

## **Section of International Law (Midyear Meeting 1976)**

BE IT RESOLVED, That the American Bar Association is opposed in principle to, and questions the wisdom of, enactment by the Congress of any legislation which would purport to provide for a Congressional veto by resolution of either or both of the Houses of executive agreements entered into by the President; and

BE IT FURTHER RESOLVED, That the American Bar Association is in favor of adding to the "Case Act" (1 U.S.C. 112b) the following two paragraphs:

"1. As used herein the phrase 'international agreement,' means any arrangement or understanding, written or oral, that purports to commit the United States to an obligation to follow a course of action requiring subsequent Congressional authorization or approval of the expenditure of funds not yet authorized and appropriated or that purports to create, change or define substantive contractual obligations under international law.

"2. The Congress may disregard any international agreement required to be transmitted to it pursuant to 1 U.S.C. 112b, as amended, the text of which is not received within the prescribed sixty day period."; and

BE IT FURTHER RESOLVED, That the American Bar Association is in favor of adoption by the Congress of a concurrent resolution along the following lines: "It is the sense of the Congress that

"1. the Executive Branch before entering into any significant international agreement should consult with the appropriate Congressional leaders and committees.

"2. no commitment requiring implementation by subsequent Congressional action, to use the Armed Forces of the United States on foreign territory, or a promise to assist a foreign country, government, or people by the use of the Armed Forces or financial resources of the United States, either immediately or upon the happening of certain events, should be binding upon the United States unless made (a) under or pursuant to a statute or treaty or (b) by the President (i) as Commander in Chief in the waging of a war lawfully declared or (ii) pursuant to his Constitutional powers to meet an immediate national emergency after having consulted with the appropriate Congressional leaders and committees.

"3. the Executive Branch of the government is requested, in order to avoid any misunderstanding on the subject, to inform the governments of all countries with which the United States engages in negotiations of the contents of this resolution and of Section 112b, as amended, or Title 1 of the United States Code." and

BE IT FURTHER RESOLVED, That the President of the American Bar Association or his designee is hereby authorized to communicate the foregoing resolutions of the Association to the Secretary of State and to appropriate committees of the Congress.