

This Act may be cited as the “Department of State Appropriations Authorization Act of 1973” . . .

REQUIREMENTS FOR CONGRESSIONAL AUTHORIZATION FOR THE INVOLVEMENT OF AMERICAN FORCES IN FURTHER HOSTILITIES IN INDOCHINA, AND FOR EXTENDING ASSISTANCE TO NORTH VIETNAM

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.

## § 11. Receipt of Presidential Messages

The precedents in this section are limited exclusively to written or oral statements officially received by Congress. Presidential statements made to the public at large through the media are not included.

### *Request for Declaration of War on Japan*

#### § 11.1 The President addressed a joint session of Congress to announce the Japanese attack on Pearl Harbor and request a declaration of war.

On Dec. 8, 1941,<sup>(10)</sup> President Franklin D. Roosevelt addressed a joint session of Congress to announce the Japanese attack on Pearl Harbor and request a declaration of war.<sup>(11)</sup>

ADDRESS BY THE PRESIDENT (H. DOC. NO. 453)

The address delivered by the President of the United States to the joint meeting of the two Houses of Congress held this day is as follows:

*To the Congress of the United States:*

Yesterday, December 7, 1941—a date which will live in infamy—the United States of America was suddenly and deliberately attacked by naval and air forces of the Empire of Japan. . . .

I believe I interpret the will of the Congress and of the people when I assert that we will not only defend ourselves to the uttermost but will make very certain that this form of treachery shall never endanger us again.

Hostilities exist. There is no blinking at the fact that our people, our

10. 87 CONG. REC. 9519, 9520, 77th Cong. 1st Sess. The message was referred to the Committee on Foreign Affairs.

11. See §6.1, *supra* (House declaration), and §7.1, *supra* (Senate declaration).

territory, and our interests are in grave danger. . . .

I ask that the Congress declare that since the unprovoked and dastardly attack by Japan on Sunday, December 7, a state of war has existed between the United States and the Japanese Empire.

FRANKLIN D. ROOSEVELT,  
THE WHITE HOUSE,  
December 8, 1941.

***Request for Declaration of War on Germany and Italy***

**§ 11.2 The House received a written message from the President announcing that Italy and Germany had declared war on the United States, and requesting the Congress to recognize a state of war between the United States and Germany and the United States and Italy.**

On Dec. 11, 1941,<sup>(12)</sup> the House received a message, as follows, from President Franklin D. Roosevelt.<sup>(13)</sup>

DECLARATION OF WAR BY GERMANY AND ITALY AGAINST UNITED STATES (H. DOC. NO. 454)

The Speaker<sup>(14)</sup> laid before the House the following message from the

12. 87 CONG. REC. 9665, 77th Cong. 1st Sess.

13. See §§ 6.2, 6.3, supra (House action), and §§ 7.2, 7.3, supra (Senate action), for declarations of war on Germany and Italy.

14. Sam Rayburn (Tex.).

President of the United States, which was read:

*To the Congress of the United States:*

On the morning of December 11, the Government of Germany, pursuing its course of world conquest, declared war against the United States.

The long known and the long expected has thus taken place. . . .

Italy also has declared war against the United States.

I, therefore, request the Congress to recognize a state of war between the United States and Germany, and between the United States and Italy.

FRANKLIN D. ROOSEVELT,  
THE WHITE HOUSE,  
December 11, 1941.

MR. [JOHN W.] MCCORMACK [of Massachusetts]: Mr. Speaker, I move that the message of the President be referred to the Committee on Foreign Affairs, and ordered printed.

The motion was agreed to.

***Request for Declaration of War on Bulgaria, Hungary, and Rumania***

**§ 11.3 The House received a written message from the President announcing that the Governments of Bulgaria, Hungary, and Rumania had declared war on the United States and requesting that Congress recognize a state of war between the United States and these nations.**

On June 2, 1942,<sup>(15)</sup> the House received a message, as follows, from President Franklin D. Roosevelt.<sup>(16)</sup>

MESSAGE FROM THE PRESIDENT OF  
THE UNITED STATES (H. Doc. No.  
761)

The Speaker<sup>(17)</sup> laid before the House the following message from the President of the United States, which was read, and, with the accompanying papers, referred to the Committee on Foreign Affairs and ordered to be printed:

*To the Congress of the United States:*

The Governments of Bulgaria, Hungary, and Rumania have declared war against the United States. . . .

Therefore I recommend that the Congress recognize a state of war between the United States and Bulgaria, between the United States and Hungary, and between the United States and Rumania.

FRANKLIN D. ROOSEVELT,  
THE WHITE HOUSE,  
June 2, 1942.

### ***Request for Authority to Protect Middle Eastern Nations***

#### **§ 11.4 The President personally addressed a joint session of Congress to request au-**

15. 88 CONG. REC. 4787, 77th Cong. 2nd Sess. The message was referred to the Committee on Foreign Affairs.
16. See §§ 6.4–6.6, *supra* (House action), and §§ 7.4–7.6, *supra* (Senate action), for declarations of war on Bulgaria, Hungary, and Rumania.
17. Sam Rayburn (Tex.).

**thorization to cooperate with and assist any Middle Eastern nation or group of nations in the development of economic strength, undertake military assistance, and employ American Armed Forces to secure and protect the territorial integrity and political independence of nations which request aid against armed aggression from any nation controlled by communism.**

On Jan. 5, 1957,<sup>(18)</sup> President Dwight D. Eisenhower addressed a joint session of the House and Senate to request authorization to deal with aggression in the Middle East.<sup>(19)</sup>

THE PRESIDENT: Mr. President, Mr. Speaker, and Members of Congress, first may I express to you my deep appreciation of your courtesy. . . .

The action which I propose would have the following features:

It would, first of all, authorize the United States to cooperate with and assist any nation or group of nations in the general area of the Middle East in the development of economic strength dedicated to the maintenance of national independence.

It would, in the second place, authorize the Executive to undertake in the

18. 103 CONG. REC. 224–27, 85th Cong. 1st Sess. The message was referred to the Committee on Foreign Affairs.
19. See §§ 8.5, 8.6, *supra*, for House and Senate approval of the requested resolution, respectively.

same region programs of military assistance and cooperation with any nation or group of nations which desires such aid.

It would, in the third place, authorize such assistance and cooperation to include the employment of the armed forces of the United States to secure and protect the territorial integrity and political independence of such nations requesting such aid, against overt armed aggression from any nation controlled by international communism.

These measures would have to be consonant with the treaty obligations of the United States, including the Charter of the United Nations and with any action or recommendations of the United Nations. They would also, if armed attack occurs, be subject to the overriding authority of the United Nations Security Council in accordance with the charter.

The present proposal would, in the fourth place, authorize the President to employ, for economic and defensive military purposes, sums available under the Mutual Security Act of 1954, as amended, without regard to existing limitations.

***Request for Authority to Protect the Pescadores and Formosa***

**§ 11.5 The House received a message from the President announcing military activities by the People's Republic of China against Formosa and the Pescadores and requesting a congressional resolution to authorize a Presidential response.**

On Jan. 24, 1955,<sup>(1)</sup> the House received a written message, as follows, from President Dwight D. Eisenhower.<sup>(2)</sup>

The Speaker<sup>(3)</sup> laid before the House the following message from the President of the United States, which was read, referred to the Committee on Foreign Affairs, and ordered to be printed:

*To the Congress of the United States:*

The most important objective of our Nation's foreign policy is to safeguard the security of the United States by establishing and preserving a just and honorable peace. In the Western Pacific, a situation is developing in the Formosa Straits that seriously imperils the peace and our security.

Since the end of Japanese hostilities in 1945, Formosa and the Pescadores have been in the friendly hands of our loyal ally, the Republic of China. We have recognized that it was important that these islands should remain in friendly hands.

What we are now seeking is primarily to clarify present policy and to unite in its application. . . .

For the reasons outlined in this message, I respectfully request that the Congress take appropriate action to carry out the recommendations contained herein.

DWIGHT D. EISENHOWER,  
THE WHITE HOUSE,  
*January 24, 1955.*

1. 101 CONG. REC. 625, 626, 84th Cong. 1st Sess.
2. See §§ 8.3, 8.4, supra, for approval of the requested resolution by the House and Senate, respectively.
3. Sam Rayburn (Tex.).

***Request for Neutrality Legislation***

**§ 11.6** The President addressed a joint session of the House and Senate to explain that he had convened an extraordinary session to permit Congress to act on neutrality legislation.

On Sept. 21, 1939,<sup>(4)</sup> the President addressed a joint session of the House and Senate to explain that he had convened an extraordinary session to permit Congress to act on neutrality legislation. He specifically asked Congress to repeal embargo provisions, restrict American ships from entering war zones, prevent Americans from traveling on belligerent vessels or in danger areas, and require a foreign buyer to take transfer of title in the United States to commodities purchased by belligerents. He also requested that Congress prohibit war credits to belligerents, regulate collection of funds in the United States, and maintain a license system for import and export of arms, ammunition, and implements of war.<sup>(5)</sup>

4. 85 CONG. REC. 9-12, 76th Cong. 2d Sess.

5. See §9.1, *supra*, and § 12.3, *infra*, for the congressional response to this address (the Neutrality Act of 1939), and the President's proclamation convening a special congressional session, respectively.

***Announcement of Exchange of Destroyers for Bases***

**§ 11.7** The House received a written message from the President announcing that the United States had acquired from Great Britain the right to lease naval and air bases in Newfoundland, Bermuda, certain Caribbean Islands, and British Guiana. Notes between the British Ambassador outlining the terms of the lease and the American Secretary of State accepting the terms and announcing transfer of Navy destroyers were also received.

On Sept. 3, 1940,<sup>(6)</sup> the House received a message from the President announcing that the United States had acquired from Great Britain the right to lease naval and air bases.

The Speaker<sup>(7)</sup> laid before the House the following message from the President of the United States, which was read, and, with the accompanying papers, referred to the Committee of the Whole House on the State of the Union and ordered to be printed, as follows:

*To the Congress of the United States:*

I transmit herewith for the information of the Congress, notes ex-

6. 86 CONG. REC. 11354, 76th Cong. 3d Sess.

7. William B. Bankhead (Ala.).

changed between the British Ambassador at Washington and the Secretary of State on September 2, 1940, under which this Government has acquired the right to lease naval and air bases in Newfoundland, and in the islands of Bermuda, the Bahamas, Jamaica, Santa Lucia, Trinidad, and Antigua, and in British Guiana; also a copy of an opinion of the Attorney General, dated August 27, 1940, regarding my authority to consummate this arrangement. . . .

This is not inconsistent in any sense with our status of peace. Still less is it a threat against any nation. It is an epochal and far-reaching act of preparation for continental defense in the face of grave danger. . . .

The value to the Western Hemisphere of these outposts of security is beyond calculation. . . .<sup>(8)</sup>

FRANKLIN D. ROOSEVELT,  
THE WHITE HOUSE,  
September 3, 1940.

An opinion of the Attorney General outlining Presidential authority to acquire British offshore naval and air bases and transfer destroyers to Britain accompanied the President's message.<sup>(9)</sup>

8. 8. A Sept. 2, 1940, letter from the British Ambassador to Washington, and the Sept. 2, 1940, response of the Secretary of State, Cordell Hull, are omitted. The British Ambassador outlined the terms of the 99-year rent-free lease. The Secretary of State declared that the Government of the United States "gladly accepts the proposals" and as consideration for the plan "will immediately transfer to His Majesty's Government 50 United States Navy destroyers. . . ."
9. See §3.2, supra, for the text of this opinion.

### ***Announcement of Arrival of American Forces in Iceland***

**§ 11.8 The House received a written message from the President announcing the arrival in Iceland of forces of the United States Navy to supplement and eventually replace British forces.**

On July 7, 1941,<sup>(10)</sup> the House received a message from the President (H. Doc. No. 307) announcing the arrival in Iceland of United States Navy forces.

The Speaker<sup>(11)</sup> laid before the House the following message from the President of the United States, which was read, and together with the accompanying papers, referred to the Committee on Foreign Affairs and ordered to be printed:

*To the Congress of the United States:*

I am transmitting herewith for the information of the Congress a message I received from the Prime Minister of Iceland on July 1 and the reply I addressed on the same day to the Prime Minister of Iceland in response to this message.

In accordance with the understanding so reached, forces of the United States Navy have today arrived in Iceland in order to supplement, and eventually to replace, the British forces which have until now been stationed in Iceland in order to insure the adequate defense of that country.

10. 87 CONG. REC. 5868, 5869, 77th Cong. 1st Sess.

11. Sam Rayburn (Tex.).

As I stated in my message to the Congress of September 3 last regarding the acquisition of certain naval and air bases from Great Britain in exchange for certain over-age destroyers, considerations of safety from overseas attack are fundamental. . . .<sup>(12)</sup>

This Government will insure the adequate defense of Iceland with full recognition of the independence of Iceland as a sovereign state.

In my message to the Prime Minister of Iceland I have given the people of Iceland the assurance that the American forces sent there would in no way interfere with the internal and domestic affairs of that country.

FRANKLIN D. ROOSEVELT,  
THE WHITE HOUSE,  
July 7, 1941.

Messages between the Prime Minister and President accompanied the President's message to the Congress.

### ***Announcement of Deployment of Marines to Lebanon***

**§ 11.9 The House received a written message in which the President announced that he had dispatched American Marines to Lebanon to preserve that nation's independence and protect Americans.**

**12.** See §11.7, *supra*, for the message of Sept. 3, 1940, announcing acquisition of British territory for naval and air bases and transfer of American destroyers to Great Britain.

On July 15, 1958,<sup>(13)</sup> a message was received from the President, as follows:

The Speaker<sup>(14)</sup> laid before the House the following message from the President of the United States, which was read and referred to the Committee on Foreign Affairs and ordered to be printed:

*To the Congress of the United States:*

On July 14, 1958, I received an urgent request from the President of the Republic of Lebanon that some United States forces be stationed in Lebanon. . . .

United States forces are being sent to Lebanon to protect American lives and by their presence to assist the Government of Lebanon in the preservation of Lebanon's territorial integrity and independence, which have been deemed vital to United States national interests and world peace. . . .

It is clear that the events which have been occurring in Lebanon represent indirect aggression from without, and that such aggression endangers the independence and integrity of Lebanon. . . .

Our Government has acted in response to an appeal for help from a small and peaceful nation which has long had ties of closest friendship with the United States. . . .

DWIGHT D. EISENHOWER,  
THE WHITE HOUSE,  
July 15, 1958.

**13.** 104 CONG. REC. 13865, 85th Cong. 2d Sess.

**14.** Sam Rayburn (Tex.).