

The original documents are located in Box 16, folder “Executive Agreements Limitation Bill” of the John Marsh Files at the Gerald R. Ford Presidential Library.

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MAR 8 1975

THE WHITE HOUSE

WASHINGTON

March 7, 1975

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MEMORANDUM FOR: PHIL BUCHEN

THROUGH: MAX FRIEDERSDORF

FROM: VERN LOEN *VL*

SUBJECT: H. R. 4438 - Executive Agreements
Limitation bill

This measure was introduced Thursday with bipartisan support, based on the attached memo prepared by a junior staff man on the majority side of the House Foreign Affairs Committee (George Burdus).

The six Republicans who cosponsored went along with the idea that it was an extension of the assertion of Congressional powers, similar to the War Powers bill, and would give the House committee some of the action the Senate holds on treaty ratification.

The Republican cosponsors were: Biester (Pa), Burke (Fla), duPont (Del) Findley (Ohio), Guyer (Ohio) and Whalen (Ohio). They were stirred up by recent statements dealing with the recognition of Cuba and the possibility of giving the Panama Canal to Panama.

State Department representatives and I met with Rep. Bill Broomfield (R-Mich), ranking Republican member of Foreign Affairs, yesterday and warned him of the dangers and indeed, the possible unconstitutionality of the bill. Senator Ervin got a similar measure through the Senate last year. The fact that it is starting in the House with bipartisan sponsorship makes it more dangerous this year, particularly since some Members feel the executive agreements power has been abused.

I called Reps. Guyer, Findley and Burke, but the bill already had been introduced. They had not really focused on it and had been taken in by the staff man. Guyer went so far as to have his name removed from the bill and Burke indicated he would try. Findley is receptive

to amendments making it acceptable to the Administration (perhaps a sense-of-Congress resolution?). State's strategy is to try to delay hearings in Zablocki's subcommittee until the Secretary returns and can explain ramifications to Zablocki, Findley, et al.

cc: John Marsh ✓
Gen. Brent Scowcroft
Ken Lazarus
Kempton Jenkins (State Dept.)

Committee on Foreign Affairs

February 13, 1975

MEMORANDUM

TO: Representatives Zablocki, Hays, Fountain, Fascell, Nix, Fraser, Bingham, Wilson, Broomfield, Findley, du Pont and Biester

FROM: The Honorable Thomas E. Morgan, *Chairman* *E. J. Morgan*

SUBJECT: Co-sponsorship of an Executive Agreements Bill

One of the major pieces of legislation of the 94th Congress in the foreign affairs area is likely to be a bill requiring the executive branch to submit so-called executive agreements to Congress for its approval. (See attached Christian Science Monitor article). Several bills on the subject have already been introduced in the House and Senate this year. These bills are either identical to, or slightly altered versions of, the Ervin bill, S 3830, which the Senate passed in December but which subsequently was referred to the Rules Committee in the House where it died.

Together with our colleague the Honorable Clement J. Zablocki, I intend to introduce, as soon as possible, an executive agreements bill which would be a distinctive Foreign Affairs Committee offering on the subject. We would like to have as co-sponsors, those Committee members who co-sponsored the War Powers Resolution. The bill is attached for your consideration.

This bill differs from the Ervin bill and others on the subject by employing a selective rather than all-inclusive approach and seeking to reach only those executive agreements which concern significant national commitments. As defined in Section 5 of the bill this would include agreements regarding U.S. military bases abroad, intervention or use of U.S. troops abroad, and military, security, economic, or financial assistance.

Please note that unlike War Powers this bill does not reach to the actual use of U.S. troops or other actual assistance but only to executive agreements concerning the same. Also there is a disclaimer in paragraph 4 to provide explicitly that the provisions of the War Powers Resolution prevail in any situation where both laws might be interpreted to pertain.

If you would like to co-sponsor this bill, please have your secretary call Jim Schollaert of the Committee staff at your earliest convenience. He will also be glad to discuss or answer any questions regarding the provisions of the bill.

Enclosures

