavia with ground forces of the United States, except in time of war.

Non-Funding Restrictions on Military Operations**22. Gulf of Tonkin Resolution, Repeal, P.L. 91-672, H.R. 15628**

Sec. 12. The joint resolution entitled “Joint resolution to promote the maintenance of international peace and security in Southeast Asia”, approved August 10, 1964 (78 Stat. 384; Public Law 88-408), is terminated effective upon the day that the second session of the Ninety-first Congress is last adjourned.

23. Mansfield Amendment, P.L. 92-129, H.R. 6531

Title IV — Termination of Hostilities in Indochina

Sec. 401. It is hereby declared to be the sense of Congress that the United States terminate at the earliest practicable date all military operations of the United States in Indochina, and provide for the prompt and orderly withdrawal of all United States military forces at a date certain subject to the release of all American prisoners of war held by the Government of North Vietnam and forces allied with such Government, and an accounting for all Americans missing in action who have been held by or known to such Government or such forces. The Congress hereby urges and requests the President to implement the above expressed policy by initiating immediately the following actions:

(1) Negotiate with the Government of North Vietnam for an immediate cease-fire by all parties to the hostilities in Indochina.

(2) Negotiate with the Government of North Vietnam for the establishing of a final date for the withdrawal from Indochina of all military forces of the United States contingent upon the release at a date certain of all American prisoners of war held by the Government of North Vietnam and forces allied with such Government.

(3) Negotiate with the Government of North Vietnam for an agreement which would provide for a series of phased and rapid withdrawals of United States military forces from Indochina subject to a corresponding series of phased releases of American prisoners of war, and for the release of any remaining American prisoners of war concurrently with the withdrawal of all remaining military forces of the United States by not later than the date established pursuant to paragraph (2) hereof.

24. Mansfield Amendment, H.R. 6531 (as introduced)

Title V — Termination of Hostilities in Indochina

Sec. 302. It is hereby declared to be the policy of the United States to terminate at the earliest practicable date all military operations of the United States in Indochina, and to provide for the prompt and orderly withdrawal of all United States military forces not later than nine months after the date of enactment of this section subject to the release of all American prisoners of war held by the Government of North Vietnam and forces allied with such Government. The Congress hereby urges and requests the President to implement the above expressed policy by initiating immediately the following actions:

(1) Establishing a final date for the withdrawal from Indochina of all military forces of the United States contingent upon the release of all American prisoners of war held by the Government of North Vietnam and forces allied with such Government, such date to be not later than nine months after the date of enactment of this Act.

(2) Negotiate with the Government of North Vietnam for an immediate cease-fire by all parties to the hostilities in Indochina.

(3) Negotiate with the Government of North Vietnam for an agreement which would provide for a series of phased and rapid withdrawals of United States military forces from Indochina in exchange for a corresponding series of phased releases of American prisoners of war, and for the release of any remaining American prisoners of war concurrently with the withdrawal of all remaining military forces of the United States by not later than the date established by the President pursuant to paragraph (1) hereof or by such earlier date as may be agreed upon by the negotiating parties.

25. Mansfield Amendment, P.L. 92-156, H.R. 8687

Title VI — Termination of Hostilities in Indochina

Sec. 601. (a) It is hereby declared to be the policy of the United States to terminate at the earliest practicable date all military operations of the United States in Indochina, and to provide for the prompt and orderly withdrawal of all United States military forces at a date certain, subject to the release of all American prisoners of war held by the Government of North Vietnam and forces allied with such Government and an accounting for all Americans missing in action who have been held by or known to such Government or such forces. The Congress hereby urges and requests the President to implement the above expressed policy by initiating immediately the following actions:

(1) Establishing a final date for the withdrawal from Indochina of all military forces of the United States contingent upon the release of all American prisoners of war held by the Government of North Vietnam and forces allied with such Government and an accounting for all Americans missing in action who have been held by or known to such Government or such forces.

(2) Negotiate with the Government of North Vietnam for an immediate cease-fire by all parties to the hostilities in Indochina.

(3) Negotiate with the Government of North Vietnam for an agreement which would provide for a series of phased and rapid withdrawals of United States military forces from Indochina in exchange for a corresponding series of phased releases of American prisoners of war, and for the release of any remaining American prisoners of war concurrently with the withdrawal of all remaining military forces of the United States by not later than the date established by the President pursuant to paragraph (1) hereof or by such earlier date as may be agreed upon by the negotiating parties.

26. Mansfield Amendment, H.R. 8687 (as introduced)

Title VI — Termination of Hostilities in Indochina

Sec. 601. (a) It is hereby declared to be the policy of the United States to terminate at the earliest practicable date all military operations of the United States in Indochina, and to provide for the prompt and orderly withdrawal of all United States military forces not later than six months after the date of enactment of this section subject to the release of all American prisoners of war held by the Government of North Vietnam and forces allied with such Government. The Congress hereby urges and requests the President to implement the above expressed policy by initiating immediately the following actions:

(1) Establishing a final date for the withdrawal from Indochina of all military forces of the United States contingent upon the release of all American prisoners of war held by the Government of North Vietnam and forces allied with such Government, such date to be not later than six months after the date of enactment of this Act.

(2) Negotiate with the Government of North Vietnam for an immediate cease-fire by all parties to the hostilities in Indochina.

(3) Negotiate with the Government of North Vietnam for an agreement which would provide for a series of phased and rapid withdrawals of United States military forces from Indochina in exchange for a corresponding series of phased releases of American prisoners of war, and for the release of any remaining American prisoners of war concurrently with the withdrawal of all remaining military forces of the United States by not later than the date established by the President pursuant to paragraph (1) hereof or by such earlier date as may be agreed upon by the negotiating parties.

27. National Defense Authorization Act for Fiscal Year 1994, P.L. 103-160, H.R. 2401

Sec. 1512. Involvement of Armed Forces in Somalia.

(a) Sense of Congress Regarding United States Policy Towards Somalia. —

(1) Since United States Armed Forces made significant contributions under Operation Restore Hope towards the establishment of a secure environment for humanitarian relief operations and restoration of peace in the region to end the humanitarian disaster that had claimed more than 300,000 lives.

(2) Since the mission of United States forces in support of the United Nations appears to be evolving from the establishment of “a secure environment for humanitarian relief operations,” as set out in United Nations Security Council Resolution 794 of December 3, 1992, to one of internal security and nation building.

(b) Statement of Congressional Policy. —

(1) Consultation with the Congress. — The President should consult closely with the Congress regarding United States policy with respect to Somalia, including in particular the deployment of United States Armed Forces in that country, whether under United Nations or United States command.

(2) Planning. — The United States shall facilitate the assumption of the functions of United States forces by the United Nations.

(3) Reporting Requirement. —

(A) The President shall ensure that the goals and objectives supporting deployment of United States forces to Somalia and a description of the mission, command arrangements, size, functions, location, and anticipated duration in Somalia of those forces are clearly articulated and provided in a detailed report to the Congress by October 15, 1993.

(B) Such report shall include the status of planning to transfer the function contained in paragraph (2).

(4) Congressional Approval. — Upon reporting under the requirements of paragraph (3) Congress believes the President should by November 15, 1993, seek and receive congressional authorization in order for the deployment of United States forces to Somalia to continue.

28. Hamilton Amendment, H.R. 16029

Sec. 13. Notwithstanding any provision of this or any other Act, the involvement of United States land, sea, and air forces, for the purpose of maintaining, supporting, or engaging in hostilities in or over Indochina shall terminate and such forces shall be withdrawn not later than October 1, 1972, subject to a cease-fire between the United States and North Vietnam and those allied with North Vietnam to the extent necessary to achieve safe withdrawal of such remaining forces, and subject to the release of all American prisoners of war held by the Government of North Vietnam and forces allied with such Government and an accounting for all Americans missing in action who have been held by or known to such Government or such forces. The accounting for the American prisoners of war and missing in action referred to above shall be subject to verification by the International Red Cross or by any other international body mutually agreed to by the President of the United States and the Government of North Vietnam.

29. Gilman Amendment, H.Con.Res. 170

Sec. 1. Finding that the United States Armed Forces in Somalia are engaged in hostilities.

For purposes of sections 5(c) and 7 of the War Powers Resolution (50 U.S.C. 1544(c) and 1546), the Congress finds that the United States Armed Forces in Somalia are engaged in hostilities without a declaration of war or specific statutory authorization.

Sec. 2. Removal of Armed Forces from Somalia.

Pursuant to section 5(c) of the War Powers Resolution (50 U.S.C. 1544(c)), the Congress hereby directs the President to remove the United States Armed Forces from Somalia by January 31, 1994.